POLICY BRIEF | CIVIL SOCIETY

Destroying Palestinian Jerusalem, One Institution at a Time

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Overview

On July 22, 2020, Israeli police raided and looted the Edward Said National Conservatory of Music, the Yaboos Cultural Centre, and the Shafaq Cultural Network in East Jerusalem. Their offices were ransacked, documents and files were taken, and computers, laptops, and phones were confiscated. All three directors, Suhail Khoury, Rania Elias, and Daoud Ghoul, were arrested and taken from their homes, which were also raided. Khoury and Elias were held for one day in Israeli detention, while Ghoul spent two weeks incarcerated and interrogated in Moskobiye prison. Much of the local and international media reported that they were arrested on suspicion of funding terrorism, a charge commonly levelled at Palestinian activists by the Israeli regime.[1]

This attack on East Jerusalem's cultural institutions is not a new phenomenon. Indeed, it follows a pattern of continuous attacks over decades on the Palestinian presence in the city. In May 2018, Israeli control over the city was further entrenched with the United States embassy move from Tel Aviv to Jerusalem, highlighting a deteriorating trajectory for Palestinians in the city. It is also part of renewed efforts by Israeli state and quasi state actors to target Palestinian civil

society, whether in the West Bank and Gaza or across the Green Line. This policy brief examines the recent assaults on Palestinian institutions in East Jerusalem within the broader context of Israeli suppression of Palestinian civil society, and offers recommendations for pushing back against the destruction of Palestinian Jerusalem.

Destroying Palestinian Jerusalem

Jerusalem has always played a vital role in shaping Palestinian identity throughout Palestinian history. Although prior to 1948 it did not hold the strategic and economic importance of Palestine's coastal cities, such as Jaffa and Haifa, it nonetheless always held social, political, and cultural significance for Palestinians. As Rashid Khalidi explains, Jerusalem's "schools, newspapers, clubs and political figures had an impact throughout Palestine even before the country's British Mandate boundaries were established after World War I."[2]

Following the British occupation of Palestine in 1917 and the official establishment of the mandate in 1922, Jerusalem became a site of political organizing against British colonial rule and Zionist settler colonialism. Specifically, Britain's fulfillment of the 1917 Balfour Declaration, which promised British facilitation of the establishment of a Jewish "national home" in Palestine, with land appropriations and continued Jewish immigration to Palestine, drove Palestinians to protest in large numbers throughout Jerusalem. During these early years of British rule, the city also became a hub for women's political organization. In 1929, the first Arab Women's Congress convened in Jerusalem, out of which emerged the first Arab Women's Executive Committee, thus marking the beginning of an organized and political Palestinian women's movement.

Jerusalem served as the political and administrative capital of Britain's Government of Palestine throughout the three decades of British rule, and it maintained a unique designation in the lead-up to the 1948 Arab-Israeli war.

Indeed, the 1947 UN Partition Plan, falling squarely within the colonial trend of dividing up lands, proposed the partition of Palestine into a Jewish State and an Arab State, with Jerusalem (and Bethlehem) remaining a *corpus separatum* – an international city that would fall neither under Jewish nor Arab sovereignty. Palestinians rejected this colonial attempt to divide historic Palestine as a way to assert foreign rule in Jerusalem.

The ethnic cleansing of Palestine was thus already underway when the Israeli state was created in 1948. In that year, Zionist forces conquered what became West Jerusalem, including the prosperous Palestinian neighborhoods of Talbiyya, Qatamon, and Baq'a, home to 60,000 Palestinians. Most of them were expelled from the area, some fleeing to the eastern parts of the city. None have been allowed to return. After the armistice lines were drawn in 1949, Jerusalem was divided into two parts: Israeli-controlled West Jerusalem and Jordanian-controlled East Jerusalem, effectively obscuring the city's Palestinian identity.

Since the 1967 Six-Day War, Israel has illegally occupied East Jerusalem, the West Bank, the Gaza Strip, and the Syrian Golan. As a result of the war, Israel also de facto and de jure annexed all of Jerusalem. The Law and Administration Ordinance of 1967 saw the extension of Israeli law and administration over East Jerusalem. This city's de jure status was further confirmed in 1980, when the Israeli regime declaratively confirmed it as such by passing the Jerusalem Law. Almost immediately, the Israeli regime shut down the Palestinian municipality in East Jerusalem, merging it with the Israeli municipality in West Jerusalem. Furthermore, emergency regulations were imposed on all occupied areas, rendering most Palestinian political organizations and their affiliates illegal.

Palestinian Jerusalemites were given "permanent residency" status by the Israeli government rather than citizenship, leaving them effectively stateless. This has allowed the Israeli regime to deny them full rights, including the right to vote, while also forcing them to pay taxes. Additionally, the Israeli regime frequently revokes

the already precarious "permanent residency" status from Palestinians who choose to live outside the city, and, in some cases, from those who engage in political activity. Since 1967, the Israeli regime has revoked some 14,000 residencies from Palestinians, leaving them both stateless and homeless.

Urban planning has also been a key mechanism through which Israeli authorities have erased Palestinians from Jerusalem, particularly in their explicit efforts to maintain a Jewish demographic majority in the city. This includes limiting Palestinians to certain neighborhoods, denying them building permits, demolishing their homes, and providing inadequate resources and services to Palestinian neighborhoods. The construction of the separation wall in 2002 was also part of this concrete attempt to make Palestinian life unbearable in the city. The wall was built under the pretext of Israeli security and meanders its way through the entire West Bank. In Jerusalem, it cuts through previously contiguous Palestinian neighborhoods, and, in some cases, divides them completely. It severs much of East Jerusalem from the West Bank, forcing Palestinians to make the arduous journey through checkpoints should they want to cross the wall. All of this, and much more, amounts to an orchestrated and systematic policy to force out as many Palestinians as possible from Jerusalem and keeping those who remain in tightly controlled urban enclaves.

Disrupting Palestinian Jerusalem's Cultural and Political Life

In addition to systemic policies which make life incredibly difficult for Palestinians in Jerusalem, Israel has also systematically disrupted Palestinian cultural and political life in the city. After East Jerusalem's occupation in 1967 and its subsequent annexation, Palestinian cultural and political activity came under intense suppression from the Israeli regime. The application of the Defence Emergency Regulations, first introduced by the British Mandate in 1945, allowed the Israeli regime to enforce widespread censorship and suppression. Books were

banned and any words considered potent, such as *filastin* (Palestine), *sumud* (steadfastness) and *'awda* (return), were omitted from curriculums, books, radio shows, and plays. Regarding the years following the 1967 occupation, Sliman Mansour, a founder of the League of Palestinian Artists, noted that Palestinians "were living in a kind of cultural ghetto, isolated from cultural developments. Movement was difficult. Many artists were banned from travelling. Artists were often arrested and their works confiscated [...] It was an attempt to kill any creative and artistic spirit of Palestinians."

For many Palestinians, culture was inevitably tied to the political, particularly as their very existence was considered a political act by the Israeli regime. As a result, many cultural spaces also doubled as spaces of political organizing, especially in light of Israel's militarily enforced prohibition on Palestinian political institutions. The only exception to this was the Orient House in Jerusalem's Sheikh Jarrah neighborhood, an institution which served as the sole Palestinian political representation in the city and as a hub for research and archiving of Palestinian history.

The Orient House was built in 1897 as a mansion by the prominent Husseini family. After 1948, the building served a more public function, housing both a guest house and office spaces. Following 1967, the upper floors were converted into offices for UN Relief and Works Agency for Palestine Refugees (UNRWA). In 1983, the whole building was rented by the Arab Studies Association, funded by the Palestine Liberation Organization (PLO), which conducted research and archival work, and established a library. During this period, it played an important role in reviving Palestinian national consciousness, so much so, that during the 1st Intifada, it was closed for three years. A few years later during the 1991 Madrid Peace Conference, the Palestinian delegation was stationed in the Orient House, and throughout the 1990s, international diplomats were frequently hosted there. By this point, the building became a symbol of Palestinian *sumud* within the city.

On August 10, 2001, Israeli forces raided and looted the Orient House, stealing documents and archived materials, while also shutting down the institution's offices. This was not a new practice neither in Jerusalem nor elsewhere. Indeed, Israeli armed forces have frequently raided and looted Palestinian institutions, from private and public libraries in West Jerusalem in 1948 to the Palestine Research Centre in Beirut in 1982. Yet the closure of the Orient House in 2001 was particularly significant because it had been recognized by all parties during the Oslo Accords process as the headquarters of the PLO, as well as East Jerusalem as the legitimate capital of a future Palestinian state. It heralded a new era of declining Palestinian political presence in the city. Since then, the Israeli regime has continued to prevent Palestinian political institutions from operating in Jerusalem.

Palestinian cultural institutions have also faced frequent attacks and closure. For example, the Palestinian National Theatre, *Al-Hakawati*, established in Jerusalem in 1984, has constantly fought against censorship and threats of closure. It has had its activities shut down no less than 35 times since its opening, including in 2008 when the theatre attempted to host a festival ahead of Jerusalem being chosen as the Arab Capital of Culture for 2009. In 2015, the theatre published a public appeal following threats from the Israeli Law Enforcement and Collection Authority which not only froze the theatre's bank account, but also threatened to seize the building. The Israeli authorities used the pretext that the theatre had accumulated massive debts to the municipality, the electricity company, and the national insurance agency without mentioning the illegality of the presence of these authorities in East Jerusalem. The theatre continues to face imminent closure to this day.

Since 2000, the Israeli regime has shut down more than 42 Palestinian institutions in East Jerusalem under various pretexts, ranging from "illegal" political affiliation to unpaid bills. The "Anti-Terror" law passed by the Knesset in 2016 has caused

even more widespread oppression of Palestinian institutions and civil society organizations. The law incorporates provisions of the emergency regulations and, as described by the human rights NGO Adalah, it is "designed to further suppress the struggle of Palestinian citizens of Israel [as well as those in East Jerusalem] and the pursuit of their political activities in support of Palestinians living under occupation in the West Bank and the Gaza Strip." The law allows for the widespread use of "secret evidence" by the state in prosecuting offenders, making it difficult for offenders to adequately address the charges. Furthermore, the law broadens the scope of "terrorist activity" to include "public expressions of support or empathy for terrorist organizations." In other words, when Palestinian political parties are considered terrorist organizations by the Israeli regime, Palestinian political expression is effectively censored.

A New Coordinated Attack

On the one hand, the aforementioned attacks on the Edward Said National Conservatory of Music, the Yaboos Cultural Centre, and the Shafaq Cultural Network are part and parcel of the Israeli regime's ongoing disruption of Palestinian cultural and political life in Jerusalem. On the other, they constitute new and coordinated efforts to defame and destroy Palestinian civil society and human rights organizations, particularly those with international funding. These efforts are being led predominately by NGO Monitor, an Israeli organization which, although claiming to be non-governmental, is a government affiliated organization that coordinates its defamation work with the Israeli Ministry for Strategic Affairs. Since 2015, this ministry has been led by Gilad Erdan, a politician who has long attempted to limit Palestinian freedom of expression. In addition, he has waged an all-out war on the Boycott, Divestment and Sanctions (BDS) movement and its supporters, which has included millions of dollars in resources and coordination with the Mossad, the Israeli secret services.

NGO Monitor started as a fringe organization whose unresearched and erroneous reporting was not taken seriously. Much of its efforts involved slanderous trolling of human rights defenders, such as with the case of Omar Shakir, the Human Rights Watch Director in Palestine who was eventually expelled from the country in 2019 after a drawn-out court battle which attracted international attention. However, since at least 2015, its work has become more aggressive and coordinated, with the main aim of having international funding withdrawn from Palestinian organizations, thus forcing them to close down. NGO Monitor fulfils this goal by focusing on two main tactics to attack Palestinian organizations and individuals.

The first is to accuse them of supporting or working with BDS. This is in light of the increasing efforts to criminalize BDS both in Europe and in the US, despite various legal bodies, such as the European Court of Human Rights, continually reaffirming the legality of boycotts as a form of political expression. The second tactic is to accuse organizations or individuals of "terrorist affiliations," or of "funding terrorism." Yet, according to a report by the Israeli Policy Working Group (a group of Israeli academics, journalists, and former diplomats working towards a two-state solution), despite NGO Monitor leveling this claim consistently and repeatedly against Palestinian organizations, it has yet to provide evidence of any organization participating in terrorist activities or violence. Indeed, the same report by the Policy Working Group – subtitled "Defaming human rights organizations that criticize the Israeli occupation" – reviewed NGO Monitor's publications and stated that:

[T]he methods it employs are a far cry from the comprehensive investigations carried out by the human rights and civil society organizations it attacks. The publications appear largely based on selective internet inquiries and reverberating claims made by official Israeli sources. Moreover, it focuses its publications selectively on refuting the observations and conclusions published by targeted

organizations.

In other words, accusations made by NGO Monitor are unfounded, backed by little and tenuous research, and slanderous. Yet, rather surprisingly, many in the international community are now heeding this organization's accusations, which has had a chilling effect on Palestinian civil society. Indeed, the climate created by this growing campaign of defamation has led to funds being tightened, and, in some cases, cut and even altogether withdrawn. Recently, for example, the EU notified the Palestinian NGO network (PNGO) that it would be implementing a clause which obliges all partners not to deal with anyone on the EU sanctions list. Some fear this will lead to having to vet staff, contractors, and beneficiaries of aid as conditions for receiving funds. This sanctions list consists of those being sanctioned as well as organizations and individuals deemed as terrorists. Most Palestinian political parties, including Hamas and the Popular Front for the Liberation of Palestine (PFLP), are on the list. While it does not list Palestinian individuals, this may change in the future with increasing pressure from Israel and organizations such as NGO Monitor.

Not only is it problematic that much of the international community considers most Palestinian political parties, notably excepting Fatah, to be terrorist organizations, it also often succumbs to the Israeli regime's broad and loose definition of "affiliation." Since 1967, 800,000 Palestinians have been incarcerated by the Israeli military regime in the West Bank and Gaza, making up 20% of the total population of that occupied territory. Many of these Palestinians are tried and charged through the Israeli military courts which maintain a 99% conviction rate on the basis of "affiliation." Israel is able to punish Palestinians for any political activity through its military orders which are justified on the grounds of security. Under these orders, Israel has forbidden protests or political meetings of over ten people, and it has banned the distribution of political articles or pictures. Israel also accuses and charges Palestinians of "affiliation" with political groups

they deem terrorist organizations. Consequently, sharing a social media post or even pouring a cup of coffee for a member of a declared illegal organization can be considered "affiliation."

The initial accusation against the three cultural institutions in East Jerusalem was "tax evasion and fraud," yet it later became clear that they were also being detained on charges of financing terrorist organizations. On these charges, it is clear that NGO Monitor played a role with its reports and constant slandering of these organizations. Although the three directors have since been released, they still face these charges. Moreover, they also face the stigma of being accused of supporting terrorist organizations, which can have damaging repercussions in an environment of already decreasing and conditional international funding, and increasing restrictions by the Israeli regime.

Policy Recommendations

In light of this challenging and worrisome situation, the following are some suggestions for pushing back against the destruction of Palestinian cultural and political institutions in Jerusalem:

- Palestinians, both in the diaspora and in historic Palestine, need to emphasize the importance of maintaining Palestinian institutions and organizations in the city. This should include financial support as well as substantive and continuous solidarity efforts.
- Palestinians in the West Bank must push back against the undermining of Jerusalem as the Palestinian capital by the Palestinian Authority, which has instead prioritized investments in Ramallah as the administrative center of Palestine. Indeed, they need to actively reject the narrative of Ramallah as the pseudo Palestinian capital.
- Third state actors should provide public and unconditional support for

Palestinian institutions and organizations in Jerusalem, particularly those under attack from the Israeli regime. This should be done as a counter act in the face of the international community's impotence, and in some cases complicity, with regards to entrenching Israeli control over Jerusalem.

- Third state actors should also recognize and emphasize the importance of having Palestinian political representation in the city. In this regard, they should support reinstating the Orient House as a home for such representation, as the EU did in 2014, and apply political pressure to do so.
- Third state actors and international organizations should neither use NGO Monitor nor the Israeli Ministry of Strategic Affairs as legitimate sources of information on Palestinians or Palestinian organizations. Moreover, they should publicly recognize NGO Monitor as an arm of the Israeli state, with a particular agenda to demonize and criminalize Palestinian civil society.
- The international community must reject the Israeli regime's accusations of terrorist activities and political "affiliation" as illegitimate and unfounded, particularly as the definition of "affiliation" is left purposefully broad so as to target any Palestinian.

1. *To read this piece in French or Spanish, please click here or here. Al-Shabaka is grateful for the efforts by human rights advocates to translate its pieces, but is not responsible for any change in meaning.*
2. *Rashid Khalidi, Palestinian Identity: The Construction of Modern National Consciousness (New York: Columbia University Press, 2009), 33.*

Al-Shabaka: The Palestinian Policy Network, is an independent, non-profit organization. Al-Shabaka convenes a multidisciplinary, global network of Palestinian analysts to produce critical policy analysis and collectively imagine a new policymaking paradigm for Palestine and Palestinians worldwide.

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