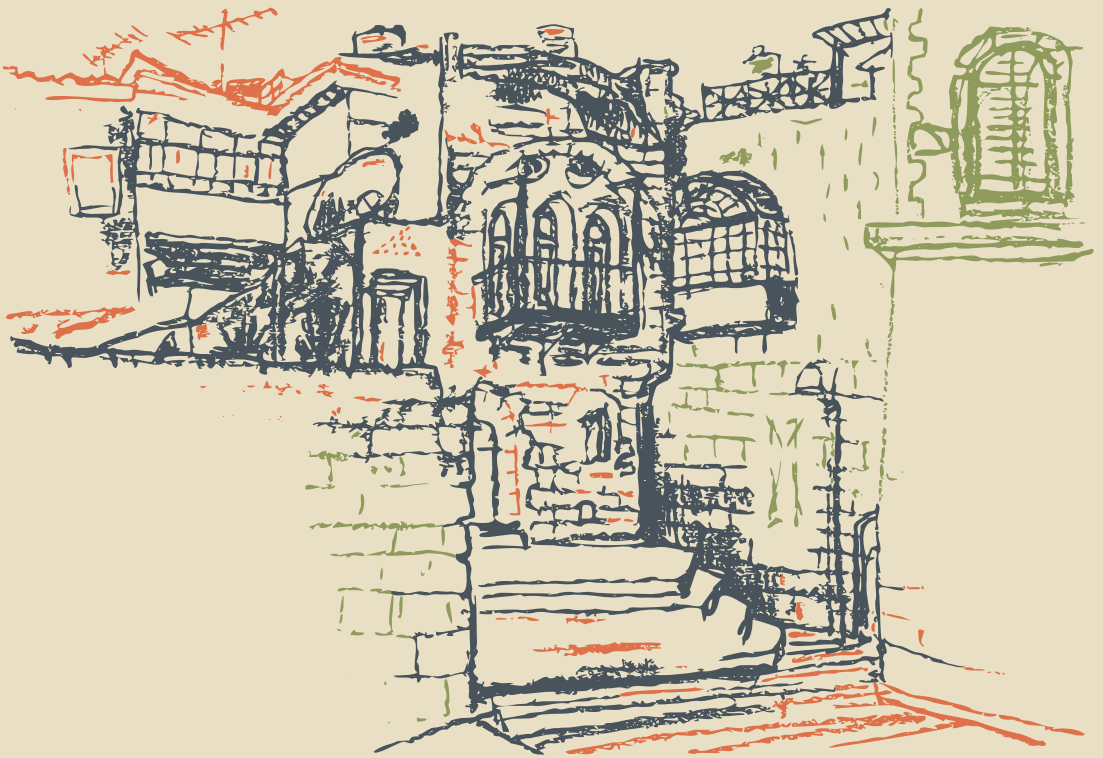


Third Generation Law: Altering Jerusalem's Palestinian Demographics

Researched and written by Khalil Tufakji



الرؤيا الفلسطينية
PALESTINIAN VISION

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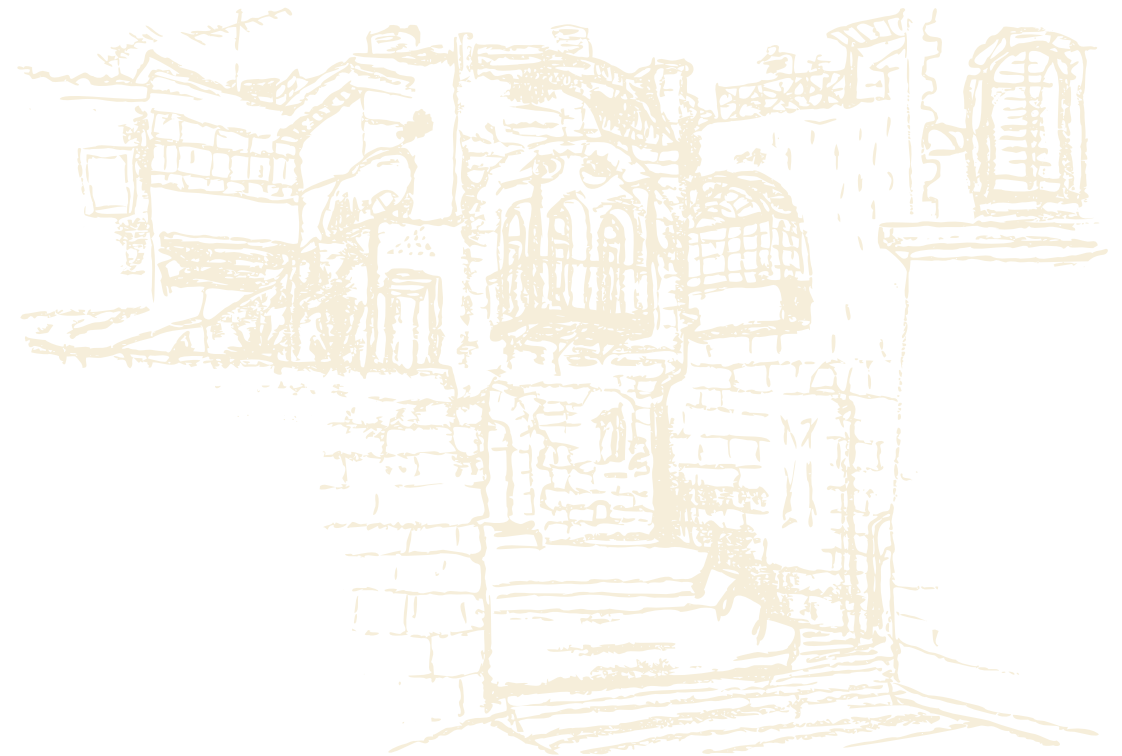


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Executive Summary

Many Israeli laws were enacted to assist the Israeli government in controlling Palestinian land and property as was the case with the 1950 Absentee Property law. This law in particular among other discriminatory laws have been extensively examined. However, few researches examined the Third Generation law and its impact on altering the status quo of Jerusalem and Palestinian demography. The Third Generation law just until recently used by the Custodian of Absentee Property as a last resort to seize property and decrease Palestinian population in East Jerusalem and particularly in the Old City. Due to the lack of academic and legal material that examines the law and its impact, this research paper aims to shed light on the Third Generation law and raise the awareness of Jerusalemites, local, national, and international organisations about the dangers, consequences, and impact of this newly legal procedure used to displace Palestinians from Jerusalem.

Third Generation refers to the third generation of tenants in a property that was rented before 1968. The Third Generation Law enacted to limit the protection period to end by the death of the third generation of tenants (the death of the grandfather, the son, and grandchild), then the protection will be lifted and the property will be seized. The law targets every protected person who rented a property before 1968 and before abolishing the tenants protection law, which was part of tenants' contracts during the British Mandate period and the Jordanian Rule where the contracts clearly states the tenants' rights from the owner's whether the property was a residential or a commercial property.

Third Generation law is one of the most dangerous laws that was enacted in the occupation period and its implementation means that Israel is able to control more Palestinian properties inside the Old City of Jerusalem especially considering the intense conflict that takes advantage of all laws and courts to support settlements as well as the Jewish institutions that enables its implementation like "Atarot Kohanim," "Jewish Neighbourhood Development Committee," and other governmental institutions.

Introduction

Although the issue of Jerusalem has always been at the heart of the Palestinian-Israeli conflict, negotiations over its status were postponed during the Oslo peace process and it remains one of the most complex issues still awaiting a solution. Since the start of the occupation in 1967, all Israeli governments have keenly pursued policies and enacted laws to transform the city's Arab character and 'Judaize' East Jerusalem to create a new geopolitical reality that guarantees Israeli territorial, demographic, and religious control over the entire city as the 'eternal and undivided' capital of the Jewish state.

A Jewish majority maintaining a 70% Jews and 30% Palestinians ratio

This comes within a context of maintaining a Jewish majority in East Jerusalem, in order to further shift the status quo to the benefit of the occupation in bilateral negotiations with the Palestinian Authority on East Jerusalem, securing the highest amount of land around East Jerusalem and contravening Human Right an International Humanitarian Law in the process, particularly the International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights; Convention on the Rights of the Child; and the IV Geneva Convention. The imposition of such procedures, which lead to forced population transfer, contravenes international humanitarian law on the grounds that Article 49 of IV Geneva Convention prohibits changing the demographic characteristics and composition of land under occupation: "individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive."¹

According to the Arab Studies Society, Israeli procedures aiming to forcefully transfer Palestinian residents include the confiscation of large quantities of lands; the building of Jewish-Israeli settlements; discriminatory zoning and planning; the inflation requirements and fees to make it difficult for Palestinians to apply for construction permits (which are difficult to obtain); the allocation of services to Palestinian residential areas; isolating East Jerusalem from the remainder of the West Bank; and utilizing procedures to deny

¹ IV Geneva Convention, supra 55. Article 49.

residency rights, family unification and child registration.²

Chapter One sheds light on the Jewish presence in Jerusalem since the dawn of history. In a historical journey, the study elucidates Jewish exile from and return to Jerusalem, lives under the protection of a Muslim states in different eras, how they developed their neighbourhood, and owned property until the fall of East Jerusalem under Jordanian rule in 1948. To explain the Israeli framework of forced population transfer, Chapter two examines the aforementioned procedures of forced population transfer, taken by Israel in order to reach the anticipated demographic target. Chapter Three highlights major Israeli laws employed to alter the character of Jerusalem and the status of Palestinian residents of the city and their rights. First, the Absentee Property law enacted in 1950 and Protection law abolished in 1968 are considered one of the crucial Israeli laws that led to the forced Palestinian residents of Jerusalem displacement from East Jerusalem. Despite the widely examination of Absentee Property and Protect laws, few researchers examined the Third Generation law enacted to limit the protection period to end by the death of the third generation (the death of the grandfather, the Son, and grandchild), then the protection will be lifted and the property will be seized. The study will focus on its impacts on the displacement of the Palestinian population and replacing them with Israeli settlers. Currently, there are 65 Palestinian structures in Palestinian neighborhoods and 195 buildings inside the Old City which are threatened under the Third Generation law.³

Third Generation Law

(20) Passed away Tenant of Property:

- A. After the death of a property's tenant, spouse becomes the tenant as long as they both have used the property for at least six months before the death of the tenant and lived together during this period.
- B. In case there is no spouse as per article A above, the children of the tenant become the tenants. In case there is not children, other relatives become the tenants as long as they have lived in the property with the tenant for at least six months before his death and they did not have any other property to live in at the time of death."

Refer to Document 27

2 The Arab Studies Society, Map and Survey Department, *Breaking the Siege of Denying the Natural Growth of Palestinian Neighborhoods in East Jerusalem*, 10.
3 Welfare Association. "Analytical study on Property in the Old City – Maps Department and Geographic Information Systems"

Chapter One:

Historical Review

The Jewish Presence in Jerusalem

According to several historical books and references, the Babylonians seized Jerusalem from the Assyrians. In 599 BC, King "Nebuchadnezzar" captured the city. According to Masoudi in his book *The Nebuchadnezzar*, when Nebuchadnezzar conquered Jerusalem, he captured Israelites; dispersed them in the country; crucified and flogged them; burned and sold their wives and children, and did not allow the Jews to return to Palestine and Jerusalem until the year 519 BC⁴.

When the Jews returned, Jerusalem was destroyed. By 517 BC, the Jews finished from rebuilding the city and built a new "temple". Between 17 and 19 AD, Herod the Great initiated the re-construction and massive expansion of the "Second Temple" that was completed after his death in 64 AD.

The "Second Temple" did not last long. In 70 AD, the Roman commander "Titus" entered Jerusalem after the Jewish revolt. Titus destroyed all buildings, including the "Second Temple"; turned the city to rubble; built military camps; and banned the Jews from entering the city and its surroundings until the seventh century, which for more than 500 years.

In 638, during the reign of Caliph Omar ibn al-Khattab, Jerusalem was captured by the Muslims, who rebuilt it again including the courtyard of the Haram al-Sharif, and built of Al-Aqsa Mosque from wood. During this era of the city's history, Muslims allowed the

4 Al-Aref, Aref. 1961. *Detailed in the History of Jerusalem*. 1st edition, p. 27.

Jews to return to Jerusalem and build their holy places.

When the Crusaders conquered Jerusalem in 1099, they killed more than 30 thousand Muslims and the Jewish small community who lived in the city. The Crusaders destroyed a large part of the Al-Aqsa Mosque, and used the rest of it as military barracks. In 1115, they destroyed all the Dome of the Rock Islamic featured and transformed it to a church. A decade later, the Crusader Kings began to rebuild the city, especially the churches of Jerusalem and Bethlehem. During this era, the courtyards of the Haram al-Sharif were turned into a Christian centre and Muslims and Jews were prevented from entering; however, the Jews were allowed to only visit the eastern wall of the city.

After Jerusalem's liberation from the Crusaders by Saladin in October (October) in 1187, Muslims began the reconstruction of the city again. For the first time in 110 years, Saladin encouraged the Jews to return to Jerusalem to live and build synagogues. Despite Jewish belief that "the Second Temple" was behind the Wailing Wall or Western Wall, it was not at that time importance for the Jews. Since then and until 1917 (over 730 years), Jerusalem remained a Muslim city.

During the Mamluk era (1250-1516), Jews continued to visit and pray in front of the eastern wall of Al-Aqsa Mosque, which is the outer wall of the city facing the Mount of Olives. Until 1500, Jewish families in Jerusalem were approximately 100 families, living in Muslim neighbourhoods near the Haram al-Sharif. During the Ottoman period, when Suleiman the Magnificent began building a wall around Jerusalem, he issued a "Farman" (Turkish for decree) that allows Jews to pray in front of the Western Wall. Additionally, he ordered his engineer Sinan to separate the wall from the Moroccan Quarter buildings, build a small alley, and restructure the place. As a result, the excavations revealed more the foundations of the wall to reach down to some of the foundations built during Herod the Great era.

In 1560, Jews began to move away from Haram al-Sharif surroundings toward the southern part of the city in an area known as "Al-Ashraf neighbourhood," and so formed the heart of the Jewish Quarter, which was not described as the Jewish Quarter until the eighteenth century. By the end the sixteenth century, two synagogues were built in the east corner of the Armenian Quarter⁵.

A study by Jacob Brandi indicates that during the second half of the eighteenth century, Jerusalem contained 3,000 Jewish homes with a population of 12,000-15,000 Jews. Many of the Jewish population was composed from elderly Jews or Jews who fled or were expelled from Spain, migrated to Jerusalem after their passage from Turkey and the Balkans.

5 Armenians in Holy land site, Armenians patriarchate Jerusalem Support Organization... (www.holyland.org)

This historic era had witnessed many waves of Jewish immigrants to Palestine; however Jewish immigrants were mainly elders, and there was a small group of Western Jews, "Ashkenazi" and "Moroccans" and "Karaite", but the majority were of Sephardic Jews. Since the 16 and 17 centuries, most of the Jewish community, who lived in Jerusalem, was composed from Sephardic (oriental) Jews. Sephardic Jews were called "Arabists" by the locals that includes "Moroccans" Jews. As for the Ashkenazi (western) Jews, they existed separately until 1720, since they escaped from accumulated debts, and most of those Jews depended on aid from abroad⁶.

The Jerusalemite researcher Zaki Nusseibeh, in his book *Jews in the Arab Muslim Jerusalem: From the Muslim Conquests until the nineteenth century*, indicated in reference to many paper documenting the Jewish presence in Jerusalem, that "the Islamic conquest of the city of Jerusalem ended the Romans and then the Byzantines exile of the Jews from entering the city for over 500 year"⁷.

The author refers to the readings of Daniel Al-Qumes who wrote in the 10th century: "Before the coming of the King Ismail, who defeated the king of the Negev Tsar Byzantine, the Jews could not come to Jerusalem, and they used to come to Tiberias and to Gaza to see the Temple. King Ismael allowed the Jews to enter Jerusalem and gave them a status. Many Israelites lived in the city and others came from all over the empire to visit and pray in the city."

The author illustrates that by the end of the 9th century and the beginning of the 10th century, the Jewish movement "Karaite" in Europe called for immigration to Palestine. They aimed to establish a Jewish "Karaite" community in Palestine and particularly in Jerusalem, and indeed, they succeeded in forming a large community in the city.

Nusseibeh explains that as a result of the Jews expulsion from Jerusalem by the Crusades, it increased the European Jews interest in Palestine and Jerusalem in particular. After the Saladin's conquest of Jerusalem until the end of the 3rd century, the city witnessed massive European Jewish clerics migrations. A period of stagnation of the Jewish presence in Jerusalem has lasted until the end of the Mamluk era. With the beginning of the Ottoman Empire in 1517 AD, the Ottomans opened the door for Jews to immigrate to Jerusalem for two reasons:

1. The borders of the Ottoman Empire included many countries inhabited by Jews.
2. The displacement of the Jews of Spain and Portugal at the hands of the Christian kings.

6 Barnai, Jacob. 1994. "The Jerusalem Jewish community Others Authority, and Arab population in the Second half of the Eightieth century", *Jewish Political Studies Review* 6:3-4.

7 Nusseibeh, Zaki. *The Arab Muslim Jerusalem: From the Muslim Conquests until the Nineteenth Century*.

Nusseibeh adds that the Sharia court records in Jerusalem reflected that through the Jewish eastward expansion of Al-Sharaf neighbourhood during that period, and the increase of the Jewish population in Jerusalem with the arrival of a large group of Jews, "Ashkenazi" (Al-Hasidim), who belong to one of the Sufi movements, and they were convinced that they are living in the Messiah era.

The first group, led by Rabbi Yehuda Hasid arrived in 1700 AD, while the second group from Italy arrived in 1702 under the leadership of Rabbi Abraham Rokitko. Nusseibeh refers to Israeli sources, which claimed that Jewish population in 1806 counted for 22.8% of the total population of the city of Jerusalem with 2,000 inhabitants out of 8,750 of the city's population.⁸

Mid-19th Century Change & Reform

Due to the weakening of the Ottoman Empire, the 19th century witnessed political changes. The occupation of Muhammad Ali Pasha of Egypt to the Levant in the period 1831-1839 offered religious freedom for non-Muslims, and eliminates the restrictions imposed by the Ottomans.

Before the occupation of the Levant and the expulsion of the Ottomans, Ali Pasha was interested in forming a truce with European countries, to ensure their solidarity against the Ottoman sultan. In his meeting with Consul French general in Alexandria, Europeans consuls confirmed that their governments will take into account the interests of these countries; and will treat non-Muslim minorities in those countries better than the treatment of the Ottomans.

Change has begun with the Egyptian occupation of Syria and Palestine in 1831; Egyptian orders called to abolish discrimination against non-Muslims in the Ottoman Empire. Between 1835 and 1836, four oriental synagogues were renovated and Jews were allowed to pray in the Western Wall without permits.

Ibrahim Pasha, also issued "Farman" (Turkish for decree) about Jerusalem in 1830 stated: "I will not hid from you that Jerusalem contains temples and monasteries visited by Christians and Jews from all around the world" ... "In terms of the monasteries and churches located in the city of Jerusalem is a seat for monks and priests, where they read the bible, and practice their belief and rituals ..."

After the expulsion of Ibrahim Pasha and the Ottomans return to Syria and Palestine, the

⁸ Nusseibeh, Zaki. 1995. *Jews in Jerusalem: the Arab-Islamic After the Conquest Age and Until the Nineteenth Century*. Jerusalem

Sultan Abdul Majid issued "Sharif Kalkhanah" legislation and a "charitable organizations" legislation that acknowledged non-Muslims right, religious freedom, and equal rights and duties with Muslims.

The Ottomans announcement in 1839 of Sharif kalkhanah legislation to modernize the social and political structure of the state, through the abolition of the old Dhimmi legislation (Dhimmi: A non-Muslim living under the protection of a Muslim state. He is exempt from duties of Islam like military and zakaah but must instead pay a tax called jizyah) and the re-establishment of the whole Ottoman administration in accordance with the constitutional and secular foundations in Europe in the wake of the French Revolution.

The new legislation pointed to the enactment of laws that would revive the religion, the state and religious sectors, and to achieve equality between citizens of the State including those of religious minorities (non-Muslims). Complementing the equality policy, the state issued "charitable organizations" legislation in 1856, in order to ensure equality for all under the rule of law, and support sectarian privileges for minorities.⁹

In addition to these political developments, there are other factors led to the increase of the Jewish population and the improvement of their status in the city. The researcher Simone Ricca stated "in 1837, an earthquake hit Palestine that caused many of the Jews from Safed and Tiberias to move to the Jewish Quarter in Jerusalem, which resulted in Jewish population increase in the city."¹⁰ These consecutive migrations, in addition to the new privileges given to Jews, had led to a continuous change in the Jews status and the expansion of their Quarter enabling them to add new buildings in empty places in the Quarter, including synagogues, schools, and medical clinics. Despite all that the Jewish Quarter remained the poorest quarter in Jerusalem. According to different sources, the epidemics were widely spread in the Jewish Quarter, especially between 1838 and 1847, 1865 and 1900, and even in 1905.

This prosperity continued after the return of Ottoman to rule Syria and Palestine in 1840. During that time, Jews focused on developing the Jewish Quarter. Many synagogues were built such as the "House of Jacob" synagogue in 1864, "Dourish Zion" in 1857, "Menachem Zion" in 1837, and "Nissan Buck" in 1872. In addition, many educational institutions and health centers were built such as the Jewish English Hospital, "Dr. Frankel" clinic, Rothschild Hospital, Bikur Holim, and "Mesgab Ladakh".¹¹

Ricca adds the number of Jews in the Jewish Quarter began to decline after 1870,

⁹ Jerusalem Newspaper, August 19, 2009, "A New Study for the Christians of Jerusalem in Light of the Ottoman Documents: Egyptian Rule has Achieved the Most Important Installment of Freedom and Equality".

¹⁰ Simone Ricca

¹¹ The Department for Jewish Zionist Education. 2009. "The Jewish Quarter." Jerusalem.

where they began to build neighbourhoods outside the city walls. During the first years of the occupation of Jerusalem by the British, the Jewish Quarter was still somewhat overcrowded, and then the number decrease from 5,600 people in 1922 to 3,000 in 1940. It is worth mentioning that most of the Jews who remained in the Quarter were poor and destitute. Outside the city walls, Jerusalem witnessed a boom in construction and an increase in the Jewish population to 100,000 in 1946, but the number in the Jewish Quarter did not exceed 2% of the total population.¹²

In the Department of Education of the Zionist movement press release, the movement was proud of the Jewish recovery in Jerusalem in the years between 1830 until 1917, at the end of the Ottoman era and the beginning of the British Mandate in Palestine. The press release stated that this period was distinctive for the Jews, where their number has increased in Jerusalem about 20 times.

Shari 'a Court Documents: Social Cohesion in Al-Sharaf Neighbourhood (Jewish Quarter)

Islamic courts during the Ottoman period had an impact on validating rights, settling agreements, resolving conflicts in regard to the properties and real estates in Jerusalem. The court documents require huge organizational structure ; however, it possible to use a sample of these documents to reveal the demographics of Al-Sharaf Neighbourhood (Jewish Quarter) and the Jewish presence outside of this particular neighbourhood.

In some of these examples from the nineteenth century where Jewish people claim that they planned to expand Al-Sharaf Neighbourhood (Jewish Quarter) create a historical background for the Israeli occupation authorities to expand the border of the so called Jewish Quarter by rebuilding a big area of the Old City beyond the traditional borders of Al-Sharaf Neighbourhood.

Below are some examples of the courts documents:

- Record number 303/112 published in 17 Jamadi Al-Awal 1235 Hijiri (1819 AD) refers to Rabbi Robinho who used to rent shops in Alon Market in the Jewish Neighborhood from Haj Abdallah Hamdi Dabagh.
- Record number 378/33 published on * Rajab 1305 Hijiri (1887 AD) refers to authorization given from Mosa Jacob Litshion Al-Mosawi to his brother Yuda Bin

¹² Ricca, Simone. *ibid*, Introduction

Ibram to sell his share from a house that was inherited in the Jewish area and the three shops underneath the house opposite to the Shinknaz Monastery, north to the house of Abdallah An-Namari, and west to the road.

- Record number 372/105 published in 7 Muharam 1312 Hijiri refer to an authorization given by Mosa Bader Al-Ja'ouni to Abdel Al-Hafez Abdel Al-Qader Quteina to release the mortgage on the house in Al-Sharaf area located opposite to the house of Sane' Allah Al-khalidi, east to a Saleh Al-Asali's house, north and west to a road from their mortgagers Mosa Bin Mins and Yacob Bin Labib.
- Record number 44/388 published on 16 Thi Al-Hija 1313 Hijri (1895 AD) refers to Safiya Khalil Mohamed Hejj's decision to sell her share in the following properties to her sons Yasin and Taha Othman An-Namari: shop in the Jewish Neighbourhood in the eastern side in front of Al Ifram Al-Yahodi Al-Karaji located north-east to Al-Hariri Endowment and west to the road, another shop located opposite to Ad-Daraja Road, east to the main road, and west to Hasan Nashashibi endowment laundry place, and the series of shops located in the Jewish Neighbourhood in front of Al-Ja'ouni property, east to the main road, and north to a shop owned by Ibram Al-Yahoudi Al-Tujknji, west to Al-Bashora Market shops, and a house in the Jewish Neighbourhood located in front of Labib Al-Seknazi house, east to Hosh Al-Eiyja owned by Haj Darweish Al-Ja'ouni, north to Al-Bashashneh house, west of the main road.
- Record number 340/400 published on 26 Thu Al-Qida 1324 Hijiri (1906 AD) refers to Merdakhai Hrsh Bin Ishaq Haeem Al-Halqazouna to endow his property a legitimate endowment, which is part of a house located in Al-Sharaf Neighbourhood that includes seven lower houses and 11 higher houses in addition to a storage room and a well.¹³

Jerusalem under Jordanian Rule (1948 – 1967)

Following the declaration of the establishment of the State of Israel in May 15, 1948 in which the British Mandate terminated; several battles took place between military coalition of Arab states and Israeli army in different areas of historical Palestine. Before the armistice cease fire agreement, the separation line between East and West Jerusalem was assigned on July 22, 1948. In 1949, Israel signed separate armistices with Egypt on 24 February, Lebanon on 23 March, Jordan on 3 April, and Syria on 20 July.¹⁴

¹³ For more information on relations between Muslims and Jews, please refer to Zaki Hasan Nussiebeh's book.

¹⁴ Samir Jeres, *Jerusalem: Zionist Plans, Occupation and Judaization*, Beirut, Institute for Palestine Studies 1981, p34.

By the end of the British Mandate in 1947, Jerusalem's municipal area was 20,202 km² including the Old City. In 1948, Israel controlled vast area of Jerusalem and occupied more than 13 Arab neighbourhoods. UN General Assembly resolution 181 recommended the Special International Regime for the City of Jerusalem and UN member states to refrain from recognizing Israel's sovereignty over Jerusalem and kept their embassies outside the city, Jerusalem was divided into West and East Jerusalem. These facts on the ground, including Palestinians refusal represented by the Higher Arab Committee regarding Israeli had control over 78% of Mandatory Palestine and ignoring UN Resolution 181 and Jerusalem falling under an international "Corpus Separatum" administration. After two weeks from the conference in Jericho On 1 December 1948, Jordan annexed what was left of Palestine (West Bank including East Jerusalem) and it beamed under the Hashemite crown in order to salvage what was left of Palestine as soon as possible, in light of the new reality that the Palestinian territory was already administered by the Jordanian authority. It became clear that resolution 181 became unrealistic as the basis for the resolving the conflict. However, the idea of giving Jerusalem an international status remained.¹⁵

Following the partition of Jerusalem, Israel's "West" Jerusalem municipal area was 16,261 km². Israel expanded its share of this area to total area of 38 km² before 1976. In the east, Jordan controlled a total area on 3,091 km². The remaining area of 850 dunums was known as No Man's Land. In 1952, the Arab Municipality extended East Jerusalem's 2.2 km² area to include surrounding villages and suburbs to include Ras Al-Amoud, Souwaneh, As-Samar land, and the southern part of Shu'fat village, to total area of 6.5 km².

Jewish Properties under Custodian of Enemy Property

Jewish people had properties in the eastern side of Jerusalem, which became under Jordanian rule as mentioned above. The appointed Jordanian governor published proclamation 55, declaring all residents of Israel as "enemies" of the state. This declaration enabled the application of the **Trading with the Enemy Act**, 1939, to the property of Israelis in the area. According to the act, a Jordanian custodian was appointed to manage enemy property including all the "Jewish Lands".¹⁶ In return the authorities of the Jordanian Kingdom used Jewish properties for various purposes, including leasing and

renting the land to the citizens. Additionally, the Jordanian governor, in accordance with Trading with the Enemy Law 1939, assigned Mr. Abdel Al-Qader Al-Ja'ouni in the position of the Custodian of Enemy Property in the Hashemite Jordanian Kingdom in September 1951.¹⁷

(Refer to Documents 7,8,9)

Vacant Jewish homes were used to house Palestinian refugees from western Jerusalem. The Jordanian Custodian issued contracts of protected tenancy for this purpose, and Palestinian tenants had to pay rent to the Custodian. Jordan preserved, thus, the property title of the Jewish owners and their right repossession.

The Jordanian authorities issued many assignment orders for absentees (noting that not all of the absentees were Jewish residents; there were some Arab residents that left their properties to live under Israeli control). For example, the assignment orders issued by the Jordanian Minister of Interior Salah Al-Majali, which was published in the official newspaper, has ordered to transfer all the transferable money and non-transferred properties owned by the Ishra'i Bank and Mahmoud Abdellah Hassan Khader in the Jordanian Kingdom.¹⁸ Thus, all funds that owned by the Bank and the absentee Mahmoud Abdellah Hassan Khader became under the control of the Custodian of Enemy Property mentioned above (*Document 10*).¹⁹ Additionally, the assignment order issued by Kamal Al-Dejani, the Minister of Interior in the name of the absentee Mahmoud Abdellah Khader. The assignment order issued by the Minister of Interior, Wasfi Miri in the name of the absentee Jamilah Mohamed Massoud Abdel Al-Haq from the village of Beit Wazen near Nablus.²⁰

Between the years 1950 and 1966, there were many orders regarding transferring and managing these properties under the Custodian of Enemy Property. The last of which was in 1966, when the Minister of Interior published a list of these properties to inform residents of the West Bank and the east of Jordan, that these properties are under the administration of the Custodian of Enemy Property assigned by the Jordanian Government (*Document 11*).

Custodian of Enemy Property duties and responsibilities were to rent and preserve properties, in addition to following up on all the cases of the absentees. Moreover, a

¹⁷ Official Newspaper, Minister of Interior Said Mufti, p. 311.

¹⁸ Official Newspaper, 1963, p 470.

¹⁹ Official Newspaper, 13/3/1963, p 307.

²⁰ Official Newspaper, Issue 1994, 1966.

¹⁵ Halabi, Usama. 1997. "The Legal Status of Jerusalem and Its Arab Citizens." *Institute for Palestine Studies*, p. 47.

¹⁶ Official Newspaper, p. 1700.

committee would be formed to solve a conflict between a Palestinian owner and the Custodian of Enemy Property regarding the approval or refusal of construction permits.²¹ *(Assignment orders in documents 7, 8, 9, 15)*

The following examples illustrate the fact that the Custodian of Enemy Property was fully responsible for the properties, but didn't have the authority to sell or buy properties unlike the properties that became under the control of the Custodian of Absentee Property.

- Request to evict the tenant Yasin Yousef Idris residing in the Jewish Neighbourhood in Jerusalem for not paying rent, a case filed by the Compensation Assistant and the Custodian of Enemy Property.²²
- On 30 April 1964, appeal session in regard to land registration in a case filed by the Custodian of Enemy Property against Hasan Ali Aqel and 26 others from the village of Hizma *(Document 20)*.²³
- Objection raised by Ali Mohamed Obeidi on the cancellation of rent contract on the land located in As-Sheikh Jarrah registration 3000/55, sections 3, 9, 16 rented under the pretext of building government buildings.²⁴ *(Document 13)*
- Letter to the Custodian of Enemy Property asking the Minister of Interior to cancel the lease in order not to pay unnecessary compensations.²⁵
- In the document from the Compensation Assistant and the Custodian of Enemy Property demand to maintain the properties of the Enemy and the compensation paid by residents.²⁶
- Letter from the Arab Bank addressed to the governor of Jerusalem requesting the Custodian of Enemy Property to collect profits from shares belonging to Said Fadel Qurman from 1948 – 1966 *(Documents 16, 17, 18, 19)*.²⁷ The Custodian of Enemy Property responded by transferring all the profits of the above mentioned absentee to the Custodian of Enemy Property in the West Bank since the start of the Palestinian Nakba until 1966. *(Document 12)*²⁸
- In the case of Al-Basha family, Mohamed Abdel Al-Ghani Basha filled a case (number 187/42) against the Custodian of Enemy Property for re-registering the property under the administration of the Custodian despite the fact that the family

had purchased 25 shares from the original 32 shares (Borat Hayaem Endowment). After correspondence between Jawdat Abdel Ghani Basha and the Custodian of Enemy Property, the Custodian transferred to the Al-Basha family and required a payment of 10 JOD.^{29 30}

- In the building owned by Zuhudi Abdel Al-Hafeth Sarandah *(documents 28, 27-2)*, the Custodian of Enemy Property on behalf of Jewish Khawaja Mosbeneen (original owner of the shares) was considered to own 12 out of 24 shares. As a result, the Custodian rented out the rest of the shares to Sarandah and considered him as a partner in the construction of the building.³¹

Please refer to documents 11, 12, 13, 14 examples of handling Jewish property during the Jordanian rule.

21 Official Document, Session 131, 22/6/1960, 9:00 AM

22 Official Newspaper 1955, p 787.

23 Official Newspaper, 17/3/1964, p 611.

24 Official Document, Ministry of Interior, No. 31/5/16083 dated 25 August 1966.

25 Official Document, Ministry of Interior, No. (459/ ح /ع) dated 1 September 1966

26 Official Document ,Session4 ,(1084/ ح /ع) September 1966

27 Official Document, Session (27 , (100/15/54986/ ح /ع) December 1966

28 Official Document, Session (22 (425/ ح /ع) December 1966

29 Official Document, Session (21 (5410/113 / ح /ع) June 1950

30 Official Document, Session (21 (5410/113 / ح /ع) December 1952

31 Document Voucher of Rent dated 12/11/1949.

Chapter Two:

Occupied Jerusalem Since 1967

The Status of Jerusalem under Israeli and International law

Israeli Law:

After the 1967 War, the Israeli occupation forces took control of the eastern side of Jerusalem imposing military administration under the leadership of the military governor "Shlomo Lahat".³² The Israeli occupation authorities embarked on a series of practical measures to integrate the two parts of the city tore down the Mandelbaum Gate that symbolized the division of the city and demolished the anti-sniping walls, cleared the minefields, and removed the barbed-wire barriers which marked the partition of Jerusalem. The Israeli cabinet headed by Prime Minister Levi Eshkol held its first post-war meeting on June 11, 1967. High on the agenda was the issue of Jerusalem whether to annex the eastern part of the city or not; whether this should be a gradual process or not; and whether to apply Israeli law to Jerusalem or military orders. It was also decided to appoint a special ministerial committee to prepare a draft regarding the special legal, municipal, and administrative status of Jerusalem and the holy places.

On June 21 1967 the special ministerial committee submitted to the Israeli cabinet three legal frameworks that were discussed for a period of four day.³³ During this period, the Israeli occupation authorities conducted a census of the population in the areas to be

³² Previous Mayor of Tel Aviv.

³³ Benvenisti, Meron. 1976. *The Torn City*, Is rat pest, Jerusalem p.108-109.

annexed, the primary consideration was to prevent the inclusion of heavily-populated Palestinian areas within Jerusalem.³⁴ The meeting of June 26, 1967 was convened as the culmination in a series of discussions among officials and experts on the question of Jerusalem. It was a crucial meeting as the purpose was to approve the recommendations of the ministerial committee and to actually decide the fate and the future of Jerusalem. "Knesset" discussed three draft laws set by the government, was approved and ratified by the three readings in the period of time of not more than three and a half hours.³⁵

The approved Laws:

- Act to amend the Authority and Judiciary Systems, No. (11) for the year 5727/1967.
- Municipalities Law Amendment Act, No. (6) for the year 5727/1967.³⁶
- Preserving the Holy Places Act, 1967.

There was no mention of East Jerusalem in the text of the decree ratified, also did not include the text of the law. The decree, according to the announcement posted, determined the area to which apply under Israeli law and administration and determined the coordinates that included the annexed areas' borders without stating the areas' names.

The decree indicated these annexed territories included not only the part of Jerusalem that had been under Jordanian rule (6.5 km²), but also an additional 66 km², most of which had belonged to 28 villages in the West Bank. Total area of land annexed by Israel and later by the Jerusalem municipality to 72 km², extending from Sur Baher, and south to the north of Jerusalem Airport.

On June 28 1967, the Knesset amended its 1950 Basic Law on Jerusalem, which proclaimed the city as the capital of Israel, expanding its remit to a 70 km² expanded area and conjoining this with the 38 km² area of West Jerusalem, to create a 108 km² municipal Jerusalem. It was not until July 30, 1980 that the Knesset formalized this status, adopting a further amendment to the Basic Law on Jerusalem to declare the entire illegally unilaterally expanded area the 'eternal and undivided' capital of the Jewish state.

Under Israeli law, East Jerusalem status is thus different from that the rest of the territories occupied in 1967: as permanent residents, Jerusalem Palestinians are entitled to certain benefits (for example: national and health insurance) in addition to travel freely and have access to employment in the Israeli labour market. However, they are subject to discriminatory laws, policies, and access to services.

³⁴ Ibid, p.15.

³⁵ Published book of laws No. 499-20 Sevan 5727 (06/28/1967), p. 121 in Arabic.
Published book of laws No. 499-74 in Hebrew.

³⁶ Usama Halabi2001 .. *Place Boundaries and Human Existence*.

International Law:

Under international law there is absolutely no question and no argument that Israeli steps taken unilaterally after 1967 are null and void.³⁷ International law regards Israel as the occupying power that violated international law and the fundamental principle, under which the inadmissibility of the acquisition of territory by force.

Therefore, under international law the process of annexation of the occupied territories is illegal and Jerusalem remains an integral part of the Occupied Palestinian Territories whose status under the rule of belligerent occupation cannot be unilaterally altered and its inhabitants are protected under the Fourth Geneva Convention.

The international community unanimously rejected such actions, declared them to be illegal, and passed innumerable resolutions, unequivocally establishing an entirely different status for the city under international law.

Imposed Israeli law and administration on East Jerusalem and part of the West Bank is not considered - by virtue of international law – imposition of legal sovereignty.

In accordance with international law, the enactment of internal Israeli laws to confiscate Palestinian land is considered incompatible with the principle identified in the Vienna Convention on the Law of Treaties of 1969, which states “A party may not invoke the provisions of its internal law as justification for its failure to perform a treaty” (Article 27).³⁸

In addition to Article 26 that states “Every treaty in force is binding upon the parties to it and must be performed by them in good faith.”

The principle of international law which prevents the change of sovereignty over a particular area constitutes one of the three key principles that underpin the laws of occupation:

- The inadmissibility of the acquisition of territory by force
- The occupying power must administrate public and daily life matters in the occupied territories.
- Occupation is only a temporary situation, and the rights of the occupant are limited to the extent of that period.

37 Civic Coalition for the Defense of the Palestinians Rights in East Jerusalem. 2009. “Harness policies and laws of land and planning to change the character of the Palestinian presence in Jerusalem.”

38 Convention (IV) relative to the Protection of Civilian Persons in Time of War, Geneva, 12 August 1949, “Law of Treaties, Article 27”.

Fourth Geneva Convention of 1949 also stipulated in the foundation principle which prevents the use of force to change or transfer of sovereignty, and (Article 47) reaffirms the inviolability of protected persons rights who are in occupied territory “shall not be deprived, in any case or in any manner whatsoever, of the benefits of the present Convention by any change introduced, as the result of the occupation of a territory, ... nor by any annexation by the latter of the whole or part of the occupied territory.”³⁹

On July, 9 2004, the International Court of Justice (ICJ) in its advisory opinion report on the issue of the construction of the separation wall in the West Bank reaffirming its resolution ES-10113 of 21 October 2003, Guided by the principles of the Charter of the United Nations, aware of the established principle of international law on the inadmissibility of the acquisition of territory by force.

Furthermore, advisory opinion report states that “The territories situated between the Green Line (see paragraph 72 above) and the former eastern boundary of Palestine under the Mandate were occupied by Israel in 1967 during the armed conflict between Israel and Jordan. Under customary international law, these were therefore occupied territories in which Israel had the status of occupying Power. Subsequent events in these territories, as described in paragraphs 75 to 77 above, have done nothing to alter this situation. All these territories (including East Jerusalem) remain occupied territories and Israel has continued to have the status of occupying Power.”⁴⁰

Thus, Israel’s unilateral actions to impose its sovereignty by force over East Jerusalem and parts of the West Bank are illegal under international law.

Since East Jerusalem is considered an occupied territory under international law, the laws that apply to the city are the International Humanitarian Law (IHL) (paragraphs 89 and 101 of the Advisory Opinion report) and International Human Rights Law (IHR) (paragraphs 106 and 111-113 of the Advisory Opinion report). In addition, resolution 62/181 of the UN General Assembly adopted on December 19, 2007 which reads:

“Recalling, in this regard, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and affirming that these human rights instruments must be respected in the Occupied Palestinian Territory, including East Jerusalem, as well as in the occupied Syrian Golan.”⁴¹

39 Convention (IV) relative to the Protection of Civilian Persons in Time of War, Geneva, 12 August 1949, “Article 47: Inviolability rights”.

40 ICJ. 2004. “Advisory Opinions and Orders Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory.” paragraph 78.

41 UN General Assembly. A/RES/62/181.

In this regard, the Israeli Supreme Court ratified several resolutions on the possibility of applying international human rights law in the occupied territories. However, until now, the court did not rely on any of these resolutions to decide on the Israeli authorities' policies and practices in the occupied territories.

The ICJ acknowledged in its advisory opinion on the subject of the wall, that "the protection offered by human rights conventions does not cease in case of armed conflict".⁴² In addition, the ICJ observed that "the territories occupied by Israel have for over 37 years been subject to its territorial jurisdiction as the occupying Power. In the exercise of the powers available to it on this basis, Israel is bound by the provisions of the International Covenant on Economic, Social and Cultural Rights authorities... it is under an obligation not to raise any obstacle to the exercise of such rights."⁴³

As for East Jerusalem whether it is an occupied territory of the West Bank or under Israeli sovereignty, the Court considers that "the International Covenant on Civil and Political Rights is applicable in respect of acts done by a State in the exercise of its jurisdiction outside its own territory." The report further explained that the International Covenant on Economic, Social and Cultural Rights "guarantees rights which are essentially territorial. However, it is not to be excluded that it applies both to territories over which a State party has sovereignty and to those over which that State exercises territorial jurisdiction."⁴⁴

Various international bodies condemned the Israeli occupation of the West Bank and the occupation of East Jerusalem in particular. UN Security Council (UNSC) adopted several resolutions concerning the Israeli occupation and annexation of East Jerusalem and part of the West Bank territories, as follows:

- The UNSC resolution 242 (1967) (S/RES/242) adopted on November 22, 1967, concerning the grave situation in the Middle East, has emphasized on "the inadmissibility of the acquisition of territory by war and the need to work for a just and lasting peace".⁴⁵ In addition, UNSC affirmed: "Withdrawal of Israel armed forces from territories occupied in the recent conflict".⁴⁶
- UNSC resolution 252 (S/RES/252) adopted on May 21, 1968 on the situation in Jerusalem stated: "Reaffirming that acquisition of territory by military conquest is inadmissible... Considers that all legislative and administrative measures and actions taken by Israel, including expropriation of land and properties thereon, which tend to change the legal status of Jerusalem are invalid and cannot change that status;

Urgently calls upon Israel to rescind all such measures already taken and to desist forthwith from taking any further action which tends to change the status of Jerusalem".⁴⁷

- UNSC resolution 298 (S/RES/298) adopted on September 25, 1971 concerning measure and actions by Israel designed to change the status of the Israeli-occupied section of Jerusalem. The resolution reaffirmed its resolution 252 (1968) and confirmed "in the clearest possible terms that all legislative and administrative actions taken by Israel to change the status of the City of Jerusalem, including expropriation of land and properties, transfer of populations and legislation aimed at the incorporation of the occupied section, are totally invalid and cannot change the status".⁴⁸
- UNSC resolution 478 (S/RES/478) adopted on August 20, 1980 concerning "the enactment of a "basic law" in the Israeli Knesset proclaiming a change in the character and status of the Holy City of Jerusalem, with its implications for peace and security". The resolution affirmed that "the enactment of the "basic law" by Israeli constitutes a violation of international law and does not affect the continued application of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, in the Palestinian and other Arab territories occupied since June 1967, including Jerusalem: Determines that all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purport to alter the character and status of the Holy City of Jerusalem, are null and void and must be rescinded forthwith" additionally "Decides not to recognize the "Basic Law" and such other actions by Israel that, as a result of this law, seek to alter the character and status of Jerusalem".⁴⁹

The Israeli Supreme Court has confirmed that the Hague Convention and accompanying rules enacted in 1907 are enforced in the occupied Palestinian territories with the exception of East Jerusalem. The court had reservations in terms of the validity of the Geneva Convention to the occupied territories, stating that "Israel declared to impose the principles of this Convention without being restricted by the application of the Convention itself". The court refused under any circumstances, to enforce Geneva Convention in East Jerusalem.

42 ICJ. 2004. "Advisory Opinions and Orders Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory," paragraph 106.

43 Ibid, p.181.

44 Ibid, p.189.

45 UN Security Council, S/RES/242 (1967).

46 Ibid.

47 UNSC. S/RES/252 (1968)

48 UNSC. "S/RES/298 (1971) Middle East"

49 UNSC. "S/RES/478 (1980) Territories occupied by Israel"

The Expansion of Jerusalem's "Israeli Municipal Boundaries":

Israel expansion of East and West Jerusalem's municipal boundaries was formally approved by Israel's Cabinet on July 26, 1967, and by the Knesset two days later. Afterwards, a high-level ministerial committee for Jerusalem Affairs was established, headed by Yehuda Tamir. The committee was given authority over planning, renovation and population of all East Jerusalem, including drawing the borders of Jerusalem and full responsibility for the renewal of the Jewish Quarter.⁵⁰

The members of the Committee adopted different views, based on two considerations:

- Demographic Balance: not to include too many Arab residents in the annexed area, and to include open areas for the development of Jewish neighbourhoods [settlements].
- Security: to control the strategic locations such as key defensive hilltops, communication lines and valleys.

The new municipal boundaries carved an additional 64 km² out of the West Bank, being lands of 28 Palestinian villages and large portions of the municipal areas of Ramallah, Al-Bireh, and Bethlehem. In accordance with the abovementioned considerations, in drawing these lines, the ministerial committee carefully limited the inclusion of Palestinian built up areas so as to reduce the demographic weight of the 'non-Jews' absorbed in the city.

On June 28 1967, the Knesset amended its 1950 Basic Law on Jerusalem, which proclaimed the city as the capital of Israel, expanding its remit to a 70 km² expanded area and conjoining this with the 38 km² area of West Jerusalem, to create a 108 km² municipal Jerusalem.⁵¹ Though Israel's actions and accompanying legislation created a de facto annexation of the expanded municipal area of Jerusalem almost immediately, it was not until July 30, 1980 that the Knesset formalized this status, adopting a further amendment to the Basic Law on Jerusalem to declare the entire illegally unilaterally expanded area the 'eternal and undivided' capital of the Jewish state.⁵² In 1985, the city stretched westward- by 0.5 km² and again in 1993 by 17.9 km² – bringing Jerusalem's municipal area to its current 126.4 km² area.⁵³

50 Eshkol's correspondence with Tamir, ISA, RG 43, -4\6304G.

51 PASSIA, *100 Years of Palestinian History*, p.122

52 PASSIA, *The Palestine Question in Maps 1878-2014*, p.154

53 Ibid.

Policies to Displace Palestinians from Jerusalem

East Jerusalem Demographic Balance:

After the occupation of the Old City of Jerusalem, on June 10 1967, 650 residents of the 14th Century Mugharbi Quarter were expelled beyond the city limits and their homes demolished to make way for a plaza in front of the Western Wall. In 1968, Israel proceeded to demolish 1,048 flats, 437 workshops, 4 schools, and 2 mosques, forcing over 6,000 Palestinians from the city.⁵⁴ The hugely expanded area incorporated merely 22,000 additional Palestinians. A further 44,000 resided in the 10% of the annexed area. Following the expulsions from the Old City, **the population ratio in this area stood at 74.2% Jewish: 25.8% Palestinian.**⁵⁵

The Israeli government and the Jerusalem municipality led by Teddy Kollek, encouraged Palestinian residents and sometimes forced them to leave Jerusalem's expanded municipal boundaries. They used several methods to do so such as traveling to work or study in Arab countries, or to live in the suburbs in the West Bank; facilitating their access to building permits on lands in Ram and Bethany; assisting them in obtaining grants for building. For example, the "Build your Home Yourself" project in Bethany, as well as, the Israeli National Insurance Institute since 1973 until 1985 did not require Palestinian residents from proving their residency in Jerusalem to get the insurance benefits "center of life". On the other hand, the Israeli government and municipality raised the building permits cost within the "municipal boundaries" and delay in issuance of permits.

At the beginning of the 1980s, despite the policies of displacement and due to increased birth rate, the Palestinian residents' population rose to 28% within "the limits of the municipality" compared to 72% Jewish population. However, in 1990, the Palestinian residents of Jerusalem population dropped to 26.75% then rose again to 28.3% at the beginning of 1993, to 29% in 1995, to 34.8% in 2007, before it reaches 38% in 2014.⁵⁶

The Israeli Ministerial Committee for Jerusalem Affairs goal, which was adopted in 1972 by the Government of the Labor Party, headed by Golda Meir, to maintain the distribution of the city's population by 78% Jews and 22% Palestinians. Despite the upsurge in the identity revocations, house demolitions, land confiscations, and the development of master plans, the Israeli Ministerial Committee for Jerusalem Affairs goal had failed.

54 Ibid, p.144.

55 Ibid, p.146.

56 The Jerusalem Institute for Israel Studies . 2009. *Jerusalem Book of Statistics 2007/2008*.

Population development in Jerusalem throughout the years:

Year	Total Population	Jews	Arabs
1967	266,300	74,2%	25,8%
1977	376,000	72,4%	27,6%
1987	482,600	71,1%	28,3%
1997	622,100	69%	31%
2001	670,000	67,9%	32,1%
2004	706,400	66,4%	33,6%
2006	733,300	65,6%	34,4%
2007	747,600	65,2%	34,8%
2010	900,000	63%	37%

The procedures implemented by the Israeli occupation in the realization of forced population transfer in East Jerusalem can be categorized under the following: denial of residency; property rights and establishment and expansion of settlements; land confiscation and denial of use; discriminatory zoning and planning; and house demolitions.

Denial of Residency:

The policy includes the revocation of residency, denial or hindrance of child registration, denial or hindrance of family unification, and denial or hindrance of change of residence. The combined impediments to residency are part of the wider strategy of silent forced population transfer, which seeks to avoid international attention by forcibly displacing small numbers of people every month. Thereby, Israel undermines the basic rights of Palestinians to live in their homes by treating it as a revocable privilege, rather than a human right. To date, this policy resulted in the revocation of over 14,300 ID cards from Palestinians residents of East-Jerusalem since 1967 (not including the dependent children of those who lost their ID cards, which would bring the number of those stripped of their residency rights to over 86,000).⁵⁷ Since 2000 and July 2013, 4,249 of the total of 12,284 family unification applications were rejected: 20% based on security reasons, 13% on lack of proof of center of life.⁵⁸ Between 2004 and 2013, there were 17,616 applications for child

⁵⁷ PASSIA, 2013, *Arab East Jerusalem: A Reader*, pp. 174-175.

⁵⁸ Society of St. Ives, 2013, *Palestinian Families under treat: 10 Years Ban of Family Unification in Jerusalem*.

registration born in Jerusalem but out of mixed marriages (one parent with Jerusalem ID and the other holding the green ID) where 3,933 were rejected (implying that at least 4,000 children live without a legal status with no access to health and education).⁵⁹

Revocation of Identity Cards (ID)

Year	Number of Revoked ID for Jerusalemites resident
1967 – 1976	1442
1977 – 1986	1412
1987 - 1996	1068
1997 - 2006	4733
2007- 2013	5519
Total	14,174

Land Confiscation and Settlements:

At least 66% of today's Jerusalem is territory sized by force where Israel has expropriated around 24,500 dunums (over one third of the land illegally annexed to Jerusalem, most of which was privately owned by Palestinians) establishing 12 settlements.⁶⁰ According to PCBS, there are approx. 206,705 (44.9%) settlers living in annexed East-Jerusalem where around 253,364 (55.1%) Palestinians live.⁶¹ The Master Plan 2000 is the Israeli government intervention tool to counter the Arab population growth and insure Jewish majority in the city. One of the most evident measures taken by Israeli government to insure a Jewish majority was the construction of the Separation Wall which resulted in forced displacement of Palestinians in East Jerusalem thereby removing some 145,000 people from the boundaries of the Jerusalem Municipality.⁶²

The overall policy is pursued through the registration of land into categories. In addition to the actual confiscation of land, Israel employs different means to restrict or completely deny the use and access of land – effectively appropriating large areas (or de facto confiscating them, as the owners are unable to use them freely, if at all). The Jerusalem Master Plan 2000 envisage the expansion of the total area of the municipality (at present 126,000 dunums), through measures that will involve further confiscation of Palestinian

⁵⁹ Ibid.

⁶⁰ PASSIA, 2013, *Arab East Jerusalem: A Reader*, pp. 61.

⁶¹ PCBS, 2014, *Israeli Settlements in Palestine, Annual Statistical Report 2013*.

⁶² UNOCHA, 10 Years Since the International Court of Justice (ICJ) Advisory Opinion, July 2014.

land, hinder Palestinian development, and further fragment and isolate Jerusalemites from the West Bank, and accordingly diminish the possibility of East Jerusalem becoming the capital of the future Palestinian state.

Discriminatory Zoning and Planning:

The policy targets Palestinians by containing the growing population through municipal planning. This discriminatory policy manifested in the Jerusalem Municipality Master Plan 2000 which included the municipal land of both East and West Jerusalem treating the city as one urban unit under Israeli sovereignty in order to create a demographic and geographic reality capable of curbing any efforts to challenge Israeli sovereignty in East Jerusalem. The Master Plan doesn't take into consideration the demographic projects and construction needs of Jerusalemites since it projects only 13,500 new residential units which is below the estimated housing demands of 70,000- 90,000 residential units.⁶³ For example, Palestinians can build maximum three floors, while in the western part Jewish-Israeli are allowed to build up to 300% or more.⁶⁴

House Demolitions:

The overall motive of this policy is to maintain a Jewish majority. It is very difficult for Palestinian Jerusalemites to obtain a building permit. The discriminatory zoning and planning policy in East Jerusalem categorize large areas of E-J land as 'unfit for building' or as 'green' or 'open space' where construction is forbidden. As a result, some 15,000-20,000 buildings in East Jerusalem have been built without permits.⁶⁵ Unlicensed construction provides the Israeli authorities with a pretext to punish the builder whether with monetary fine or restore the status quo ante and home demolishing. Between 2004 and 2014, 517 demolitions which left some 2,028 people homeless (1,108 minors).⁶⁶ According to ARIJ, 14 Palestinian homes were destroyed in East Jerusalem between January and April 2015.⁶⁷ It is estimated that over 90% Palestinian Jerusalemites are at risk of displacement as their homes face demolition for illegal construction.⁶⁸

Year	Number of Demolished Houses
2001 - 2005	473
2006 - 2008	257
2009 - 2011	160
2012 - 2014	244
Total	1,134

Therefore, forced displacement as a result of the Separation Wall and its associated regime and the above mentioned policies 'tools' alters the demographic composition of the Arab population in East-Jerusalem and therefore amounts to a violation of human rights and international humanitarian law.

63 PASSIA, 2014, *The Palestine Question in Maps: 1878-2014*, pp.168-169.

64 BADIL ,2014, *Forced Population Transfer: The Case of Palestine 'Discriminatory Zoning and Planning'*.

65 PASSIA, 2013, *Arab East Jerusalem: A Reader*. Jerusalem , p. 181.

66 PASSIA, PASSIA Diary 2015. "Housing & House Demolitions", p.450.

67 ARIJ. 2015. *Report on the Israeli Colonization Activities in the West Bank & Gaza Strip*.

68 Ibid.

Chapter Three:

Israeli Legal Framework

After days from the fall of Jerusalem under Israel's control all legislations and orders were issued to ensure Israeli sovereignty over Jerusalem's administration and real estate. As a result, they banned the Jerusalem Council Committee and the Custodian for Absentee Property sent eviction notices to Palestinian tenants residing in properties rented from the Custodian for Enemy Property, for example Aqbat Al-Khaldiyih and the Jewish Neighbourhood incidents. 116 Dunums were confiscated from the Old City in 1969, the destruction of the Moroccan Neighbourhood, the beginning of the Israeli settlement expansion under the pretext of Jewish property or security reasons and last but not least the Third Generation.

Absentee Property Law 1950

The Absentee Property Law of 1950 was meant to serve as the legal basis to transfer the property of Palestinian refugees into the possession of the State of Israel. In the wake of the Nakba and the eviction of thousands of Palestinians and their displacement from their homes and their land, Israel took over Palestinian land and property by legal absenteeism and defined them as "Absentees."

Absentee Property Law: Israeli legislation (1950) defines an "absentee" as a person who "at any time", from November 29, 1947 until a declaration that the state of emergency declared in 1948 ended [which has not yet happened], "was in any part of the Land of Israel

that is outside the territory of Israel (meaning the West Bank or Gaza) or in the Arab states". The law says that the land and property of "absentees" would revert to the possession of the Custodian of Absentee Property, meaning, to the possession of the State.⁶⁹

Despite residing within the state of Israel, many of the Palestinians found themselves "absentee", a so-called Present Absentees or Internally Displaced Palestinians. The law approved the establishment of "Custodian of Absentee Property" to document all absentee property in the Custodian ownership records.⁷⁰

Due to the language of the law that provides a broad definition of "absentees"; the definition was exploitation. According to Usama Halabi's research "Israel's Absentees' Property Law: A tool for taking control of Palestinian land (The application of the law in occupied East Jerusalem Prospects of judicial and political struggle)", there are five groups of "absentees":

- The first group: citizens of pre-1948 Palestine who by 1 September 1948 had left their homes and properties in the area of Palestine that became Israel as a result of the 1948 war and took refuge in another country or to the West Bank/Gaza Strip. This group is predominantly composed of the 1948 Palestinian refugees who continue to be denied the right to return to their homes.⁷¹
- The second group: citizens of pre-1948 Palestine who by 1 September 1948 had left their homes and properties in the area of Palestine that became Israel as a result of the 1948 war and found shelter in Palestinian towns and villages that were later on conquered by Israel in the war of 1948. These are the 1948 internally displaced Palestinians also referred to as "Present Absentees", who became subsequently Israeli citizens but continue to be denied the right to return to homes and places of origin.⁷²
- The third group: citizens of pre-1948 Palestine living in Arab communities located in the so-called Southern Triangle (al-Muthallath) including the towns of Qalansawe, Tayibe, Kafr Qasim and Jaljulia. Controlled by Jordan at the end of the 1948 war, this area was ceded to Israel in the Treaty of Rhodes signed between Jordan and Israel on 3 April 1949. The Arab Palestinian population of the area became "absentees" vis-à-vis their property before the land swap with Jordan, and their property remained "absentee property" even after Israel annexed the area and accorded citizenship to the people.⁷³

69 http://www.knesset.gov.il/review/data/heb/law/kns1_property.pdf

70 Hillel, Cohen. 2002. "Palestinian Refugees in Israel since 1948 - Absent Present." *Center for Arab Studies Society* p. 76.

71 Halabi, Usama. "Israel's Absentees' Property Law: A tool for taking control of Palestinian land (The application of the law in Occupied East Jerusalem Prospects of Judicial and Political Struggle)."

72 Ibid.

73 Ibid.

- The fourth group: Arab citizens of pre-1948 Palestine who had left the country before 1 September 1948 but subsequently succeeded to return in secret and obtain Israeli citizenship via family reunification. Under the law, they remained “absentees” vis-à-vis the properties which they had initially left behind.⁷⁴
- The fifth group: persons with property in Israel who were not citizens of pre-1948 Palestine, but citizens or residents of Lebanon, Egypt, Syria, Saudi Arabia, Jordan, Iraq or Yemen, or persons living in an area of pre-1948 Palestine that was not taken by Israel.⁷⁵

According to Article 7 of the law, the Custodian has a duty to preserve these properties, either in person or through a proxy. If the property is land, the Custodian is not entitled to sell or transfer it to the ownership of another person. However, Article 19(a) also provides that, “if a Development Authority is established under a Law of the Knesset, it shall be lawful for the Custodian to sell the property to that Development Authority at a price not less than the official value of the property”, or to lease it for a long term. Approximately five months after the adoption of the Absentees’ Property Law, the Knesset passed the Development Authority (transfer of properties) Law of 1950.⁷⁶ Subsequently, the Development Authority became the principle mechanism for the transfer of Palestinian “absentee properties” to Jewish (state) ownership. For example, 69,000 Palestinian housing units were transferred on 30 September 1953 from the Custodian of Absentees’ Property to the Development Authority which, by 1958, had leased a total of 64,000 housing units to Jewish families.⁷⁷

Following the illegal annexation of East Jerusalem in 1967, and as a result the application of all of the Israeli laws, which included the Absentee Property Law 1950 - to the annexed area, a problematic situation arose in which the property of almost all the Palestinian residents of the city became, in fact, absentee property, because those residents were at the time to which the law refers citizens of Jordan, then an enemy country, who resided in “a part of the Land of Israel that [was] outside of the area of Israel”. To contend with this problematic situation, section 3 of the Law and Administration Ordinance 5730-1970 provides that the law does not apply to residents of East Jerusalem who “on the day of the incidence of the order of application of the law was in the area of its application and was a resident there of.” Therefore, only residents who were physically present in East Jerusalem on the day of annexation are not considered absentees. However, that article

74 Ibid.

75 Ibid.

76 Hillel ,Cohen” .2002 .Palestinian Refugees in Israel Since - 1948 Absent Present “ .*Center for Arab Studies Society* p. 76

77 State Comptroller’s Report no. 9 (1957/58), p. 52; Government Yearbook (Shnaton Hamemshalah), 1955, Volume no. 6, p. 49 (in Hebrew).

did not solve the problem of Palestinians who lived outside of the municipal boundaries of Jerusalem, but owned land or property inside the city limits. Those who were not excluded from the incidence of the law theoretically remained absentees.

When construction of the separation wall began in 2002, a number of Palestinian land owners petitioned the court to guarantee their access to the lands they owned that remained on the Jerusalem side of the Wall. For many generations the land owners accessed their lands without disturbance, even though they lived outside of the city’s municipal boundaries, but erection of the barrier on the municipal boundary created a new situation in which the land owners were physically separated from their property. Despite an explicit promise by the Israeli Occupation Forces that it would let the land owners access their land even after construction of the barrier was completed, the land owners received no such permits. In November 2004, the authorities informed the land owners that “entry permits to Jerusalem cannot be issued to your clients in light of the fact that the land is no longer their property and was transferred to the possession of the Custodian of Absentee Property, based on the 1950 Absentee Property Law.”⁷⁸

At the beginning of 2008, the Ministry of Housing and Construction initiated the construction of more than 1,000 housing units in attempt to extend Har Homa neighborhood in South Jerusalem, among other things on “absentee land” of residents of Beit Sahour, who were declared absentees in the 1990s and their lands were seized without compensation or legal hearing.⁷⁹

On April 15 2015, the Israeli Supreme Court issued a decision regarding the applicability and application of “Absentee Property” Law of 1950 in East Jerusalem property belonging to Palestinians from the West Bank, in an appeal No. 06/5931 + file 09/2038. The court’s decision that the way the Absentee Property Law applied is no longer applicable to “The ownership of property in East Jerusalem previously owned by Palestinian residents of the West Bank, will be transferred to the Custodian of absentee property directly, without the need for any another procedure such as registering property under the custodian of Absentee Property authority, or even inform the person concerned, or any other procedure with respect to these properties.”

78 Ir amim” .2010 .Absentees against Their Will – Property Expropriation in East Jerusalem under the Absentee Property Law”.

79 Ibid.

Protection Law

In 1298 Hijiri, the Ottoman Law of Rent was enacted to establish the terms between the tenants and the owners with contracts within the municipalities' borders. With a monthly payment for rent paid by the tenant to the owner, the law protected the tenants from eviction. This law was valid during the British Mandate and the Jordanian rule periods. A set of laws were passed to manage the rent contracts and regulated the rent conditions imposed on tenants in accordance with Article (174) from the Trials Basic Law.

The rent contract included the name of the tenant, the name of the owner, their status, their address, nationality, type of property and its facilities, way of use, rent amount, rent duration, its substitute, and property performance.

Under the protection law, the tenant had the right to transfer the rent of the property to his family (who remained to reside in the property) after his or her death. The protection law provided tenants of non-residential properties' the right of rent to transfer the rent of the property to grandparents/ parents or sons/daughters/wife (wife's rights are discontinued in case of re-marriage). The owner, under the protection law, had the right to evict the owner in case the tenant changed, constructed, or destructed parts of the property without the permission of the tenant.⁸⁰

Until October 1968, Ottoman Law of Rent remained in effect. The new Israeli Protection law stated that the status remains the same for tenants who rented property before October 1968; however, rented property after October 1968, the owner had the right to demand the tenant to evict the property upon his or her request.⁸¹ Thus, Palestinian tenants of Jewish property became protected under this law and Israeli authorities couldn't evict them. However, there is one condition the tenant can leave which is when a key money (money paid to an existing tenant who assigns a lease to a new tenant where the rent is below market) is paid to the owner with evidence. An example of the use of key money is the Sharon's house case and Aqbat Al-Khaldieh case. As a result, for the Israeli authorities to regain control of Jewish property, they enacted the Third Generation Law that allows them to lift the protection off before October 1968 tenants thereby, forcefully displace Palestinian residents.

Refer to Documents 23, 24, 25, 26.

⁸⁰ Law (11), 1994, Law of Owner and Tenant, p 186.

Law (3) Law of Organizing Rent Contracts, Published in the Official Newspaper on 1/2/1973.

⁸¹ Law (62) 1953, Jordanian Official Newspaper, Issue 1140, 19/4/1953.

Third Generation Law

Jerusalem was a multicultural city where people from different parts of the world and different faiths lived in harmony. Therefore, according to property records in Jerusalem, many newcomers would rent properties, the majority of which were Jewish as they rented properties from and to Arab residents.

Due to the partition of the city in 1948, many Jews fled the eastern side and moved to the west side of Jerusalem, the same happened to the majority of Arabs who lived in the west side and took refuge in the east. In the following years, the Jordanian government issued a group of entrust orders to define the Jewish properties under its control in the eastern side of the city. The properties fell under the administration of the Custodian of Enemy Property, who was assigned by the Jordanian government. The Custodian had the authority to rent the properties and supervised the properties that were rented in previous years through Jewish organizations and institutions through the rent contracts. This status continued until 1967 when Israel occupied the West Bank and annexed East Jerusalem.

The Israeli government started to implement its laws in the city of Jerusalem and to expand the borders of the city. These laws included laws that facilitate land confiscation, planning, zoning as well as seizing Jewish properties that used to under the administration of the Custodian of Enemy Property. These properties are now under the administration of the Absentee Property Law that facilitates the eviction of Palestinian residents from these properties or allowing them to stay as protected tenants.

The Absentee Property Law enables the implementation of the Israeli forced population transfer policy in Jerusalem. The law used all available means to confiscate Palestinian homes. The Third Generation Law is one of the most dangerous laws that was enacted and its implementation means that Israel is able to control more Palestinian properties inside the Old City of Jerusalem especially considering the intense conflict that takes advantage of all laws and courts to support settlements as well as the Jewish institutions that enables its implementation like "Atarot Kohanim," "Jewish Neighborhood Development Committee," and other governmental institutions.

Third Generation refers to the third generation of tenants in a property that was rented before 1968. The Third Generation Law enacted to limit the protection period to end by the death of the third generation of tenants. The Third Generation law targets properties rented before 1948 or in the period between 1948 - 1968 and are protected by law. This new legislation goes through the protected first generation (Grandfather) who gives the protection to the second and the third generations (son and grandson). After the death

of the third generation, the protection is lifted; thus, the property goes back to its original owner.

As previously explained, tenants rented properties before October 1968, were protected since the contracts included description of the property and its usage and means of payment. The Law of Rent protected the tenant from the owner's ability to evacuate the property as long as the tenant is paying the rent on payment schedule that was agreed upon between the tenant and the owner with accordance to the contract.

For example, Al-Sharabati and Zalloum families got their shops confiscated using the third generation law. The Israeli government confiscated the property of the Zalloum family that belonged to Sabora - Zakuminiki after the death Sidiqi Zalloum under the pretext of the Absentee Property Law. In the case of the Al-Sharabati family, the lower floor of the property in the Al-Qirimi Neighborhood was confiscated following a trail in the court. Hajja Rifqa As-Salayimeh similarly took the settlers to court for a very long struggle that resulted in the confiscation of her house in Aqbat Al-Khaldiya after her death. Na'ila Az-Zarou was also evacuated from her home in 1990. After 25 years in court against settlers attempt to seize her house, Noura Ghaith was evicted from her home as well. Noura's father rented the house from the Custodian of Enemy Property, but after 1967 the property became under the control of the Absentee Property Law in 1999. The Sub Laban case is still in court as the tenants from the Custodian of Enemy Property Abdel Aziz Al-Karaki and the widow of Jamil Gaith, who died in 1969. Her daughter is protected under the law and her grandchildren are residents of the property. Also in the case of Al-Rand building that was rented to Az-Zourba family in Al-Wad Road where the grandfather rented the building from Jewish people at the time and acted on their behalf in renting the property to third parties.

Document 21, Third Generation Law and documents on owners and tenants' law 1953.

Document 22, contract between owner and Arifah Jewiles and Abdel Aziz Al-Karaki.

However, after Israel exhausted all the possible laws to confiscate properties, the Jewish properties that are threatened by the third generation law are listed in the chart below:

Family name	Section #	Piece #	Rooms #	Resident	Notes
As-Sharabati	19	42	5	Haj Omran As-Sharabati	First floor was confiscated. Second floor is threatened by evacuation.

Family name	Section #	Piece #	Rooms #	Resident	Notes
Deskin (Moroccan Hosh)	19	20-27	4 shops 35 rooms	Two shop: Amin Jaber and Faleh Al-Quti Carpenter: Hussein Zugheir Coffee shop: Jawdat Ghaith	The whole building was evacuated. One room belonging to the Sub Laban family remains threatened by evacuation.
Az-Zurba (Al-Rand)	40	41, 58, 65, 66, 67, 67a	Four shops	Clothing presser: Said Kamel Al-Barq. Barber: Ramzi Abu Gharbieh. Calligrapher: Ahmed Faris and co. (closed).	The whole building is threatened by evacuation.
		41	Two rooms plus kitchen	Salah As-Salfiti	
		65	Four upper rooms 4 lower rooms 15 additional rooms		
Abu Issnaneh	45	3-34	Two ground rooms Two upper rooms	9 rooms	One family remains in the building. Shops remain with Palestinian owners; however, they are threatened by evacuation.
		33a	Additional two upper rooms Four rooms		
		33b	Vegetables shop	Awad Khalil Abu Issnaneh	
		34b	Shoe repair shop	Ibrahim Yasin Farah	
		34a	Four upper rooms 11 rooms		

Family name	Section #	Piece #	Rooms #	Resident	Notes
Ni'aji		58	18	Four lower rooms Three upper rooms	Threatened by evacuation.

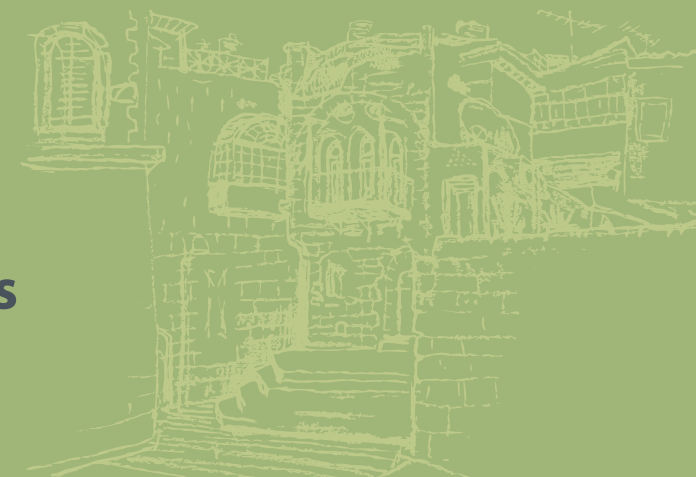
Families on the waiting list for Eviction:

Family	Number of members	Notes
Ni'aji	6	Upper floor
	6	Ground floor
Sharon	3	One family remains
As-Sharabati	4	One family remains in the upper floor of the building
Deskin	3	One family remains
Az-Zurba	20	Four families remains

According to the above mentioned numbers, Israeli authorities has evicted and still threatening an estimated number of 338 Palestinians from their homes, whether awaiting for court orders or the death of the third generation of tenants (the families of Ni'aji, As-Sharabati, Az-Zurba, and Sub Laban).

On the other hand, in Silwan as you will see below, there are court orders to evict 80 families consisting of hundreds of members in the area of Batn Al-Haw near the settlement outpost Beit Yonathan and another outpost called Beit Al-Asal, which was a Palestinian house. At this rate, the enactment of the third generation law has become very dangerous. Israeli authorities are aiming to control the area, by constructing linkages between settlement outposts and implementing the Holy Basin project, thereby imposing a new geographical reality in order to achieve demographical superiority in the Jerusalem.

Case Studies



An-Ni'aji Family

The case of An-Ni'aji family represents a critical stage in the implementation of the third generation law. An-Ni'aji property is strategically located in the Islamic Quarter in Bab Hutta, confiscating it would be the first incident where Palestinian property in the Islamic Quarter become under Israeli control. However, many speculate that seizing this property comes within a bigger project that aims to build residential units for Israeli settlers in the area of Burj Al-Luqluq near Herod's Gate where other houses were confiscated under the Absentee Property Law, in addition to the Jordanian Orthodox Society land (White Church).

In reference to the below annexed *Documents 32, 33, and 34*, they reveal that Said An-Ni'aji rented the building from "Colil Calisia" Endowment Foundation in section 58, piece 18 in Bab Hutta in the Old City. Under a contract issued on June 17, 1923, the building was rented for an amount of 15 Egyptian Pounds and signed by the foundation in the department of Jerusalem Municipality. (*Refer to Document 32, 33, 34*)

Colil Calisia Endowment Foundation rented the property to Said An-Ni'aji in the amount of 30 Egyptian Pounds. The contract included a list of conditions for renting the property that included pets are not allowed in the property, in addition to conditions to renovate the building. (*Document 35*)

In 1948, under the Custodian of Enemy Property and after the death of Said An-Ni'aji, Subhi An-Ni'aji, his son (the second generation), signed a contract with the Jordanian Custodian (50/49/د.ع/أ/ح) in the amount of 25 Palestinian Pounds consenting him to rent the property to himself or rent it to others.

After the death of Subhi An-Ni'aji, his son Omran An-Ni'aji and his siblings became the third generation of tenants. Subhi signed a contract with the Custodian of Absentee Property to continue to rent the property. An-Ni'aji family is protected by law and under the contract conditions. However, the Custodian of Absentee property tried with all available means to seize the property, in order to achieve the Israeli Master Plan 2030 for the Old City of Jerusalem that recommends the demolition of this area to gain control under the pretext that the buildings are unsafe.

Silwan Case

During the Ottoman period in 1881, Jews of Yemen resided in Batn Al-Hawa, an area in Silwan, named that that time "Kfar Shiloh" until 1929. After Al-Buraq rebellion, Jews rented and sold some of their properties in this area to Palestinians. Researching documents between Arab Palestinians and Jewish Palestinians from that period, *(Document 36)*⁸² reveals that Yehya Yousef Kaha Al-Yemeni authorized Ibrahim Ahmed Yasim Al-Silwadi from Silwan agency to sell his property (house and utilities) in the village of Silwan.⁸³ Another document shows selling the properties of Mousa Said Yehya Al-Yemeni in Silwan. After the War of 1948, Jewish properties in the village of Silwan - then under Jordanian rule - was registered with the Custodian of Enemy Property under direct orders from the Minister of Interior at the time, Hisham Al-Jayousi. The official newspaper at the time stated the names of Jewish owners and location of their properties (section number, piece number) as follows:⁸⁴

Names of owners and sections' numbers:

1. Poudol of the North, Section 119, Piece 7, Silwan.
2. Mizrahi Limited Company for Enhancement of Lands, Section 316, Piece 4.
3. Maeer Rahimo, Section 377, Piece 3.

Properties administered on behalf of their Jewish owners are located in sections (73, 75, 88, 95, 96, 97), that's covering an area of five dunums.

⁸² Signed Document, 21 July 1942.

⁸³ Signed Document, 3 January 1947.

⁸⁴ Official Newspaper, Issue 1187, 22 July 1954, p. 572.

Israeli blueprints propose the development of an archaeological village in place of the existing Palestinian homes in Silwan, therefore, the Israeli government agencies and settler groups had taken over Palestinian property by continuously, misusing the law governing absentee property, the Regulation and Construction Law, Jewish Properties, and the Third Generation Law. To control the Baten Al-Hawa area, the Israeli government is using the Third Generation Law proclaiming that the neighbourhood was a Jewish Neighbourhood in 1881, which was evacuated in 1929 and the Jewish properties were rented to Arabs by the Custodian of Enemy Property between 1948 and 1967. As a result, properties in Baten Al-Hawa area were transferred under the administration of the custodian of absentee property. Accordingly, the Custodian of Absentee Property transferred the properties ownership to settlement organizations using the third generation law. In May 2015, these settlement organisations filled cases against Palestinian residents in Baten Al-Hawa that resulted in their immediate eviction from some of these properties.⁸⁵ *(Refer to Documents 36 and 37).*

⁸⁵ Jerusalem Newspaper 22/5/2015.

Recommendations

- Revise the entrust orders that were issued during the Jordanian period and how the names were registered in the entrust orders in the names of societies or individual persons taking into account that a lot of the properties registered in the names of Jewish people that were originally rented for long periods of time by the Islamic or family endowment officer or rented for Jewish tenants (Al-Basha, Sarandah, An-Namari cases). All of it requires revisions with the Jordanian government and the officials responsible for the custodianship issues.
- Raising awareness of the Palestinian civil society about the Custodian of Enemy Property such as the cases of Sub Laban and An-Ni'aji by introducing the rights and responsibilities as well as the means of protection from eviction. For example, tenants must not leave their houses empty as it contradicts the conditions of the protection contracts.
- Conduct a special study on the Jewish properties inside and outside the Old City of Jerusalem that illustrates Jewish historic development and the fact that they were part of the Palestinian society where they lived and owned properties without religious constrains.
- The issue of release (long-term contracts) and its effects on transferring properties without monitoring to new owners without referring the long term contracts such as the case of Um Haron in the Jewish cemetery. In this case, the ownerships transferred with time from endowment (Ma'o - As-Sa'di) to Jewish property, which lead to court

cases being filed against tenants to evacuate the property to Jews in the real estate documents. The cemetery itself was transferred from Islamic endowment to Jewish endowment.

- Assign lawyer who specialize in Islamic Shari'a cases particularly cases of long house or land leases. Many cases in courts were lost due to lawyers' lack of knowledge and negligence. This sort of action requires collaboration with universities to adopt curriculums that teaches this subject.
- To open the files of Palestinian properties in the western side of Jerusalem noting that more than 40% of these properties are private and were confiscated and managed by the Custodian of Absentee Property unlike the Custodian of Enemy Property that actually maintained these properties. Therefore, lawsuit cases must be filed in courts in order to regain these properties and confirm that "laws" are implemented in the eastern side of the city the same as the western side taking into consideration the cases of the Dawood building in King David Street and Terra Santa school in the same location.

Annexes



Old Jewish Properties under the Custodian of Enemy Property

Section 19

Piece 20

Property belonging to the Jewish Moroccan endowment according to the entrusting order of 1950. The property was inhabited by the following families:

- Shop, Amin Jaber and Falah Al-Qaisi.
- Room, Halima (Ali Ghaith Widow).
- Room, Abdel Halim Al-Ashhab.
- Room, Al-Hajah Ishah Ibrahim Al-Halabi
- Room, Fawzi As-Salaiymah.
- Room, Mohamed Sufian As-Saliymah
- Room, Munir Al-Salaiymah
- Upper floor, Jawdat Al-Zarou

With reference to the Israeli property tax records, the property is now under the control of “Atarot Loshina” and “Atarot Kohanim” in addition to a Jewish Kindergarten with number 14 as an Israeli address.

Piece 22

- Scrap metal shop rented by Amin Jaber and Falah Al-Qaisi (closed).

Piece 23

- Carpentry shop, rented by Hussein As-Sghier (closed).

Piece 24

- Coffee shop, rented by Jawdat Ghaith (closed).

Piece 25

- Room rented by Helala Mohamed Badr.
- Room rented by Arifa Jamil Ghaith
- Room, rented by Shaker Abdel Aziz Al-Karaki – Sub Laban.

All still reside in Al-Moughrabi building.

Piece 42

- Omran As-Sharabati children still reside in the upper floor, which consists of three rooms. The two rooms in the lower floor was confiscated and now occupied by a Jewish Society. (*document number 30*).

Pieces 43 & 44

- Consisted of ten rooms that were completely confiscated and used to be the residence for Shaker Abu Asab and Sedqi Zalloum’s families.

Pieces 45 & 46 & 47

- These were confiscated after the death of Sedqi Zalloum as he was considered the “third generation.” Now the property was returned to the endowment of Sabora Zakominiki and is registered under their name. (*document 30*)

Piece 40

- It is a building that contains several floors known by the name of “Al-Rand” and is a Jewish property rented by Ragheb Abdel Ar-Rahim Az-Zurba, who rents to several families in addition to three shops.

It also contains pieces 65, 58, 41, and 67a.

Piece 41

Inhabited by the following families as tenants under key money:

- Omer Abu Ghazaleh.
- Saleh Ahmed Halaq (vacant).
- Zaki Al-Hadad.
- Mohamed Awni Nasser Eddin.
- Ismail Abdallah (Atarot Kohanim).
- Mohamed Abu Shameh (Atarot Kohanim).
- Rifqa, Al-Jawahari’s widow (Atarot Kohanim).
- Khalil Mohmed Hamdan.
- Salah Abdel Al-Fattah As-Salfiti (Atarot Kohanim).

Piece 65

- Ragheb Az-Zurba.
- Ghazi Saleh Halaq (Atarot Kohanim).
- Khalil Issileh.
- Zakariya Issileh.
- Moustafa Halaq (Atarot kohanim).
- Mohamed Abdel Al-Basit.
- Majed Az-Zurba.
- Khamis Abu Al-Filat.
- Mohamed Jarad Danoun.
- Abdel Jawad Zalloum.

Piece 66

- Said Kamel Al-Bareq / shop.
- Marwan Haj Khalil / Barbara shop.

Piece 67

- Ramzi Abu Gharbieh / shop.
- Marwan Haj Khalil

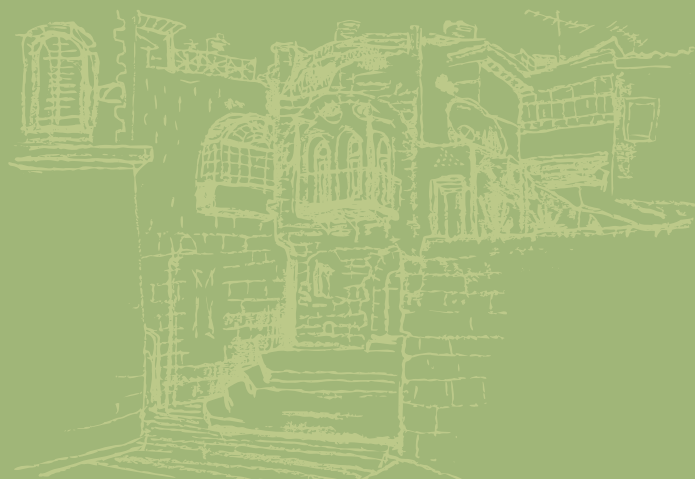
Piece 67 a

- Ahmed Faris and partners
- Amar Walid Az-Zourba / library.

Piece 56

- Closed / tailor.
- Alaa Az-Zourba / Tailor.

Glossary



- **'Amidar:** a governmental company that buys and renovates houses in Jerusalem.
- **Atarot Kohanim:** an organization that was established in the 70s of the last century. One of its priorities is to achieve demographic superiority of the Jewish population in the Old City of Jerusalem. Rabbis and activists that graduated from Shisyifat Harab, one of the biggest religious schools in Jerusalem and follows the Zionist stream initiated the establishment of organization.
- **Atarot Lishona:** an organization established after the 1967 war. One of its major goals includes the appropriation of Arab properties in Jerusalem and replacing Arab residents with biblical societies and Jewish families.
- **Custodian of Absentee Property:** an employee assigned by the Israeli government to manage the Arab properties with the goal of seizing it manifested in selling and renting them.
- **Custodian of Enemy Property:** an employee assigned by the Jordanian government by an order of the Minister of Interior with the goal of managing the affairs of properties that belonged to people who moved to the other side (Israeli side) whether Arabs or Jews without selling or renting them.
- **Dhimmi:** A non-Muslim living under the protection of a Muslim state. He is exempt from duties of Islam like military and zakaah but must instead pay a tax called jizyah

- **Estimation Records:** records that show the properties and their owners or their agents in paying taxes to the municipality. According to these records, the Old City of Jerusalem was divided into 59 basin and every basin into sections. The person responsible for the collection of taxes gives a receipt of payment on behalf of the properties (private or endowment). These records are published in the official paper clarifying the numbers of basins and sections.
- **Mandelbaum Gate:** is only passage connecting the eastern and the western part of Jerusalem. Tourists and Christians were allowed to enter during the Christian holidays. It is located behind the YMCA building (Qutineh family house).
- **Shovobnim School (Come Back Sons):** is a school that was established on 1982 and it aims to appropriate the houses located in Aqbat Al-Khaldiya in the Old City of Jerusalem.
- **Torat Kohanim:** an organization established in 1979 from the schools established by Mitetyaho Hakomi. Its beliefs are very close to the beliefs of Atarot Kohanim.

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Documents ▶

מדינת ישראל
 משרד המנדטים
 דארווה הגנים והגן
 שׂרע משרד
 אורשלים העיר

מס' תעודת
 23.11.25
 1925/11/23

הענין: שם ע"ד הגנין בנדרת
 שרקה נאסרנא הערופה התבארה
 מ ב 1925

המונח: העתארה המורכבת מן שׂרע הרוד רמ 51
 ורוד שׂרע מרודת

לעד אהרית דארטנא מן הגלסה הגנין עמדת מן דארטנא תביל
 ערה אשור אנן תבעת הגנין המורכב מן תבילת הגנין
 זלאל אסור לביט מונח העתארה המזכירות אעלה
 ולכנך למ תפעל בשירד
 ארד אן אהרית הגנין המסומל אן בשירד דא הגנין
 עורבת עליא אן שׂרע שׂרע העתארה
 שלזלל שׂרע שׂרע מן דארטנא מן עמאליק זלאל 10
 איה מן תאריחה בכת המונח
 רתעמלו תבילת מאת אהרית

הגנין מרוד

حضرة الخايس على املاك العدو بالقدس المحترم
 150/11/25

الرقم 113/11/25
 التاريخ 11/11/25

وزارة
 مساهم التعويضات ومراعاة املاك العدو
 القدس

حضرة السيد محمد عبد الغني الباشا المحترم

اشير الى عقد الايجاره الذي لدينا باسمكم الموثق
 في 25/11/1925، وارجو ان اولمكم ان القسط الاول
 والبالغ عشرة دنانير قد استحق في 1/12/1925،
 وعليه ارجو تسديد القبضة المطلوبه خلال عشرة ايام من تاريخ
 هذا الانذار .

واقبلوا احتراماتي
 (عبد القادر الجاهوني)
 قائم مقام القدس من الوكالات
 ومساعد التعويضات وحارس املاك العدو

١٥٦١
الجمهورية العربية السورية / العدد ١٩٥٦

دائمة بأحباط كل قيد على جميع ممتلكاتها واستهلاكها لمدة لا تقل عن شهر واحد.

٢ - تحجز هذه الكميات الاحتياطية لحالات الطوارئ بحيث لا يجوز بيعها أو التصرف بها جزئياً أو كلياً دون إجازة من قبل وزير المرافق أو موافقة الشخص الذي امره صلاحياتي بتفويض المادة (١٢) من النظام المذكور.

٣ - كل من يخالف أحكام هذا الأمر يبرهن نفسه للمقررات المنصوص عليها في المادة (١٣) من النظام المذكور.

٤ - يمدد هذا الأمر اعتباراً من ١٩٥٦/٥/٢٠
١٩٥٦/٤/١٨

رئيس الوزراء
سمير الرقاصي

تدفع كل من الغاء

أمر
نظام رقم (٨) لسنة ١٩٥٦
صادر بموجب المادة السادسة من نظام الدفاع رقم (٩) لسنة ١٩٤٩
لتنسيخاً لقراري الصادر بتاريخ ١٩٥٦/٣/٢٥ بتعيين وكيل وزارة الداخلية حارساً لأملاك العدو في الشرق وتقلياً لسلطاته وواجباته فإني أصدر الأمر التالي:

١ - تحتفظ الحارس لأملاك العدو بجميع أملاك الأعداء في الضفة الشرقية.

٢ - تدفع جميع القنود والمعدات والأجارات والربع والحصى العائدة للأعداء للحارس لأملاك العدو.

٣ - حارس أملاك العدو في سبل الاحتفاظ بالأملاك الأعداء من الحراسة لها التو وكالاتي جميع الحاكم والمحيطات الملكية الأردنية المأخوذة.

٤ - يتكفل حارس أملاك العدو بطريقة إدارة واستغلال أملاك العدو ويحفظ القنود المدفوعة إليه وينظم مله البناء وسجلات التي حين صدور الترتيبات النهائية.

٥ - عمل الحارس أن يرفع لرئيس الوزراء تقارير دورية عن جميع أملاك.

٦ - يعتبر هذا الأمر نافذ المفعول من تاريخ صدور القرار بتعيين الحارس لأملاك العدو في الضفة الشرقية.

١٩٥٦/٤/١٩

رئيس الوزراء
سمير الرقاصي

يجل بأن جمعية
العاشر من كانون
١٩٥٦

أمر
نظام رقم (٩) لسنة ١٩٥٦
صادر بالاستناد إلى نظام الدفاع رقم (٥) لسنة ١٩٤٨
بمناسبة نقل السيد بهاء الدين طوقان مراقب المطبوعات العام الحالي لسفيراً للأردن في لندن، قرر بالاستناد

١٩٥٦/٧/٢٧ العدد

هذه هي مأساة المواطن عبد الغني الباشا الذي يسليه "المتدينون" اليهود بيته جهاراً .. نهاراً!

تحت عنوان "مأساة المواطن عبد الغني الباشا" في جريدة "التحرير" بتاريخ 27/7/1956. The article features a photograph of a man in a dark coat and a hat, likely the subject of the article, and a photograph of a building entrance. The text discusses the persecution of Christians in Jerusalem, specifically mentioning the case of Abd al-Ghani al-Basha and his home being targeted by Jewish extremists.

١٠٠٨/١٠٠٨
حضره القاضي على امرك العبد بالندى المذموم
المريض: عمارة - فعرضت عبد المغني باشا من القدس
تم البناء استغناء من عمر عبد المغني باشا الذي عثر على الماس من اولاده المرحوم موريس
عبد المغني باشا من القدس والمنصوب من قبل هذه المحكمة للزيارة شترن
الناصري في منظر من صلاحيه يتعين ان دائرتهم الموقرة قد تلقت منها حوا
مقد اجازة في بعض عمارة كانت اذنت الا لعدم زمان ان العبد
المين اوصافه من المصلحة المرقعة طيه ميين مع ان العبد
صلاحيه حوردت عبد المغني باشا المذموم ولا يوجد العبد المرحوم
لها الصفا فكانت بامر المرحوم ولقد اذنت المرحوم عبد
موريس وبنده ليدرج وصيته ان العبد المرحوم عبد المغني
لقد اذنت المرحوم ان لغايريه وصيته المذموم زمان ان المرحوم
اجازة من العبد المرحوم المرحوم المرحوم المرحوم المرحوم
المرحوم عبد المغني باشا المرحوم المرحوم المرحوم المرحوم
لما ان المرحوم المرحوم المرحوم المرحوم المرحوم المرحوم
وهذا قلمك وصلى الله عليه وسلم وصلى الله عليه وسلم
مصدق على الوثائق من الباشا
بموجب ما ذكره في وصيته
عبد المغني باشا المرحوم المرحوم المرحوم المرحوم المرحوم

٤٤٦

امر اناطه

صادر بمقتضى البند (ب) عن الفقرة (أ) من المادة التاسعة من قانون الاجتار مع العدو الداخلي استنادا الى الصلاحيات المخولة الي في البند (ب) من الفقرة (أ) من مرسوم الاجتار مع العدو (حارس املاك العدو) ووفقا للارادة الملكية السامية المنشورة في العدد رقم (٣٠٣٥) من الجريدة الرسمية بتاريخ ١٦/٩/١٩٥٠ وعملا بجميع الصلاحيات الاخرى المتعلقة بهذا الشأن فقد امرت باناطه جميع الاموال الثبوتية الكائنه في المملكة الاردنيه الهاشميه التي تخص الاشخاص المبيته اسمائهم في الجداول المرفقه بحارس لصفه الغريبه .

اسم المالك	اسم المالك
وتبرك الوكيل يوحنا شلنك	وقف الاسكناج
وتبرك الوكيل يوحنا شلنك	ملك رفقة زوجة الياهو مانوشويلي
حاي عولام	وقف حاباد
درايس ياروخ اكوينيس	الوكيل اسحق نشوب
برسي بنيه وشركاه	وقف زهره حروش المغربية
م شالوم يهودا	وقف مشاب زكيتم
حازم ليمبرك	وقف مشاب زكيتم
نسيم دانون وشركاه	وقف مشاب زكيتم
عيش حاييم	وقف مشاب زكيتم
دوئحاس كوكيا	شويل سيبتر
ام ابو شلوش	وقف السفاراديم
سليم	وقف امستردام
السفاراديم	وقف الياهو حيطون
العربين	وقف المغاربه
الاسكناج	كيزين كايبت
جمعية السفاراديم الصديق شعون	مردحاي منصور
الني وشركاهما	وقف الوكيل هاكوليم
مرفقة ليني وشركاهما	شركة كرسكيت
سفراديم	املاك الغائبه الين كالوريس
عرب حاييم تجودتسيم	يوسف مردحاي بنحاس وشركاه
ملك الحاخام شعون	املاك العدو في كفر عنب
الاسكناج الوكيل	ملك اليهود السفاراديم
	شلومر ايطون وشركاه

٤٤٥

اسم المالك

اسم المالك	اسم المالك
وقف اليهود المغاربه	وقف غالبا
وقف امستردام	ماير شلومو جموع
وقف المغاريا	يعتوب ييطون
كلساسون واني عندا	موشي باش روز نيتال
لان اسرائيل	وقف التانوراه الاكناج
رض للعدو في قرية ابو ديس	وقف حاي عولام
وقف راني يشوعا يوزلا	وقف التاتور سفاراديم
سيون كوكيا وشركاه	وقف غالبا
وقف امستردام الوكيل الياهو يعراوى	وقف البعازر خامي
وقف الوكيل الياهو يعراوى	وقف موسى بنحاميا كوهين
وقف امستردام الوكيل الياهو يعراوى	وقف الترابين
وقف امستردام حوس الحاخام	وقف الحاخام يوسف شلوش وشعون
وقف عن وقف امستردام الياهو يعراوى	شلوشين
يشع سياكالانو	وقف السكناك

٤٤٦

امر اناطه

صادر بمقتضى البند (ب) من الفقرة (أ) من المادة التاسعة من قانون الاجتار مع العدو الداخلي استنادا الى الصلاحيات المخولة الي في البند (ب) من الفقرة (أ) من مرسوم الاجتار مع العدو (حارس املاك العدو) ووفقا للارادة الملكية السامية المنشورة في العدد رقم (٣٠٣٢) من الجريدة الرسمية بتاريخ ١٦/٩/١٩٥٠ وعملا بجميع الصلاحيات الاخرى المتعلقة بهذا الشأن ، فقد امرت باناطه جميع الاموال الثبوتية الكائنه في المملكة الاردنيه الهاشميه التي تخص الاشخاص المبيته اسمائهم في الجداول المرفقه بحارس لصفه الغريبه .

١٤٥٥ هـ ١٩٣٥ م

اسم المسالك	اسم المسالك
وقف خاليا	وقف اليهود المغاربة
ماير شلومو حموع	وقف امستردام
يعقوب بيطون	وقف النصاريا
موشيه باش روز ليعال	كلسا ساسون وايي عندا
وقف التانوراء الاشكناز	فلات اسرائيل
وقف حاى هولام	ارض لعدو في قرية ابو ديس
وقف التانور سفاراديم	وقف رايي يشوعا يورلا
وقف خاليسيا	انبيون كوكيا وشركاه
وقف البعازر نحامي	وقف امستردام الوكيلياهو يراوى
وقف موسى بنحايكوهين	وقف الوكيلياهو يراوى
وقف القرايون	وقف امستردام الوكيلياهو يراوى
وقف الحاخام يوسف شلوش وشمعون	وقف امستردام حوس الحاخام
شلوشلين	المسؤل عن وقف امستردامياهو يراوى
وقف السكتالك	ملك يشع سياتالانو

امراتاطه

صادر بمقتضى البند (ب) من الفقرة (أ) من المادة التاسعة من قانون الاجتار مع العدو

الا وزير الداخلية استنادا الى الصلاحيات المخولة الي في البند (ب) من الفقرة (أ) من المادة التاسعة من مرسوم الاجتار مع العدو لسنة ١٩٣٩ (حارس املاك العدو) ووفقا للارادة الملكية السامية المنشورة في العدد (٣٠٣٢) من الجريدة الرسمية الصادر بتاريخ ١٩٥٠/٨/١٦ وعملا بجميع الصلاحيات الاخرى المتعانة بهذا الشأن ، فقد امرت باناطة جميع الاموال المنقولة وغير المنقولة الكائنة في المملكة الاردنية الهاشمية التي تخص بنك اشراي و محمود عبيد الله حسن خضر بحارس املاك العدو ، وذلك اصيحت اموال البنك المذكور و اموال محمود عبيد الله حسن خضر وزير الداخلية

صالح الخجالي

امر

صادر بمقتضى نظام الدفاع رقم (٥) لسنة ١٩٤٨

عملا بالصلاحيات المخولة الي بمقتضى نظام الدفاع رقم (٥) لسنة ١٩٤٨ ، اكرر وجوب عرض اية خارطة للمملكة اوي جزء منها علي لاجازتها قبل الطبع او التوزيع ، وارجو من السلطات المختصة والمطابع ومكاتب التوزيع في المملكة تلبية ذلك .

مراقب المطبوعات العام
امين ابو قشعر

عضو	عضو	عضو	عضو	عضو
رئيس الديوان الخاص	رئيس محكمة التمييز	رئيس محكمة التمييز	رئيس محكمة التمييز	رئيس محكمة التمييز
بشير القواتين	موسى الساكت	علي مسبار	الياس خوري	شكري المهدي

قانون الاجتار مع العدو لسنة ١٩٣٩

امر اناطة

صادر عن معالي وزير الداخلية بمقتضى البند (ب) فقرة (١) من المادة التاسعة

انا صالح الخجالي وزير الداخلية استنادا الى الصلاحيات المخولة الي في البند (ب) ومن الفقرة (١) من المادة التاسعة من مرسوم الاجتار مع العدو (حارس املاك العدو) لسنة ١٩٣٩ وفقا للارادة الملكية السامية المنشورة في العدد ٣٠٣٢ من الجريدة الرسمية الصادر في ١٩٥٠/٨/١٦ وعملا بجميع الصلاحيات الاخرى المتعلقة بهذا الشأن قد امرت باناطة جميع الاموال المنقولة وغير المنقولة الكائنة في المملكة الاردنية الهاشمية التي تخص بنك اشراي و محمود عبيد الله حسن خضر بحارس املاك العدو ، وذلك اصيحت اموال البنك المذكور و اموال محمود عبيد الله حسن خضر وزير الداخلية

صالح الخجالي

وزارة الاراضي والمساحة
عمان

الرقم ١١٨٦٦١/٥١/١١
التاريخ ١١/١١/١٩٦٦

.....
أشرف السيد

اتممت ادناء تعريكتاب حارس املاك السدود ورقم ح ١١/١١/٢٤١ الدون ١١٨٦٦١/٥١/١١
١١/١١/١٩٦٦ وارادو عندما يتقدم اليكم الطلب لتسجيل ارض او ارضية تسجيلها سيهدد ان يمحطسوا
ار املاك السدود علنا بذلك تأجها التاليم التي وردت في كتابه المشار اليه اعلاه .

.....

شهر الاراضي والمساحة

تسليم / لمعالي سعادة القدس .
تسليم / لمساعد مدير الاراضي والمساحة - القدس .
تسليم / لحارس املاك السدود .
تسليم / لمفتش التسجيل .
تسليم / للاستشارة .

وزارة الداخلية
دائرة مساعدات
و ابر املاك السدود
القدس

وزارة الاراضي والمساحة

ارجو الايمانز الي ماورد . تسجل هذا الاراضي في مدن المنطقة الشرقية من المملكة الاردنية
الشمالية بالاعلام دائمة حراسة املاك السدود ولما انما تقدم اليكم بالطلب لتسجيل تغطية
او باسعه خوفا من ان تكون لا احد السابقين في التمتع الضميمة او رطلها الاعدا .

والتيهاوا الاحترام .
توقيع
حارس املاك السدود

البنك العربي
عمان
الادارة العامة - عمان

عمان في ١٢/١٢/١٩٦٦
رقم ١٠٠/٣٧١٥/٥٤٩٨٦

١١/١١/١٩٦٦

معالي محافظ القدس المحترم
القدس

تحية واحتراما وبعد

تلقينا من سعادة حارس املاك العدو للضفة الغربية الكتاب الذي ترفق لمعاليم صورة منه . ويتضمن
مطالبة الحارس بالارباح العائدة لاسهم المساهم المدعو سعدي فضل قرمان منذ عام ١٩٤٨ حتى الان .
ونظرا لاعتقادنا ان هذا الطلب يتطوى على غير فاحتريلحق البنك العربي . فقد رأينا ان نعرض الموضوع
على معاليمك لتتفضلوا بالتدخل في حدود صلاحيتكم لاحقاق الحق . ونسب لمعاليمك فيما يلي قصة هذا الطلب
١- كان المدعو سعدي قرمان من عملاء البنك العربي في مدينة حيفا قبل النكبة . وكان من نتيجة تعامله
مع البنكان استحق في ذمته امتداد جاري مدين . بلغ لغاية عام ١٩٤٨ مبلغ (٧٣٤٤ دينار
اردني) مع الفائدة التي اصبحت تساوي المبلغ . وكان في الوقت نفسه مساهما في ٢٥٠ سهما في البنك
العربي . وكما شأنه شأن اي مدين آخر تفيد ارباحه في الحساب الجاري مدين لدينا .

٢- في عام ١٩٦٢ وقطعا لمرور الزمن اضطررنا ان نقيم الدعوى ضد المذكور الذي لم يراجعنا منذ عام
١٩٤٩ . ولا نعلم شيئا آنذاك عن مكان اقامته . وقد اصدرت محكمة بداية القدس حكما غيابيا ضده
وضد اخيه المدعو واصف قرمان .

٣- وعلى اثر ذلك حضر المدعو عبد اللطيف قرمان شقيق السيد سعدي المذكور وطلب اجراء المصالحة
معنا وادعى انه يحمل وكالة عامة عن اخيه وادعى ايضا ان اخاه يلتم حاليا في الارض المحتلة قسي
حيفا . وعند رفضنا الدخول معه في المصالحة تقدم الي معالي حارس املاك العدو بطلب احواله البنكا
الحارس بتاريخ ١٢/١٢/١٩٦٢ . وقد فهمنا منه انه قد صدر امر اناطة باموال السيد سعدي
المذكور تم استئناف معالي الحارس الحكم . وقد قررت محكمة الاستئناف انه لا بد من الحصول على اذن
سبق من معالي وزير الداخلية بوصفه بملك صلاحية التمدد السامي .

٤- على اثر ذلك تقدمنا بطلب الي معالي وزير الداخلية لمتحنا الاذن المطلوب للاستمرار في مقاضاة
الغائب السيد سعدي قرمان . ولكن معالي الوزير اذ ان رفضنا الاذن بحجة عدم حرمان الغائب
من حق الدفاع عن نفسه ضد ادعاء البنك . وقد نكر طلبنا الي معالي الوزير وتكرر جوابه اياه البنكا .

٥- وبينما كنا نتصور ان نغف المعاملة الي هذا الحد فلا يتبع معالي الوزير الاذن باقامة الدعوى ولا يخالفنا
الحارس بارجاع الاسهم . الا اننا فوجئنا ان بدل البنكا بدفع ارباح المساهم . بينما في الوقت نفسه يصر
الحارس على عدم تمكننا من اقامة الدعوى وانتمنا حقا من الغائب .

المحافظة الأردنية الثانية
٢٩ تم ١٩٦٦
محافظة القدس



وزارة الداخلية

عمان

الرقم ١٥/٢١
التاريخ ١٩٦٦/٨/٢٥

معالي حارس اطلاق العمد وللشفة الرسمية

انسرالي الاستدعا المقدم من العائد السيد علي محمد
المبيدي بتاريخ ١٩٦٦/٨/١٠ يمتدح فيه على العا* عقد
ابجار قطعة الا* رش الواقعة في حي الشيخ جراح بالقدس قسيمة
٥٥/٣٠٠٠ حوس رقم ١٦٠٣٠٤ العو* حرة اليه بحجة الامة
بمصر الا* بنية الحكومة عليها .
ارجو اعلامي بمطالعتكم عن هذه القضية .

واقبلوا الا* احترام .

(عبد الوهاب الشبالي)
وزير الداخلية

نسخة - الى معالي محافظ القدس .

٥٢/٦

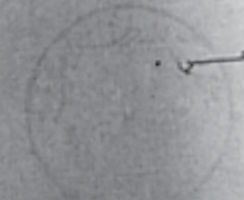
قرار رقم ١٩٦٦

رئاسة الوزراء
عمان

الرقم - ٤ / ١١ / ١٨
التاريخ - ١٩٦٦/١٢/١٧

يتشرف ديوان رئاسة الوزراء بتقديم هذه المذكرة الى معالي محافظ القدس
مرفقة بالاستدعا الذي قدم من محمد صالح عيسى بتاريخ ١٩٦٦/١٢/١٤
الى دولة رئيس الوزراء بموضوع طلب تفويضه قطعة ارض عائد قلععد ولاجرا* المقنن .

نسخة / الى المستدعي .



والتي وصورتها البرق في ايام 3 رالت ثون بعد المدة
للجنة التتاهم والابنية في لواء القدس المتقدمة بدويان مسافة القدس
المسافة 9 من صيان يوم الاربعاء 1960/6/22

رئيسا	مناقبة القدس	المسيد حسن الآاتب
عضوا	النائب المسام	المسيد خنمت التاني
	مساعد رئيسه أطبا لواء القدس	الدكتور سالم غسام
	مساعد مسند من لوائي القدس والليل	المسيد بشارة عتانبها
	مراقب تتاهم المسدن	المسيد توفيق عبد الليل
مترشها	كاتب مسافة القدس	المسيد جميل الوصري

رأكب مقدم من الصافي رشاد مسودي بالوكالة عن المدعو عبد الرحمن العموري من شغافا من اجل
من المذكور رخصة بناء على ارضه الواقعة في قرية شغافا بعد ان انضمت اللجنة المختصة من دراسة
طلبه وقررت الموافقة على منح الرخصة العالمية بعد ان تبين لها بأنه لا يوجد حقوق للحدود في
تلك الارض ، كانت اللجنة اللوائية قررت في جلستها رقم 122 المتقدمة بتاريخ 160/2/22
احالة النائب الى اللجنة التي تشكلت بامر دولة رئيس الوزراء لدراسة طلبه واعدار قرارها في هذا
الشأن . قامت اللجنة المذكور بدراسة هذا النائب وفي جلستها المتقدمة بتاريخ 160/5/8
وحيث ان كل من اللجنة المذكورة توصلت الى النتيجة التالية .
بعد ان تبين للجنة ان الصفة المعدي بها من قبل دراسة املاك الحدود قد اشتراما الحدود
من سنة 1929م واسم الحدود وهذا ان اليامون بن حليم سرتاه بمقدار الثمن في الارض المسماة بالشوا
وما انه تبين للجنة ان الارض المذكورة قد اقررت من قبل مالكها السيد الاصطفي من تقدم
واقتصر كل من الشركاء . حيث في مقسمه وان ذلك قبل ان يشتري الحدود والمشار اليه اعلاه حصصه
فيها بدلالة وجود ابيجار قديمه على المقاسم التي تنصص بها الشركاء . بموجب ذلك الافراز الذي
بدلالة قيود الذميمة لسنة 38 و39 التي تاجر ان الحدود وهذا سرتاه هو شريك في دفع الذميمة
من ورثة عاهيه فقط ، والا الذي يدل على واقع الافراز الحرفي القديم الذي تنصص عليه المصدرة
قانونا لمرور الزمن بموجب القانون وان شراء الحدود وهذا قد وقع بعد هذا الافراز بسنوات عديدة
وقبل به عند توزيع الذميمة لذلك ترى اللجنة ان على الحراسة ان تحصر ادعائها في الارض وبالتالي
بالقسم الذي يتصرف به ورثة عاهيه دون غيرهم ، وما ان ارض المستدي عبد الرحمن بن عبد الرزاق
العموري على هذا الاعتبار مفرزة عن ارضه او مقسم ورثة عاهيه كما ذكر اعلاه فان اللجنة توصي بالترشيح
له بالبناء ان لم يكن لديها مانع اخر .

تقرر اللجنة الايمان للجنة الفرعية الا للجنة باصدار الرخصة الدالوية الى المستدي عبد الرحمن
الرزاق العموري بالبناء على ارضه الواقعة في قرية شغافا . بموجب القرار بعد ان يقدم شغافا ما من
وزن الحدود ان ثبت لهم حق في تلك الارض بالمستقبل .
المقدم من اللجنة المدنية في بيت لحم من اجل واقع مواقع التنفيذ المشروعي المبدئي لبلدة بيت
لحم الذي اعيد تتاهمه بعد ابدال التمدلات التي اقترحتها اللجنة اللوائية في جلستها رقم
122 المتقدمة بتاريخ 1960/8/25 .
تقرر الموافقة على واقع المشروع مواج التنفيذ ورفعه الى محالي وزير الداخلية ليكتن بموافقة وتشر
ن بذلك بالهيئة الرسمية حسب الاول .



وزارة الداخلية
محافظة القدس
القدس

الرقم 10 / 11 / 1960
التاريخ 16 / 12 / 1960


ساعد التجهيزات وخارج املاك المسدو

أرفق عليا نسخة عن الاستدعاء العقدم من السيدة
مريم زوجة عبد الرحمن ابو سارة التي دولة رئيس الوزراء
الافتم بتاريخ 11 / 12 / 1960 بموضوع ايجارات ساكنين
املاك الحدود ، رجاء اجراء التفتيش واعلامي .

(أنور الخطيب)
مساند القدس

ن س

Agricultural Credit Corporation
 HEAD OFFICE
 AMMAN
 Tel. 2417119
 P. O. B. 77 A 684
 محافظة القدس



مؤسسة الاقراض الزراعي
 المديرية العامة
 عمان
 تلفون ٢٤١٧٢٠٠
 ص. ب. ٧٧ أ ٦٨٤

الرقم ٦٩٢٥/١٥/٢٧
 التاريخ ١٩٦٧/٥/٢٤

Ref: _____
 Date: _____

معالي محافظ القدس /

اعلمي مدير فرع المؤسسة في القدس ان مديرية البيطرة ومديرية
 الشرطة قد قامتا بانشاء امنية خاصة بهما في رأس العامود في القدس
 على قطعة من اراضي املاك العدو باجرة رمزية ولمدة طويلة
 فارجو التفضل باعلامي عما اذا كان هنالك قطعة ارض مناسبة من املاك
 العدو في مدينة القدس تصلح لاشادة بناه لفرع المؤسسة عليها اسوة
 بالدائرتين المذكورتين.

وتفضلوا بقبول فائق الاحترام
 المدير العام

نسخه/ الى مدير فرع القدس/ بالاشارة
 الى كتابه المشار اليه اعلاه.

١/٥

٤٧

٥٥٠/٢٥/١
 ١٩٦٧/١/٤

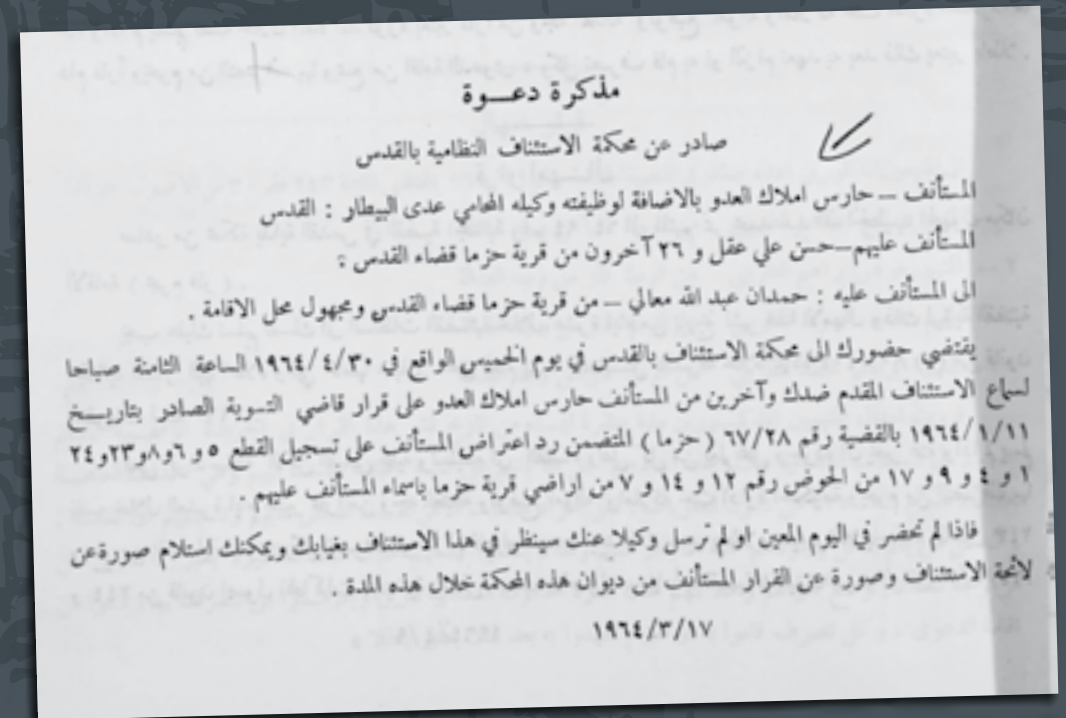
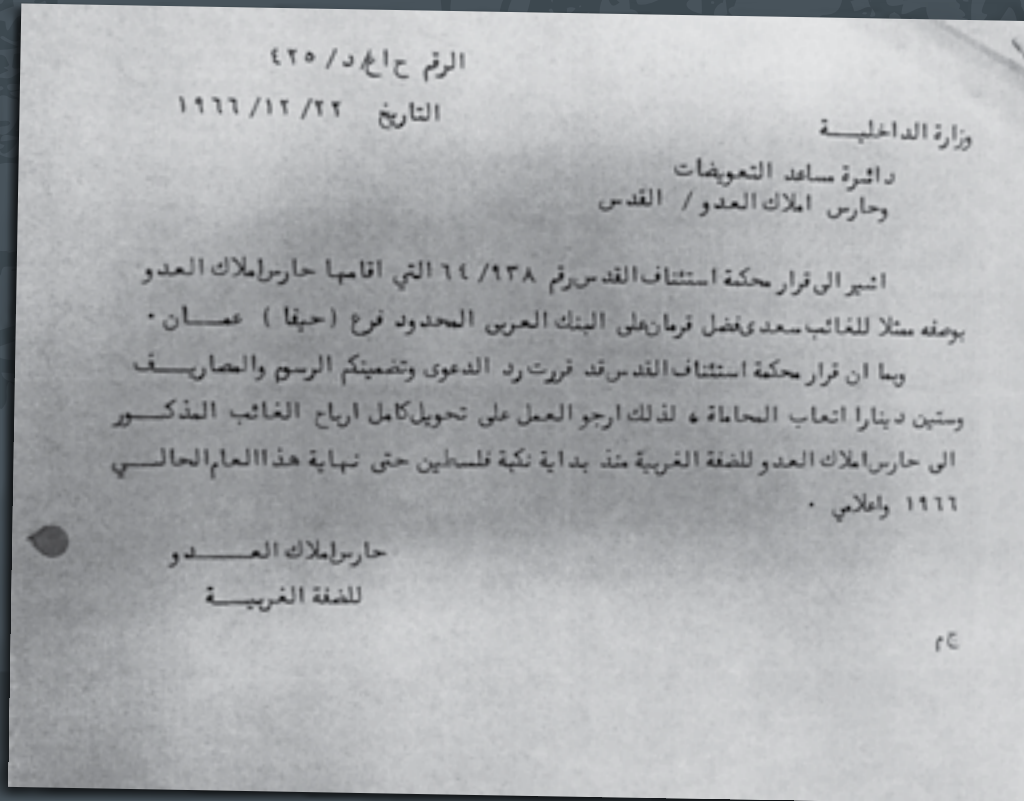
ساعد التمهينات وحارس املاك العدو

اشعر الى كتابكم رقم ح/ع/د/٢٥٠ المؤرخ في ١٦٦/١٢/٢٢ المتعلق بموضوع
 المناقشة بالارواح العائدة لاسهم المساهم المدعو سعدى فضل فرمان منذ عام ١٩٤٨ لغاية
 الان ، وارفق اليكم فيه صورة عن كتاب المدير العام للبنك العربي المحدود والمسمى
 ١٩٦٦/١٥/٣/١٠٠ تاريخ ١٦٦/١٢/٢٧ متضمنا الاجابة على موضوع كتابكم المشار
 اليه اعلاه .

ارجو الاطلاع واعلامي بهذا المعتم حول ما تضمنه الكتاب المرفق .
 واتقوا الاحترام

(النور الخطيب)
 محافظ القدس

١/٥



أماكن المحمي الأصلي (الجيل الأول)

من المبدأ ما يعرف إلى أن محل السكن في ما يتعلق بالمسكن المحمي...
 1. تاريخ الإصدار: 15/1/1968
 2. تاريخ العمل: 15/1/1968
 3. تاريخ العمل: 15/1/1968

1. تحويل الحق في شقة سكنية إلى الجيل الثاني (ساكن محمي):

شأن قانوني: تحويل حق السكن في العقار المستأجر...
 شروط عامة لتحويل الحقوق في العقار المحمي إلى الأبناء والأقرباء:

1. أن يكون من نفس الجنس...
 2. أن يكون من نفس العائلة...
 3. أن يكون من نفس المنطقة...

عقد إيجار لاملاك العسوة

رقم وثيقة 22

تتم الاتفاق في هذا اليوم...
 1. أن يبيع...
 2. أن لا يجوز...
 3. أن يدفع...
 4. أن يوافق...
 5. أن يوافق...
 6. أن يوافق...
 7. أن يوافق...
 8. أن يوافق...
 9. أن يوافق...
 10. أن يوافق...

دليل حقوق للسكن المحمي - القدس الشرقية

كتبت: أسماء مرعي زحبي
 تحرير: المحامية لوشوت ميمون، مديرة قسم تطوير السياسة
 حور صوم، مديرة الشعوب
 آذار 2014

"Family honor and rights, the lives of persons and private property as well as religious convictions and practice, must be respected. Private property cannot be confiscated." Regulations annexed to the Hague Convention for Respecting the Laws and Customs of War on Land (1907), Art. 46

الإسكان الذي يقطن في الخلاص ولا سكن شهيد هو إنسان كرامة كإنسان قد أنجست.

مصلحة الإسكان: 4905.98 مليون من نيشات...
 حكم (33)360 361

أن القدس الشرقية، بموجب القانون الإسرائيلي، هي جزء من المنطقة التي يسري عليها هذا القانون...
 في الإسكان الإلاءة بأن القانون الإسرائيلي...
 مصادرة هذا القانون الإسرائيلي...
 مصادرة هذا القانون الإسرائيلي...

شروط مشاركة تحويل الحقوق إلى الجيل الثالث (الأبن والأقرباء):

1. حق الأبن والأقرباء الآخر مع السكان الأصليين...
 2. لا يوجد لدى ابن الأقرباء الآخر شقة أخرى...
 3. ومثل الأبن والأقرباء الآخر السكن في شقة من شقة...
 4. لم تكن لابن والأقرباء الآخر شقة أخرى...
 5. تسوية مزاجية

ج. نقل الحقوق في السكن المحمي - في عقار مستخدم كمصلحة تجارية:

ليس المسموح في منح حماية أعلى لسكان الممنوع في شقة سكنية أكثر منه في السكن الممنوع في مصلحة تجارية.

1. من هو الساكن المحمي الأصلي في المصلحة التجارية (الجيل الأول):

السكان الرئيس الممنوع في مصلحة تجارية...
 الوصي الأجنبي...
 الوصي الأجنبي...

ان مجلس الوصاية

بمقتضى المادة (٣١) من الدستور

قانون رقم (٧) لسنة ١٩٥٨

قانون معدل لقانون المالكين والمستأجرين

العادة ١ - يسى هذا القانون (قانون معدل لقانون المالكين والمستأجرين لسنة ١٩٥٨)

وبمرا من قانون المالكين والمستأجرين رقم ٦٢ لسنة ١٩٥٣ المشار اليه فيما

يلي بالقانون الاصلي كقانون واحد . ويحمل به من تاريخ نشره في الجريدة الرسمية .

العادة ٢ - تعدل المادة (٤) من القانون الاصلي بعبارة (خمسة عشر يوماً) التمس

وود في البند (أ) من الفقرة (١) منها والاستعانة فيها بعبارة (ثلاثين يوماً) نلاف ذلك

العادة ٣ - رئيس الوزراء ووزير العدلية مكلفان بتنفيذ احكام هذا القانون .

وكيلاً عروبياً

١٩٥٨/١/١٤

جريدة عدد ١٤٦٦ تاريخ ٥٨/٤/٥٨

١ - لا يجوز لاية محكمة او مأمور اجراء ان يصدر حكماً او امراً باخراج مستأجر من اي عقار يقطع النظر عن

وتنق عبارة (مستأجر فرعي) اي شخص شغل عقاراً او قسماً من عقار في اجارة شخص آخر .

وتنق عبارة (بدل الاجارة) البديل المتفق عليه بين المالك والمستأجر او البديل الذي عينته لجنة الاجارات

بالاستناد الى قانون المالكين والمستأجرين السابق بمقتضى دعوى قدمت اليها قبل غاذا احكام هذا القانون الحال .

٢ - لا يجوز لاية محكمة او مأمور اجراء ان يصدر حكماً او امراً باخراج مستأجر من اي عقار يقطع النظر عن

انتهاء اجل عند اجباره الا في الاحوال التالية : بلمدة ٥٨/٤/٥٨

أ - اذا كان المستأجر قد تخلف عن دفع اي بدل اجارة مستحق الاداء قانوناً او لم يبراع اي شرط من شروط

عند الاجارة ولم يدفع ذلك البديل او يبراع تلك الشروط في خلال خمسة عشر يوماً من تاريخ تبليغه طلباً

بذلك من المالك بواسطة الكاتب العدل .

ب - اذا كان المستأجر قد اضر عدداً بالعقار او سبغ عدداً بالحق الضرر به .

ج - اذا كان المستأجر قد استعمل العقار او سبغ باستعماله لغاية غير شرعية .

د - اذا اجر المستأجر بدون موافقة المالك الخطية العقار او قسماً منه او اذا اخلاء لشخص اخر غير المالك

او سبغ يشغله من قبل شريك او شركة او اذا كان قد تركه بدون شغل لمدة تزيد على ستة اشهر .

هـ - اذا كان المالك لا يشغل عقاراً في المنطقة المبحوث عنها ودرغب في شغل العقار بنفسه واقتعت المحكمة او

اقتنع القاضي او قاضي الصلح او مأمور الاجراء بان ثمة محلا اخر مسوراً للمستأجر يصلح استعماله الى

الحد المعقول للغاية التي كان ذلك العقار مستعملاً من اجلها ويسكن الحصول عليه تقريباً بعين الشروط التي

كانت للعقار المذكور .

ان مجلس الوصاية

بمقتضى المادة (٣١) من الدستور

وبناء على ما قرره مجلسا الأعيان والنواب

بمصادق - بالتبابة عن جلالة الملك المعظم - على القانون الاتمي وبامر باصداره واخضاعه الى قوانين الدولة .

قانون رقم (٦٢) لسنة ١٩٥٣

قانون المالكين والمستأجرين

١ - يسى هذا القانون (قانون المالكين والمستأجرين لسنة ١٩٥٣) ويعمل ٩ من تاريخ نشره في الجريدة الرسمية .

٢ - تسري احكام هذا القانون على اي عقار في اية منطقة من المناطق البلدية او المجالس المحلية .

٣ - يكون للالفاظ والعبارات الواردة في هذا القانون المعاني المخصصة لها اذاء الا اذا دللت القرينة على خلاف ذلك

تنق لفظة (عقارات) العقارات التجارية ويوت السكن .

وتنق لفظة (المالك) الشخص المتصرف بالعقار واي شخص يملك حصة شائعة فيه ومن يكون وكيلاً عروبياً

وأي شخص تنقل اليه الملكية من المالك الاصلي .

وتشمل لفظة (المستأجر) اي شخص شغل العقار بموافقة المالك او بموافقة الوكيل العرفي للمالك او الولي

او الزوج قائماً عن الزوجة . واي شخص تنقل اليه الاجارة من المستأجر الاصلي .

وتنق عبارة (مستأجر فرعي) اي شخص شغل عقاراً او قسماً من عقار في اجارة شخص اخر .

وتنق عبارة (بدل الاجارة) البديل المتفق عليه بين المالك والمستأجر او البديل الذي عينته لجنة الاجارات

بالاستناد الى قانون المالكين والمستأجرين السابق بمقتضى دعوى قدمت اليها قبل غاذا احكام هذا القانون الحال .

١ - لا يجوز لاية محكمة او مأمور اجراء ان يصدر حكماً او امراً باخراج مستأجر من اي عقار يقطع النظر عن

انتهاء اجل عند اجباره الا في الاحوال التالية : بلمدة ٥٨/٤/٥٨

أ - اذا كان المستأجر قد تخلف عن دفع اي بدل اجارة مستحق الاداء قانوناً او لم يبراع اي شرط من شروط

عند الاجارة ولم يدفع ذلك البديل او يبراع تلك الشروط في خلال خمسة عشر يوماً من تاريخ تبليغه طلباً

بذلك من المالك بواسطة الكاتب العدل .

ب - اذا كان المستأجر قد اضر عدداً بالعقار او سبغ عدداً بالحق الضرر به .

ج - اذا كان المستأجر قد استعمل العقار او سبغ باستعماله لغاية غير شرعية .

د - اذا اجر المستأجر بدون موافقة المالك الخطية العقار او قسماً منه او اذا اخلاء لشخص اخر غير المالك

او سبغ يشغله من قبل شريك او شركة او اذا كان قد تركه بدون شغل لمدة تزيد على ستة اشهر .

هـ - اذا كان المالك لا يشغل عقاراً في المنطقة المبحوث عنها ودرغب في شغل العقار بنفسه واقتعت المحكمة او

اقتنع القاضي او قاضي الصلح او مأمور الاجراء بان ثمة محلا اخر مسوراً للمستأجر يصلح استعماله الى

الحد المعقول للغاية التي كان ذلك العقار مستعملاً من اجلها ويسكن الحصول عليه تقريباً بعين الشروط التي

كانت للعقار المذكور .

مجلس الوصاية

بمقتضى المادة (٣١) من الدستور
وبناء على ما قرره مجلس الأعيان والشيوخ

بمصادق... بالتأييد من جلالة الملك المعظم... على القانون الاتي ويأمر بإصداره وإضافته الى قوانين الدولة

قانون رقم (٦٢) لسنة ١٩٥٣

قانون المالكين والمستأجرين

- ١ - يسري هذا القانون (قانون المالكين والمستأجرين لسنة ١٩٥٣) ويعمل به من تاريخ نشره في الجريدة الرسمية .
- ٢ - يسري احكام هذا القانون على أي عقار في اية منطقة من المناطق البلدية او المجالس المحلية .
- ٣ - يكون للاقتطاع والمبارات الواردة في هذا القانون المعاني المخصصة لها ادناه الا اذا دلت القرينة على خلاف ذلك
تتعلق لفظة (عقارات) العقارات التجارية ويوت السكن . مجلد ١٠٤٠ / ٤٠٤٠
وتتعلق لفظة (المالك) الشخص المتصرف بالعقار والي شخص يملك حصه شائعة فيه ومن يكون وكيلاً عرقياً والي شخص تنتقل اليه الملكية من المالك الاصل .
- وتشمل لفظة (المستأجر) اي شخص شغل العقار بسوافة المالك او بسوافة الوكيل العرق للمالك او الولي او الزوج قائماً عن الزوجة . والي شخص تنتقل اليه الاجارة من المستأجر الاصل . مجلد ١٠٤٠ / ٣٥٥٤
وتتعلق عبارة (مستأجر فرعي) اي شخص شغل عقاراً او قسماً من عقار في اجارة شخص آخر .
وتتعلق عبارة (بدل الاجارة) البديل المتفق عليه بين المالك والمستأجر او البديل الذي عينه لجنة الاجارات بالاستناد الى قانون المالكين والمستأجرين السابق بمقتضى دعوى قدمت اليها قبل نفاذ احكام هذا القانون الحالي .
- ٤ - ١ - لا يجوز لاية محكمة او مأمور اجراء ان يصدر حكماً او امراً باخراج مستأجر من اي عقار يقطع النظر عن انتهاء اجل عقد اجارته الا في الاحوال التالية :
أ - اذا كان المستأجر قد تخلف عن دفع اي بدل اجارة مستحق الاداء قانوناً او لم يبراع اي شرط من شروط عقد الاجارة ولم يدفع ذلك البديل او يبراع تلك الشروط في خلال خمسة عشر يوماً من تاريخ تبليغه طلباً بذلك من المالك بواسطة الكاتب العدل .
ب - اذا كان المستأجر قد اضر عدداً بالعقار او سمح عدداً بالحاق الضرر به .
ج - اذا كان المستأجر قد استعمل العقار او سمح باستعماله لغاية غير شرعية .
د - اذا اجر المستأجر بدون موافقة المالك الحظية العقار او قسماً منه او اذا اخلاء لشخص اخر غير المالك او سمح بشغله من قبل شريك او شركة او اذا كان قد تركه بدون شغل لمدة تزيد على ستة اشهر . مجلد ١٠٤٠ / ٣٥٥٤
هـ - اذا كان المالك لا يشغل عقاراً في المنطقة المبحوث عنها ودرغب في شغل العقار بنفسه واتصت المحكمة او اتسع القاضي أو قاضي الصلح أو مأمور الاجراء بان ثمة محلاً اخر مسوراً للمستأجر يصلح استعماله الى الحد المقبول للغاية التي كان ذلك العقار مستعملاً من اجلها ويمكن الحصول عليه تقريباً بين الشروط التي كانت للعقار المذكور . مجلد ١٠٤٠ / ٤٧٧

على انه ليس في هذا القانون ما يجيز مالك اشترى العقار الذي كان يشغله ذلك المستأجر في وقت الشراء ان يخرج منه . مجلد ١٠٤٠ / ٧٤٢
و - اذا كان المالك يرغب في اجراء تغيير أو تعميم اساسي في العقار أو في البناء الذي يؤثف العقار فسامه على وجه يؤثر في العقار . شرط ان يكون هذا التغيير أو التعميم ضرورياً وان يكون المالك قد حصل على الرخصة اللازمة لذلك وابلغ المستأجر اعطالاً خطياً باخلاء العقار قبل مدة لا تقل عن ستة اشهر . ويشترط في جميع

الاحوال المبينة في بنود هذه الفقرة من (أ) الى (و) انه اذا كان قد صدر حكم او امر كهذا ولم يتخذ ذلك الحكم او الامر قبل العمل بهذا القانون فيجوز عندئذ للمحكمة أو القاضي أو قاضي الصلح أو مأمور الاجراء التي أصدر الحكم أو الامر اذا رآي ان ذلك الحكم أو الامر ما كان ليصدر لو كان هذا القانون نافذ المفعول عند إصداره . أن يلغي أو يبدل الحكم أو الامر المذكور على الوجه الذي يراه مناسباً لتنفيذ مقاصد هذا القانون .

- ٣ - اذا انشأ المستأجر على أرض له خاصة عقاراً مناسباً لممارسة اعماله التجارية أو لسكناه .
- ٤ - اذا استحصل مالك ما على حكم أو امر بالتخليه لاي من الأسباب المبينة في الفقرة (د) أو (هـ) أو (و) من الفقرة (١) من هذه المادة وتبين بعدئذ للمحكمة ان الحكم أو الامر قد اكسب نتيجة لياتات كاذبة أو اخفاء حقائق جوهرية فيجوز للمحكمة أن تأمر المالك أن يدفع الى المستأجر السابق المبلغ الذي تراه كافيّاً لتعويض الضرر أو الخسارة التي لحقت به من جراء ذلك الحكم أو الامر ويجوز لها فوق ذلك أن تبيد اسكن المستأجر في العقار . مجلد ١٠٤٠ / ٥٠٤
- ٣ - اذا استمر مستأجر ما يحكم هذه المادة في شغل اي عقار بعد انتهاء عقد اجارته فان حكم القصد المذكور وشروطه تعتبر سارية على هذا الشغل بالقدر الذي يمكن انشاؤها عليه . غير انه اذا لم تكن طريقة دفع بدل الاجارة معينة في عقد الاجارة المذكور فيدفع بدل الاجارة شهرياً في نهاية كل شهر .
٤ - عندما يشغل موظف من مركز الى اخر بصورة دائمة فظلموظف الخلف أن يحل في العقار الذي كان يسكنه السابقاً اذا اخلاء وذلك بنفس الشروط التي كانت بين المؤجر والسلف .
- ٦ - اذا قام المؤجر أو امر بهدل يقتضيه من لزاجح المستأجر والنقطة عليه اخلاء العقار أو زيادة اجارته (كسد مجاري المياه أو مجاري الدخان المدة لاستعمال العقار أو اذا اظف شيئاً من الحاجات التي كانت في العقار حين اجارته) فليسأجر أن يخلع ما اقتضته المؤجر وأن يحسم عقارات ذلك من بدل الاجارة شرطاً أن يبيد المؤجر الى ذلك بواسطة الكاتب العدل ويتصرف على تاريخ التبليغ عشرة ايام .

- ٧ - نشر القوانين التالية :
١ - قانون تنفيذ اجارات لا دور السكن « فلسطين رقم ٤٤ لسنة ١٩٤٠ . وما ادخل عليه من تعديلات وما صدر بتوجيه من السلطة .
٢ - قانون تنفيذ اجارات « العقارات التجارية » « فلسطين رقم ٦ لسنة ١٩٤١ وما ادخل عليه من تعديلات وما صدر بتوجيه من السلطة .
٣ - قانون المالكين والمستأجرين لرادتي رقم ٢٦ لسنة ١٩٤٢ وما ادخل عليه من تعديلات وما صدر بموجبيه من أنظمة .
٤ - يلغى كل تشريع اردني أو فلسطيني مناهي لأحكام هذا القانون .
لا يؤثر النفاذ هذه القوانين على صحة أي اجراء أو قرار اتخذ بدتباعاً قبل سريان هذا القانون . عمل أن لا يكون في هذا الاشتراط ما يمنع أية لجنة اجارات أو محكمة اجارات أو أية هيئة اخرى انيط بها صلاحية فصل الخلافات حول الاجارات من تعيين بدل الاجارة الاساسي في الدعاوى التي قيمت لديها قبل نفاذ احكام هذا القانون .
٨ - رئيس الوزراء ووزير العدلية مكلفان بتنفيذ احكام هذا القانون .
١٩٥٣ - ٤ - ٦

عبد الرحمن الرشيدات
وزير العدلية
روجر عبد الهادي
سليمان عبد الرزاق طوقان
رئيس الوزراء
توفيق ابو الهدي
أبراهيم هاشم

وثيقه رقم 29

مساعدة الميراثات وحراسة املاك العدو القدس

عقد ايجار لاملاك العدو العامة المعقودت باسم

في هذا اليوم... عقد ايجار لاملاك العدو... رقم 17... تاريخ 1/1/1954... رقم 900/5/أ

1- ان يرفع... 2- ان يرفع... 3- ان يرفع... 4- ان يرفع... 5- ان يرفع...

6- ان يرفع... 7- ان يرفع... 8- ان يرفع... 9- ان يرفع... 10- ان يرفع...

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16- ان يرفع... 17- ان يرفع... 18- ان يرفع... 19- ان يرفع... 20- ان يرفع...

21- ان يرفع... 22- ان يرفع... 23- ان يرفع... 24- ان يرفع... 25- ان يرفع...

26- ان يرفع... 27- ان يرفع... 28- ان يرفع... 29- ان يرفع... 30- ان يرفع...

التوقيع... الختم... التاريخ...

نسخة... تاريخ... رقم... الختم...

وثيقه رقم 30

مساعدة الميراثات وحراسة املاك العدو القدس

المملكة الاردنية الهاشمية

عقد ايجار لاملاك العدو

في هذا اليوم... عقد ايجار لاملاك العدو... رقم 17... تاريخ 1/1/1954... رقم 900/5/أ

1- ان يرفع... 2- ان يرفع... 3- ان يرفع... 4- ان يرفع...

5- ان يرفع... 6- ان يرفع... 7- ان يرفع... 8- ان يرفع... 9- ان يرفع...

10- ان يرفع... 11- ان يرفع... 12- ان يرفع... 13- ان يرفع... 14- ان يرفع...

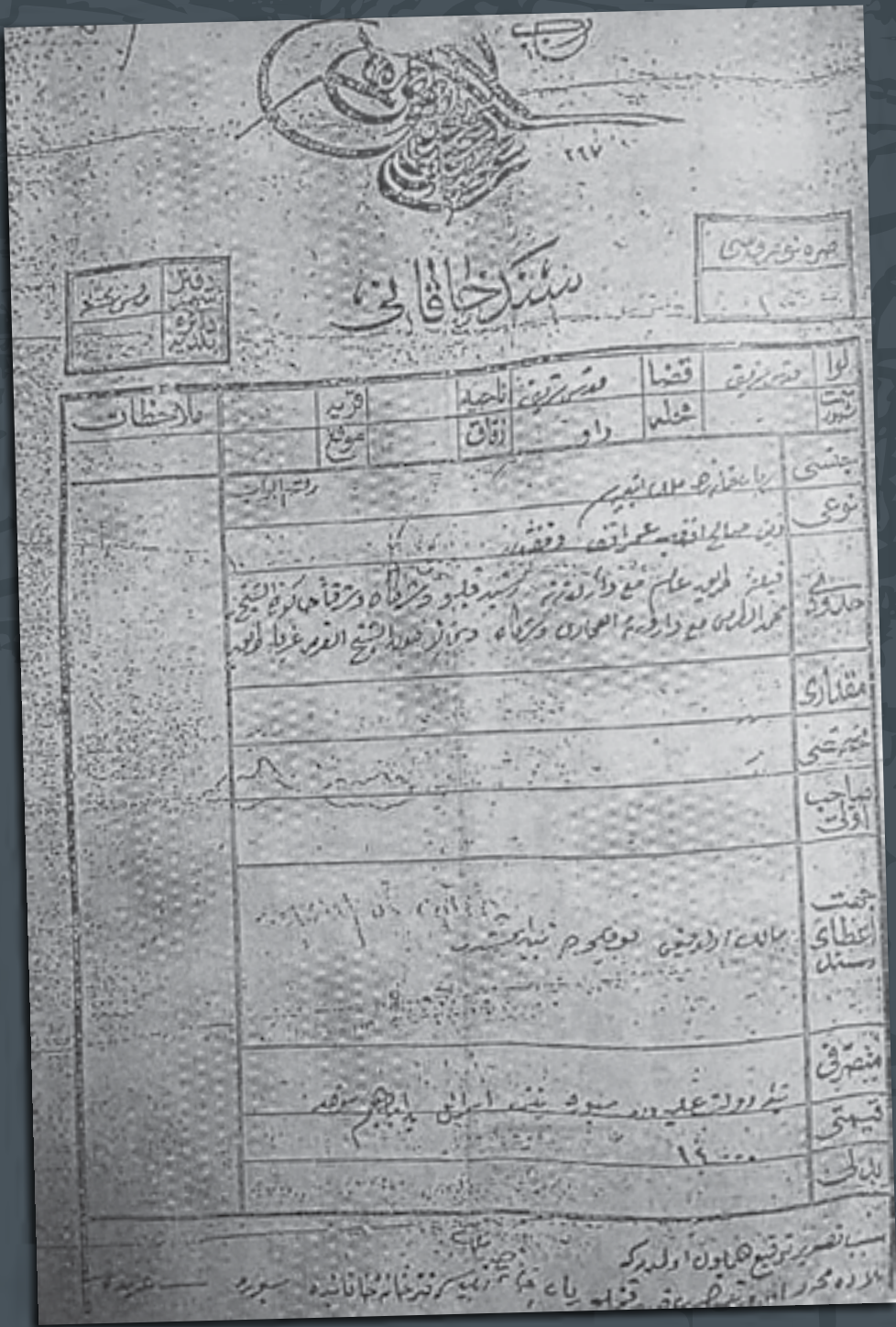
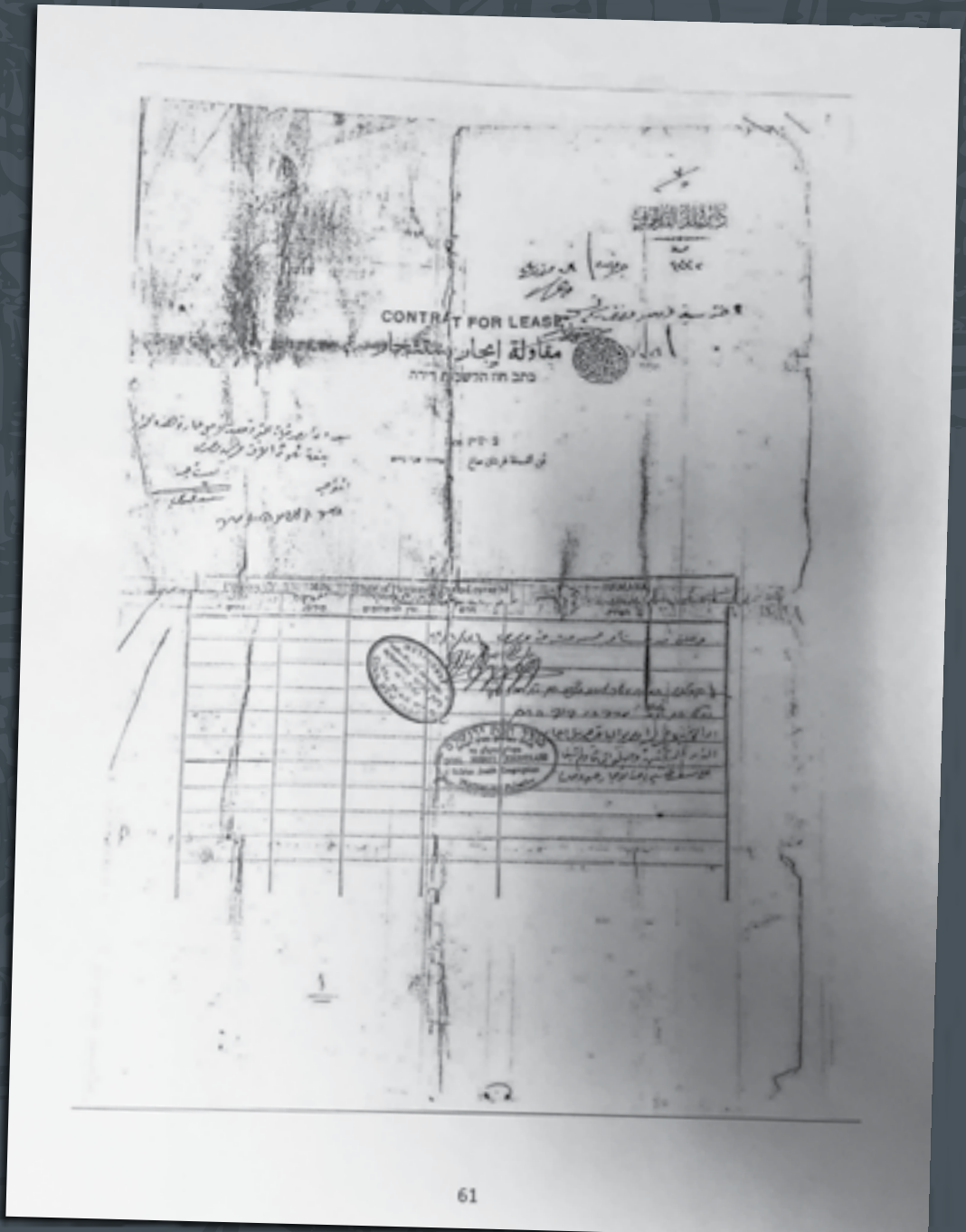
15- ان يرفع... 16- ان يرفع... 17- ان يرفع... 18- ان يرفع... 19- ان يرفع...

20- ان يرفع... 21- ان يرفع... 22- ان يرفع... 23- ان يرفع... 24- ان يرفع...

25- ان يرفع... 26- ان يرفع... 27- ان يرفع... 28- ان يرفع... 29- ان يرفع...

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35- ان يرفع... 36- ان يرفع... 37- ان يرفع... 38- ان يرفع... 39- ان يرفع...



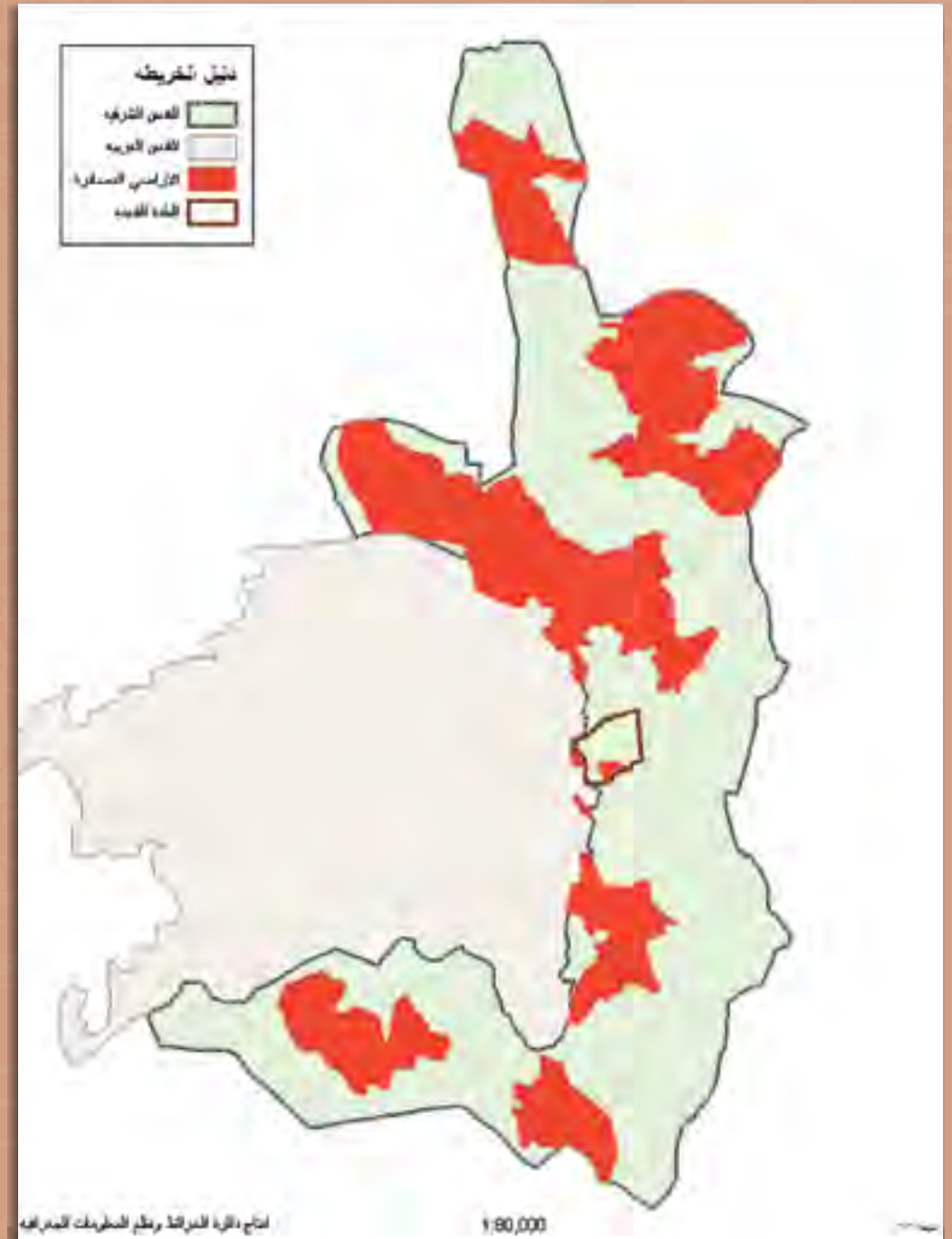
وثيقه رقم 37

Handwritten document in Arabic script, likely a historical record or decree. The text is written in a cursive style. At the top, there is a title 'وثيقه رقم 37'. The document contains several paragraphs of text, some of which are partially obscured by a stamp on the right side. The stamp contains the following text: 'مجلس الوزراء', 'الرقم 25-1-200', and '1964'. Below the main text, there are several lines of handwritten notes and signatures. On the left side, there is a portrait of a man, likely a historical figure, and a circular stamp with Arabic text. The document appears to be a historical record or a collection of letters.

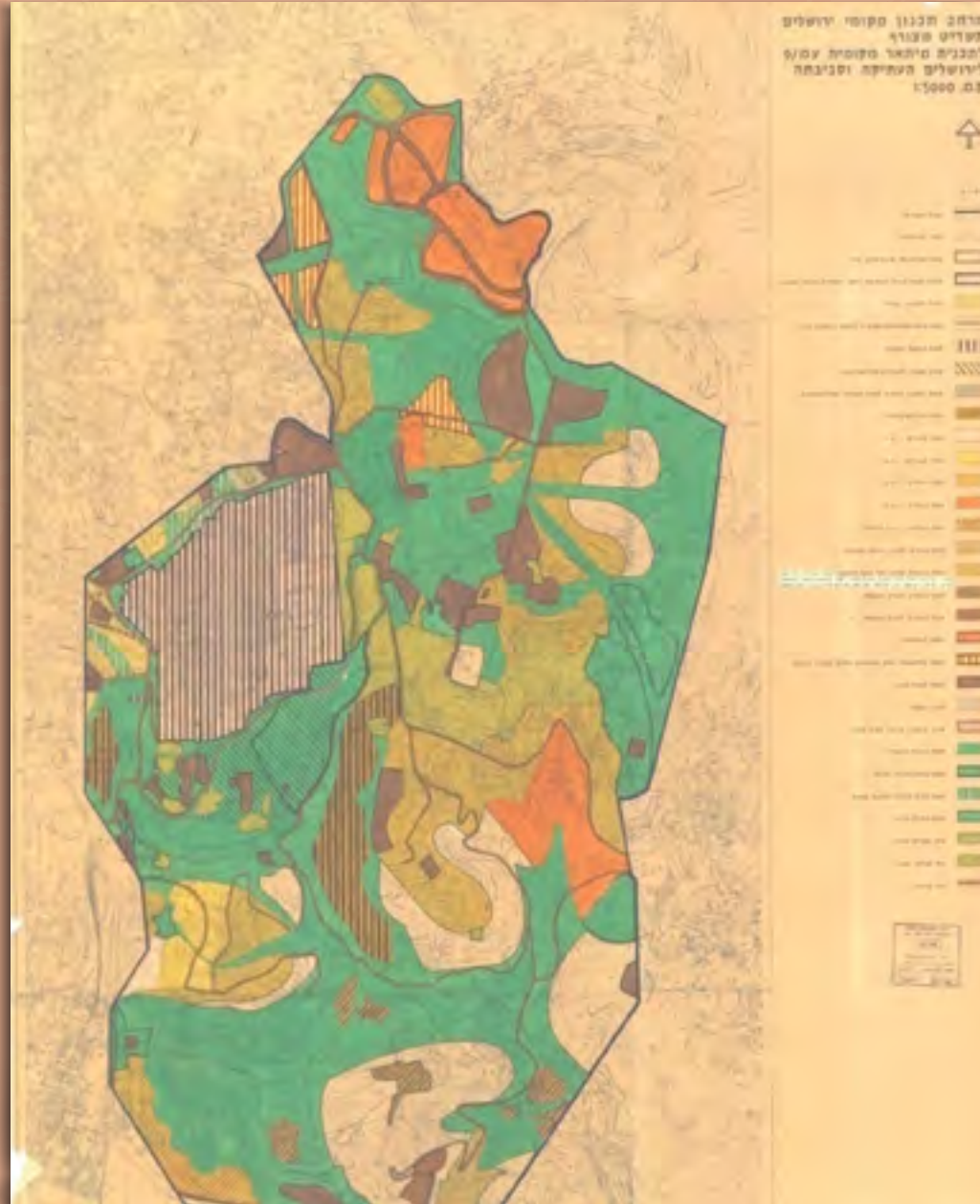
Settlement Outposts inside the Old City of Jerusalem



Confiscated Lands inside Jerusalem's "Municipality Borders"



Map 9/מ/ע



Palestinian Vision Organisation

Al-Rashid St. Jerusalem Arab Chamber of Commerce Building - Jerusalem | Tel: 02 6285080

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