

**DRAFT**  
**The Jerusalem Legal Task Force**

Jerusalem has been the quintessential arena in which Zionism and the national aspirations of the Palestinian people have clashed frontally, in the place most sacred to both peoples. Israeli policies have been informed, if not dictated by the predominant goal of consolidating Israeli rule over the city, in the borders unilaterally determined (and universally rejected by others) in 1967. The terms of interaction that have ensued have gravely undermined not only the basic rights of individual Palestinians, but the social, cultural and political viability of the Palestinian collective in the city.

Three seminal events have taken place, which have created new "rules of engagement" between Israelis and Palestinians in the city. At Camp David, and subsequently at Taba, the national leaders on both sides dealt for the first time with the primal issues of Jerusalem, dealing a deathblow to the Israeli "mantra" of "the undivided capital of Israel". The Clinton proposals, accepted (albeit with reservations) by both parties, created a common agenda. Finally, the Al Aksa Intifada created new rifts within the already divided city.

In recent weeks and months, the Sharon government and the Olmert municipality have engaged in aggressive policies geared to re-establish the credibility of Israeli sovereignty in places where said sovereignty was no more than a thinly veiled fiction. Demolitions have been resumed, and at an unprecedented rate; settlement activities in East Jerusalem have resumed; the assault on Palestinian institutions proceeds apace; the physical severing of East Jerusalem from its hinterland in the West Bank has never been more aggressive; physical barriers within the city have turned East Jerusalem neighborhoods into isolated enclaves; a noted withdrawal of Israeli services and entitlements has been accompanied by enhanced enforcement, especially in the fields of taxation; new town plans that will radically effect the Palestinian population are being promoted.

It is obvious that the issues raised above can only be systematically dealt with and resolved in the framework of political agreement on the city's future. But life in Jerusalem is not waiting for such an agreement, and the severity of the situation mandates immediate action regardless of the political climate. The actions taken today are no mere violations of basic human rights, as serious as this may be. They threaten to undermine the delicate balances within the city in such a way as to cause a conflagration; and they threaten to create irrevocable facts on the ground that will make a political resolution of the city's future all the more difficult.

All of this creates an urgent need to thwart these policies with regardless of the political climate.



In recent years, prompt legal intervention has proved to be an effective tool in addressing some of these issues:

- Certain crises have been averted by means of the courts (The closure of the Orient House under Netanyahu was stopped; the construction of Har Homa held up for years; the building scheme for Jewish homes in Burj Laklak deferred indefinitely, etc.)
- The suffering of individual Palestinians subject to these policies has been on occasion alleviated (Courts have intervened to stop housing demolitions; individuals have been released from illegal detention; homes have been saved from illegal settler attempts, etc.)
- Legal action has contributed on occasion to community development. (Thousands of children have received free public education previously denied them; town plans allowing for construction of houses in Palestinian neighborhoods have been approved, etc.).
- Even when the legal efforts made have failed – as often they do – they have hardly been futile. The bringing of these cases have not only illuminated the plight of the Palestinians in East Jerusalem in the court of public opinion, they have also created a widespread awareness that the status quo is not tenable and requires a political settlement.

The legal system in Jerusalem functions as it functions nowhere else. Many of the legal actions detailed above require specialization and expertise. Those few organizations and individuals engaged in these efforts are often overwhelmed not only by the sheer volume of the work but by its complexity. They are often outgunned: the settlers have engaged the services of the finest and most expensive legal representatives in Israel, and they are often backed by Israeli governmental and municipal authorities provide them support. Consequently those representing the Palestinian population act at a significant disadvantage.

We therefore propose the creation of a joint Palestinian-Israeli "Jerusalem Legal Task Force". The task force will be a joint Palestinian-Israeli NGO (or a joint venture of two NGO's), with Adv. \_\_\_\_\_ and Adv. Daniel Seidemann as its chief legal consultants. The Task Force will have an executive director (preferably with legal training) and engage three in-house attorneys. The Task Force will have teams with specialization in the following areas of endeavor:

- a. **The Legal Aid Division**, which will guarantee that no Palestinian resident will, in times of need, lack competent legal representation before the Courts and the authorities. This will require a number of fields of expertise:
  - lawyers on call (and time is of the essence in these matters) to suspend demolition orders, prepared to apply



to the Courts within 24 hours of the issuance of a demolition order;

- representation of detainees and their families in all matters pertaining to arrest, detention, prison conditions, visitation rights, etc.
- gathering of information regarding settler takeovers, and the provision of legal assistance to the owners of targeted properties.
- Provision of legal services to Palestinians denied residency, or its ancillary entitlements (National Insurance, free health care, etc.).

b. **The Community Development Division**, which will engage in proactive provision of legal services necessary to facilitate civil society in East Jerusalem:

- Provision of legal services geared to obtain equal entitlements for the Palestinian sector from governmental and municipal authorities (in fields like health care, education, social services, etc.).
- To promote through legal action the equitable taxation of the Palestinian sector.
- To provide communities and individuals with legal services required to thwart discriminatory town plans, and to expedite the approval of town plans rooted in the needs of the community.
- To provide legal assistance to communal efforts made to fill in services and entitlements left in the wake of governmental and municipal neglect.

c. **The Administrative Law division**, specializing in appeals to the High Court of Justice in matters of fundamental concern to the Palestinian sector, such as:

- Protection of Palestinian institutions in the city, and taking legal action to reopen those shut down by Israeli authorities;
- Legal action geared to prevent the incremental severing of East Jerusalem from its environs;



- The thwarting of illegal settler policies and expropriations in East Jerusalem;
  - Broad based legal action necessary to redress illegal discriminatory allocation of resources, and inequitable taxation.
- d. **Research and Information division**, specializing in comprehensive research projects on related to the issues and endeavors elaborated above, and their use of these to raise awareness in Palestine, Israel and the international arena

### Structure and Budget

Initially, much of the legal work carried in each of the endeavors detailed above will be carried out by external attorneys with specific expertise in each (and in some cases the volume of cases will bring down costs considerably). The in-house attorneys accompanying the work of these external experts will gradually take on more of the work, as they acquire experience in each specialized fields. When possible, the task force will avail itself of existing service providers, where and to the extent that these already provide reasonable services. All of these services will be monitored and coordinated by the Task Force staff.

### Proposed Annual Budget:

#### Salaries

|                    |          |
|--------------------|----------|
| Executive director | \$ _____ |
| Deputy director    | \$ _____ |
| 2 Lawyers          | \$ _____ |
| Secretary          | \$ _____ |

#### Overhead:

|  |                   |
|--|-------------------|
| Offices  | \$ _____ plus VAT |
| Computers, basic library,<br>Etc.                | \$ _____ plus VAT |
| Ancillary expenses<br>(utilities, clerical etc.) | \$ _____ plus VAT |

#### Legal Aide Division:

|   |                   |
|---|-------------------|
| Demolitions<br>(150 cases @ \$ _____<br>plus VAT per case)                  | \$ _____ plus VAT |
| Arrests and Detention \$ _____<br>(____ cases @ _____<br>plus VAT per case) |                   |
| Detention and prison<br>Monitoring<br>settler takeovers                     | In-house          |
| (5 cases per year @<br>\$ _____ per case)                                   | \$ _____ plus VAT |
| Residency (in house and   | \$10,000 plus VAT |

external consultancy, in  
coordination with existing  
NGO's)

**Community Development Division**

Ongoing communal services \$ \_\_\_\_\_ plus VAT  
augmented by external  
consultancies

Promotion of town planning \$ \_\_\_\_\_ plus VAT  
and statutory objections (3  
town plans @ \_\_\_\_\_ each  
and 3 objections @ \_\_\_\_\_ each)

**Administrative Law Division**

Appeals to the High Court \$ \_\_\_\_\_ plus VAT  
of Justice (6 appeals @  
\$ \_\_\_\_\_ plus VAT each)

**Research and Publication Division**

Publications  
Press Conferences  
(3 annually)  
Research Projects  
(to be determined)

\_\_\_\_\_  
\$ \_\_\_\_\_ plus VAT

Independent funding