



# The Humanitarian Impact of the West Bank Barrier on Palestinian Communities

## EAST JERUSALEM

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# The Humanitarian Impact of the West Bank Barrier on Palestinian Communities: East Jerusalem

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## ■ Introduction

This report examines the humanitarian, social and economic consequences of the Barrier on East Jerusalem. The construction of the Barrier, in conjunction with other restrictions, has meant that Palestinians living in the West Bank can no longer travel freely into East Jerusalem, the city that has been the religious, social and economic centre of their lives for centuries.

A 168 km long, concrete and wire section of the Barrier separates East Jerusalem from the rest of the West Bank. The Government of Israel (GOI) states that the purpose of this barrier is to protect Israeli citizens from terrorist attacks, mostly in the form of suicide bombings.

In 1967, the GOI annexed East Jerusalem and 64 square kilometres of surrounding West Bank land, unilaterally defining this area as the expanded Jerusalem municipality. Almost immediately, the GOI began building settlements in this area, despite these actions being illegal under international law<sup>1</sup>.

While the Barrier provides physical security for Israel, it also encircles these settlements, connecting them to Israel, and ensuring that Israeli settlers have free, unimpeded access to Jerusalem. At the same time, the Barrier weaves around and between East Jerusalem and West Bank towns and villages. In some cases it cuts through Palestinian communities, dividing neighbourhoods from each other. In other cases, villages that were once closely connected to Jerusalem now lie on the West Bank side of the Barrier, physically separated from the city.

The report's findings demonstrate how the Barrier has significantly affected Palestinian life:

- Palestinians from the West Bank require permits to visit the six specialist hospitals inside Jerusalem. The time and difficulty this entails has resulted in an up to 50% drop in the number of patients visiting these hospitals.
- Entire families have been divided by the Barrier: Husbands and wives are separated from each other; their children and other relatives.
- Palestinian Muslims and Christians can no longer freely visit religious sites in Jerusalem. Permits are needed and are increasingly difficult to obtain.
- School and university students struggle each day through checkpoints to reach institutions that are located on the other side of the Barrier.
- Entire communities, such as the 15,000 people in the villages of the Bir Nabala enclave, are totally surrounded by the Barrier. Movement in and out is through a tunnel to Ramallah which passes under a motorway restricted for Israeli vehicles only.



Photo by: OCHA

Barrier in the Jerusalem neighbourhood of Abu Dis, dividing the Palestinian community, March 2005

## ■ Background on the Barrier

The GOI has stated that the Barrier was conceived by the Israeli Defense Establishment to reduce the number of terrorist attacks. It maintains that “the sole purpose of the Security Fence, as stated in the Israeli Government decision of July 23rd 2001, is ... security ... [and] Israel's response to suicide bombers who enter into Israel”.<sup>2</sup> The GOI has further stated that “the Security Fence is a manifestation of Israel's basic commitment to defend its citizens, and once completed, it will improve the ability of the IDF to prevent the infiltration of terrorists and criminal elements into Israel for the purpose of carrying out terrorist attacks or the smuggling of arms and explosives”.<sup>3</sup>

The Palestinian Liberation Organization (PLO) has stated that the Barrier's construction and its associated regime within the occupied Palestinian territory (oPt) violates international humanitarian law because it is not justified by military necessity and violates the principle of proportionality. The PLO maintains that the Barrier causes destruction of Palestinian property and infringes Palestinian human rights<sup>4</sup>. The PLO also contends that the “construction of the Barrier is an attempt to annex the territory contrary to international law [and] the de facto annexation of land interferes with the territorial sovereignty and consequently with the right of the Palestinians to self-determination<sup>5</sup>”.

The UN Secretary-General has reported to the General Assembly that “Israel has repeatedly stated that the Barrier is a temporary measure. However, the scope of construction and the amount of occupied West Bank land that is either being requisitioned for its route or that will end up between the Barrier and the Green Line are of serious concern and have implications for the future. In the midst of the Road Map

process...the Barrier's construction in the West Bank cannot, in this regard, be seen as anything but a deeply counterproductive act. I acknowledge and recognize Israel's right and duty to protect its people against terrorist attacks. However, that duty should not be carried out in a way that is in contradiction to international law<sup>6</sup>”.

In its advisory opinion of 9 July 2004, the International Court of Justice (ICJ) found that the Barrier constructed in the West Bank and East Jerusalem is illegal under international humanitarian and human rights law. The Court found that “[Israel] has the right, and indeed the duty, to respond in order to protect the life of its citizens. The measures taken are bound nonetheless to remain in conformity with applicable international law<sup>7</sup>”.

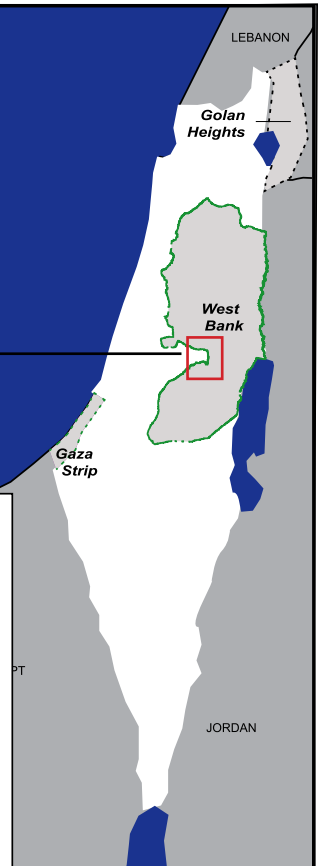
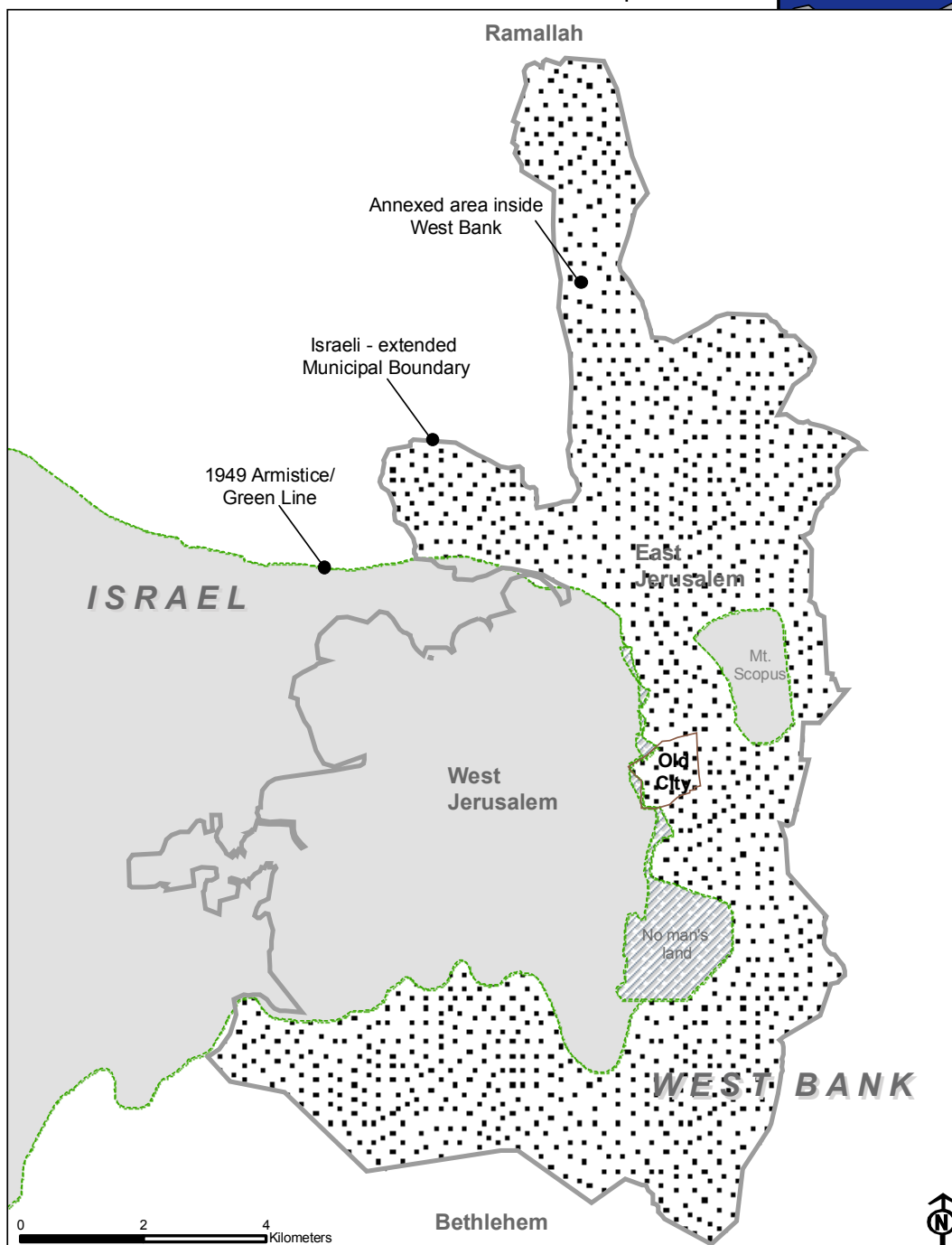
The ICJ concluded that “Israel also has an obligation to put an end to the violation of its international obligations flowing from the construction of the wall in the Occupied Palestinian Territory ... Israel accordingly has the obligation to cease forthwith the works of construction of the wall being built by it in the Occupied Palestinian Territory, including in and around East Jerusalem ... [and] dismantling forthwith those parts of that structure situated within the Occupied Palestinian Territory, including East Jerusalem<sup>8</sup>”.

The Court also concluded that Israel has an obligation to make reparation for the damage caused to all persons and that Israel is under a responsibility to return the land, orchards, olive groves and other immovable property seized for purposes of construction of the Barrier in the oPt<sup>9</sup>. UNROD, the UN Register of Damage, was established by a General Assembly resolution in December 2006., to process damage claims for Palestinians affected by the Barrier.



## East Jerusalem extended municipal boundary - after 1967

Area of detail





## Part I

# The separation of East Jerusalem from the rest of the West Bank

East Jerusalem is part of the West Bank<sup>10</sup>. However, since 1993, the GOI has erected checkpoints on roads leading to the city and required West Bank Palestinians to obtain permits to enter East Jerusalem. Palestinian access to East Jerusalem was tightened in September 2000, with the outbreak of the second intifada. A series of additional military checkpoints and obstacles were set up to further restrict Palestinian movement into Jerusalem and Israel.

In 2001, the GOI announced its intention to build a barrier to physically separate Israel from the West Bank to prevent suicide bombers from the West Bank entering Israel<sup>11</sup>. According to the Israeli human rights organisation B'Tselem, since September 2000, there have been 18 suicide bombings in Jerusalem, including 16 in West Jerusalem and 2 in the settlement of French Hill. A total of 158 people were killed and many more injured. In more recent times members of the Israeli government have acknowledged that the Barrier could also have political implications<sup>12</sup>.

As the adjoining map shows, the majority of the Barrier has been constructed across the 1949 Armistice Line – or Green Line – inside the West Bank. The Barrier continues to be built despite the International Court of Justice (ICJ) Advisory Opinion which found that Israel should cease construction and dismantle those parts of the Barrier built inside the West Bank<sup>13</sup> and East Jerusalem. By May 2007, 408 km of the total 721km Barrier route has been completed (56.5%) while a further 10% is under construction.

The Barrier in East Jerusalem solidifies the various Israeli mechanisms that have been put in place to restrict Palestinian movement between the West Bank and East Jerusalem, namely identity cards, permits and checkpoints. In effect, the Barrier is the physical culmination of these access restrictions which have weakened the connections between East Jerusalem and the West Bank. This part of the report examines each of these mechanisms in turn.



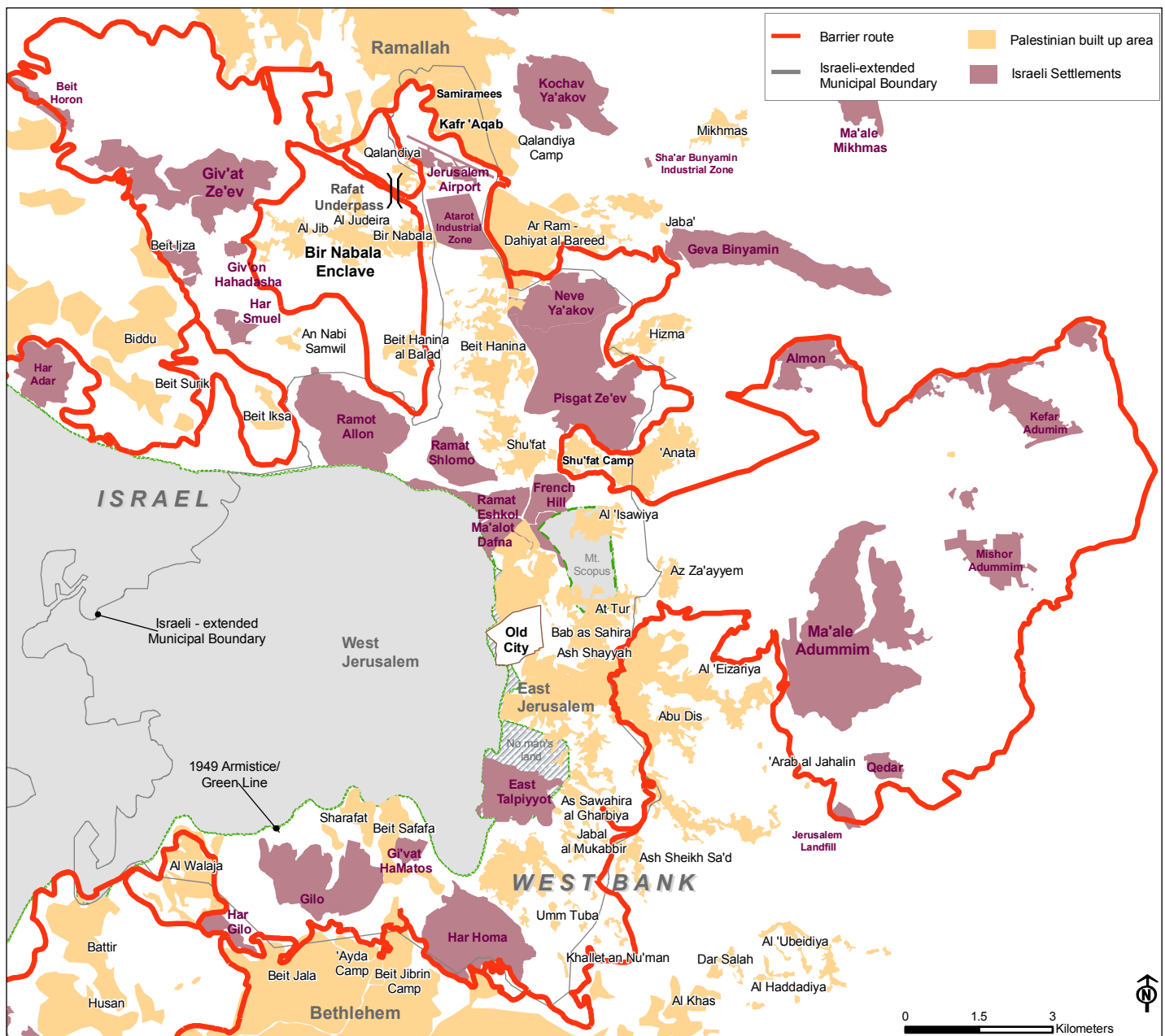
Photo by: Mahfouz Abu Turk

Sheikh Saad, Jerusalem, October 2006





## East Jerusalem 2007



## A. The ID card

A person's ability to move in and out of Jerusalem depends on the type of ID card they hold. Israel controls the population registry which contains information on every Palestinian in the West Bank and Gaza Strip above the age of 16 and their place of residence. From this registry, identity cards and permits are issued.

There are three kinds of ID cards:

- West Bank Palestinian,
- Jerusalem Palestinian,
- Israeli.

### Palestinians with West Bank ID cards

An estimated 1.98 million Palestinians in the West Bank are eligible for West Bank ID cards<sup>14</sup>. The ID card states whether the cardholder is Muslim or Christian, their marital status and lists the name of other family members. Children under 16 do not carry a separate ID card but are listed on their parents' cards. The card contains no information about citizenship.

Unlike other ID card holders, West Bank ID card holders require a permit to enter Jerusalem. To obtain a permit, a person needs to pass an Israeli security checking procedure and obtain a special magnetic card. Since September 2000, these permits have been more difficult to obtain and can be cancelled without notice.

The permits specify the length of stay, the duration of the permit and in many cases specify the checkpoint the person can cross.

### Palestinians with Jerusalem ID cards

Approximately 253,000 Palestinians hold Jerusalem ID cards. They are permanent residents of Israel who can live and enter Jerusalem without a permit. Until 2002, bearers of a Jerusalem ID card were listed as "Arab" on the nationality section of the card, although this has now been abolished. Jerusalem ID holders can buy property and work in Israel and receive Israeli taxpayer benefits such as health insurance, social security, and public schooling.

Permanent resident status is not the same as Israeli citizenship. In the early 1990s, Israel offered Jerusalem ID card holders the possibility of obtaining Israeli citizenship and some Palestinians chose to become Israeli citizens during this limited period.

### West Bank ID Card



The origin of the 'Jerusalem residency' originates from 1967 when, following a census of Palestinian residents in the Israeli created municipality of East Jerusalem, 66,000 people were granted 'permanent residency' status.

Jerusalem residents who left the city temporarily during the 1967 war missed the census and were denied an opportunity to gain permanent residency<sup>15</sup>. They can no longer return to live in Jerusalem. In addition, around 30,000 Palestinian residents of Jerusalem who were living immediately adjacent to, but not within, the Israeli-declared new municipal boundaries at the time of the census were also excluded. They hold West Bank IDs, and require a permit to enter Jerusalem, despite the municipal



## THE SEPARATION OF EAST JERUSALEM FROM THE REST OF THE WEST BANK

boundary sometimes being only a few metres away from their homes.

Palestinians residing outside of Jerusalem for seven or more years lose their Jerusalem residency status. In order to maintain their card, under Israeli law, the onus lies on Palestinians to provide proof that Jerusalem is their 'centre of life' and that they are living inside the Jerusalem municipal boundaries. In 2006 over 1360 Palestinians had their ID card revoked. This was five times more than in 2005, and more than in any previous year since 1967<sup>16</sup>.

The law continues to force Palestinian residents of Jerusalem to make hard choices about where to establish their lives. If two people marry and one spouse does not hold a Jerusalem ID card he or she faces extreme difficulty in obtaining permission to live with their spouse in East Jerusalem<sup>17</sup>. As a result, thousands of married couples are forced to live apart from one another to ensure that at least one of the partners retains his or her Jerusalem status. Since 1982 the Israeli Interior Ministry has not permitted the registration of Palestinian children as Jerusalem residents if the child's father does not hold a Jerusalem ID card, even if the mother is a Jerusalem ID card holder<sup>18</sup>.

## Israeli citizens

Citizens of Israel are issued with the same ID card as East Jerusalem ID holders. These cardholders move freely within Israel and can live in settlements in the West Bank. They are only prohibited from entering areas under Palestinian Authority administration. In 2005, there were approximately 221,000 Israelis living in settlements in the West Bank and an additional 185,000 living in settlements in East Jerusalem.

## Jerusalem ID Card



## Israeli ID Card





## B. Crossing into East Jerusalem: Checkpoints

### Checkpoints

Access through a checkpoint is dependant on a person's identity card. Of the 12 functioning crossing points in the Barrier from the West Bank into Jerusalem, only four are accessible to West Bank ID card holders who have also been granted permits. Six of the eight remaining crossing points are only for Israeli citizens, including those living in settlements in the West Bank, persons of Jewish descent entitled to the Israeli Law of Return, other Israeli residents including East Jerusalem ID holders<sup>19</sup> and non-Israelis with valid visas.

The remaining two checkpoints are a commercial crossing point and a temporary checkpoint in the northern Jerusalem area of Ar Ram. A further three crossing points are planned around Jerusalem (Mazmouria checkpoint, Lazarus/Ras Al Amud and Nabi Samuel gates).

The four checkpoints for West Bank ID card holders are large terminal-like structures with elaborate security checks. The six other crossing points for Israelis, and others holding valid visas or East Jerusalem IDs are less time-consuming. Located on main roads, drivers and their passengers generally drive through, encountering only random ID checks.

### Permit bureaucracy

Palestinians must submit applications for permits. A person can apply directly or through an institution (for example, a school or a hospital). Before January 2006, the Palestinian District Civilian Liaison Officers (DCL) often coordinated requests for permits on behalf of individuals. However since the election of the Hamas government in early 2006, the Israeli authorities have ceased all communication with their Palestinian counterparts and now individuals need to apply for permits in person to the Israeli DCL offices<sup>20</sup>.

The process is difficult, time consuming, and often humiliating. Applicants are often told to return the next day or following weeks to receive the permit, if it is granted. Rejected applicants can re-apply and may be accepted the second time but the outcome is unpredictable. Permits are issued only for a specific reason i.e., for specialised health care, to work, to study, or for family reunification. The denial of a permit is usually on the basis of security. Reasons for the denial of permits are rarely explained to the individual concerned and although he or she has recourse to the Israeli courts, this is a costly and time consuming process.

### Crossing the Barrier through Qalandiya checkpoint

After entering the checkpoint, West Bank ID card holders must walk along a concrete passage way surrounded by metal fences and through a total of five turnstiles or revolving gates. The traveller has his or her identification verified and belongings scanned by an Israeli security official at a security post. Only one person can pass through the electric gates at a time which can lead to delays of up to two hours during peak travelling times.

Throughout the process there is no physical contact between the Palestinian commuters and Israeli soldiers who are seated in booths and surrounded by reinforced glass, issuing orders to Palestinian travellers by a loudspeaker system, mostly in Hebrew.

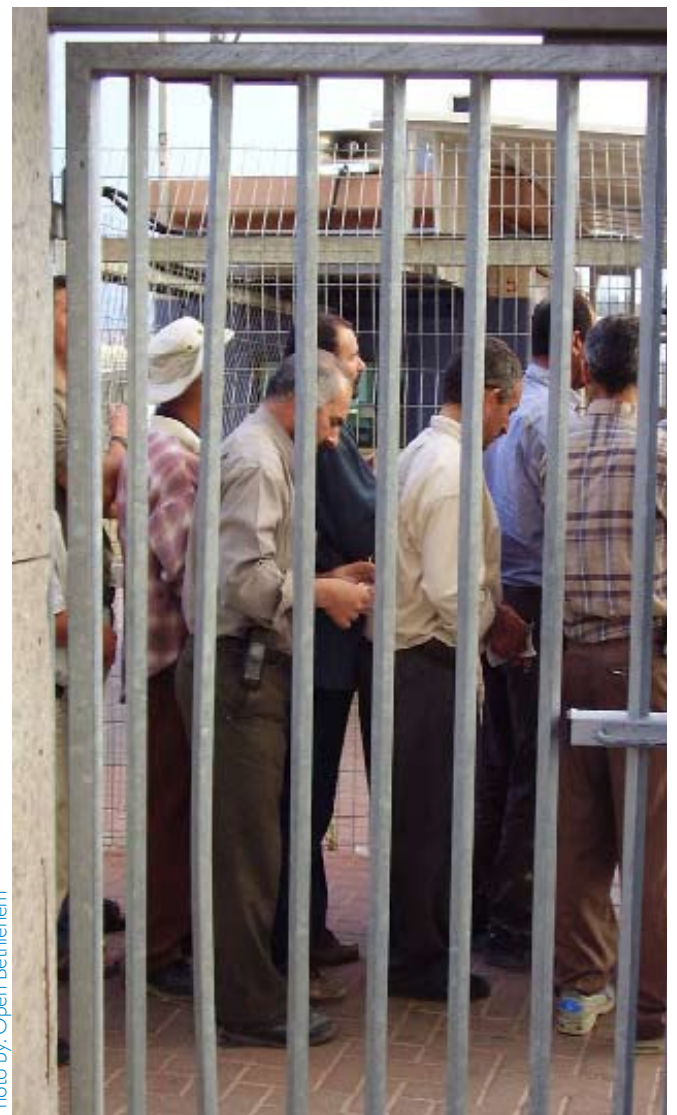
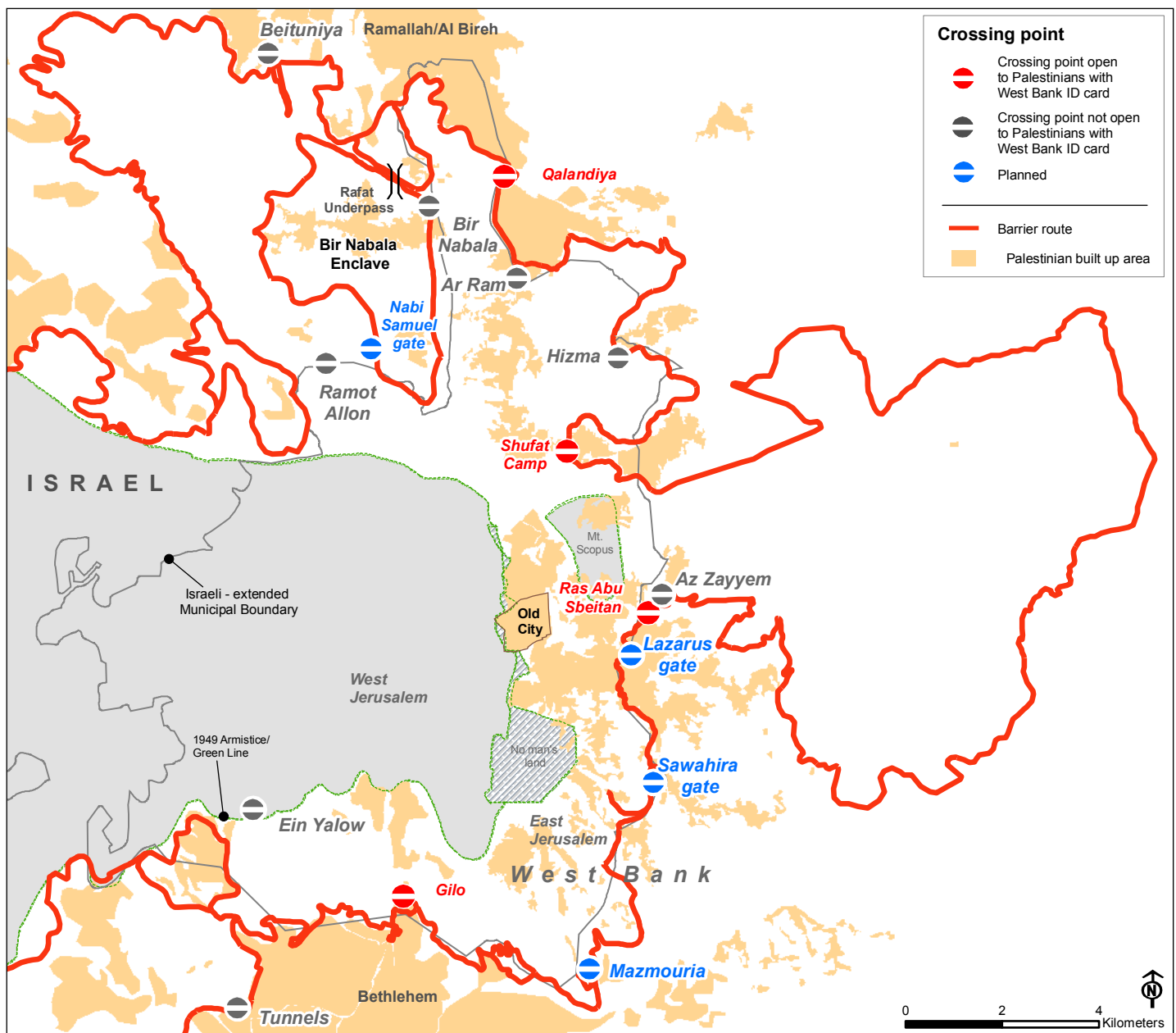


Photo by: Open Bethlehem

Barrier Checkpoint at Bethlehem entrance, 2006



## East Jerusalem 2007 - Barrier Crossing Points



## C. Route of the Barrier

The section of the Barrier within Jerusalem governorate measures 168 kilometres (km)<sup>21</sup> in length. Only five kilometres of its completed length runs along the Green Line. The remainder lies inside the West Bank. Construction of the Barrier progressed rapidly throughout 2006 and 2007 and is now near completion, physically separating East Jerusalem from the rest of the West Bank. In conjunction with the complex system of permits, checkpoints and gates, the Barrier has become a de facto border.

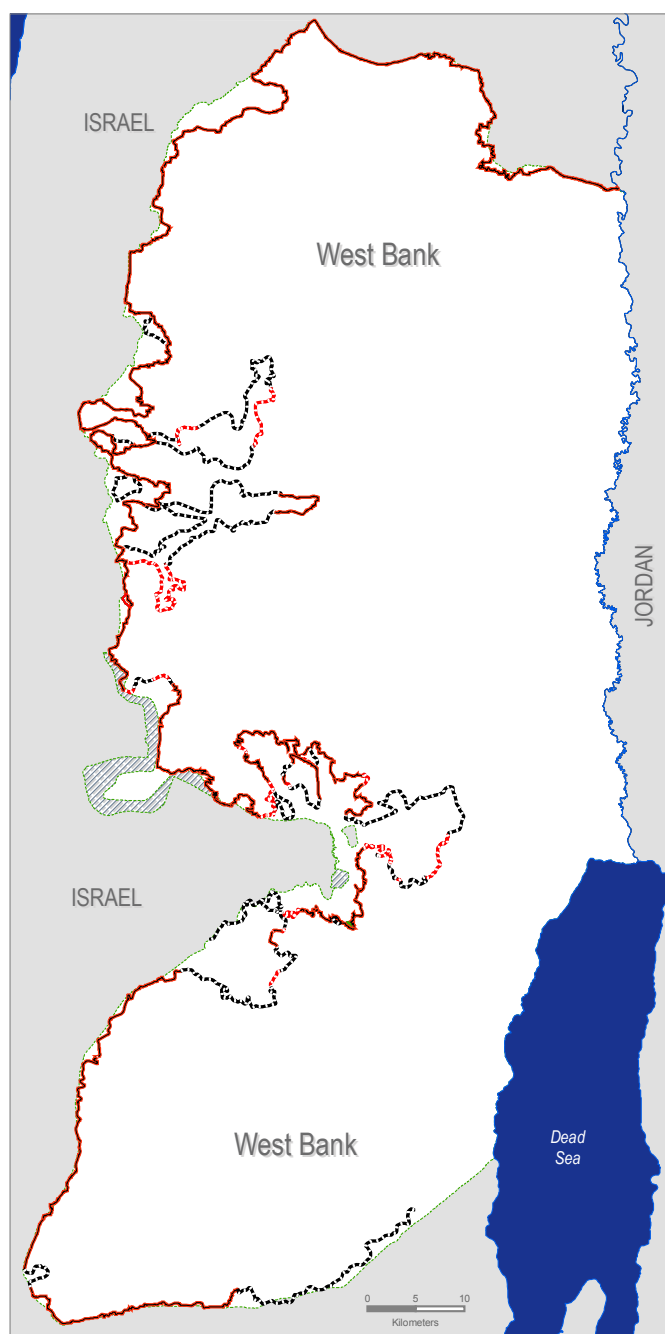
The Barrier's route winds around the Israeli settlements that surround Jerusalem ensuring that the majority lie on the western side of the Barrier with easy access into Jerusalem and Israel. The route runs deep into the West Bank to encircle the large settlements of Giv'at Ze'ev (pop. 11,000) and Ma'ale Adummim (pop. 28,000) which are currently outside the municipal boundary.

By contrast, densely populated Palestinian areas – Shu'fat Camp, Kafr 'Aqab, and Samiramees with a total population of over 30,000 – which are currently inside the municipal boundary, are separated from Jerusalem by the Barrier. Other villages to the north and east of the city, with populations of more than 84,000 are also excluded. In addition, the Barrier runs through the middle of Palestinian communities separating neighbours and families from one another – this occurs in Abu Dis, for example.

To the north of the city over 15,200 Palestinian residents of four villages in the Bir Nabala enclave are completely surrounded by the Barrier on three sides, with an Israeli security road on the fourth, closed to Bir Nabala residents. As a result, these residents are in a totally enclosed enclave isolated from the Jerusalem. The only way in and out is by means of an underpass to Ramallah, which passes under a motorway restricted for Israeli vehicles only.

Approximately 25% of the 253,000 Palestinians living in East Jerusalem<sup>22</sup> have been cut off from the city by the Barrier. They can now only reach Jerusalem by crossing a checkpoint to access the services to which they are entitled (see next section), and are at risk of losing their permanent residency status.

## West Bank 2007 Barrier Route



### The West Bank Barrier (May 2007):

Total Length of the Barrier Route:	721km
Construction currently completed:	408km or 56.5%
Under construction:	71km or 10%
Planned:	242km or 33.5%
Land between the Green Line and the Barrier:	10.17%
Length of planned Barrier around Jerusalem:	168km
Length of the Barrier on the Green Line:	140km or 20%



## East Jerusalem 2007 - Barrier Route and Construction Status

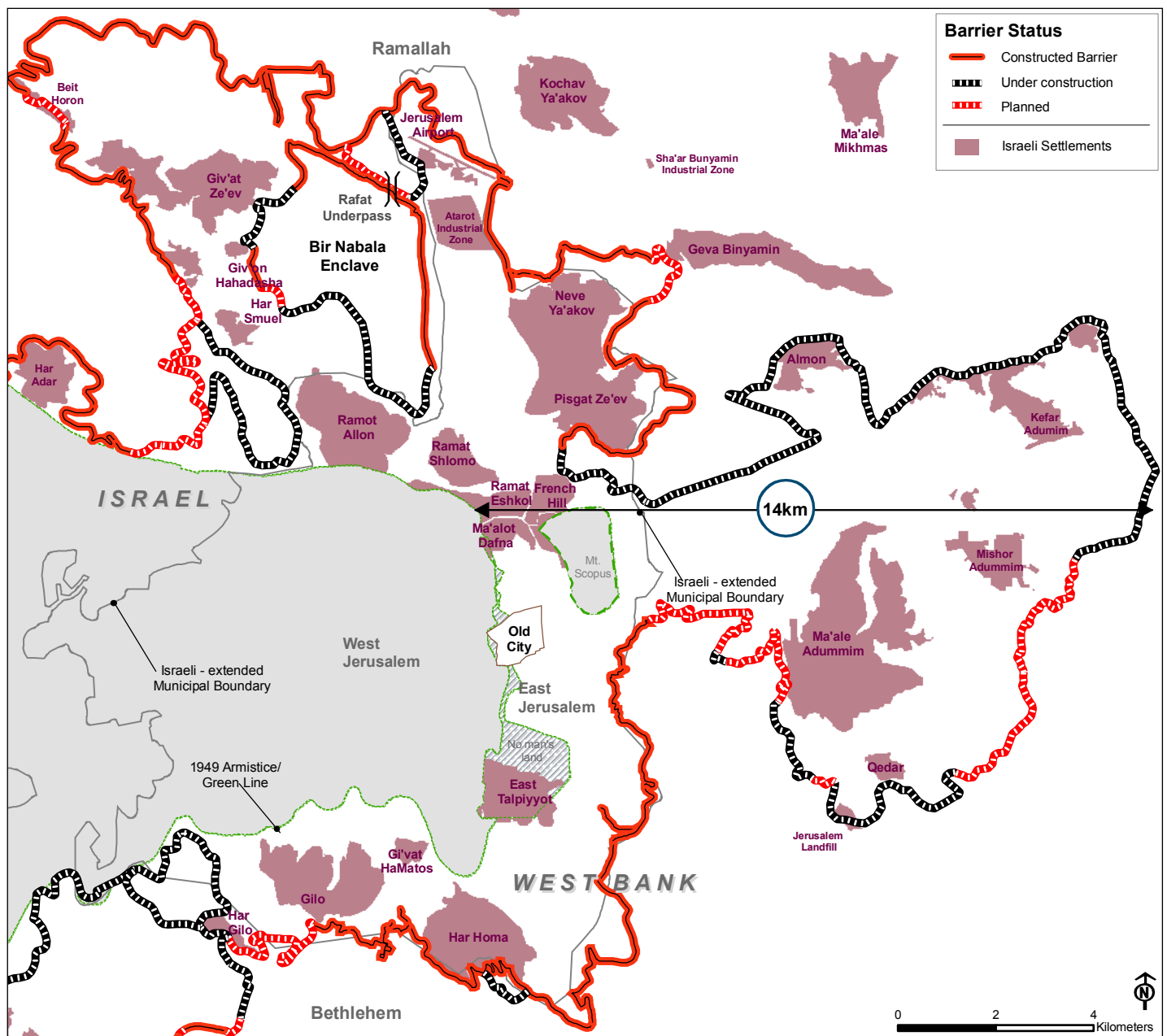




Photo by: OCHA / Steve Sabella



Barrier in Abu Dis - June 2005

Photo by: OCHA / Steve Sabella



The completed Barrier along Road 60 from the Palestinian neighbourhood of Ar Ram to Qalandiya checkpoint, June 2005



Photo by: OCHA / Steve Sabella

The Barrier in Abu Dis, June 2005



# The Barrier and Israeli settlement expansion

The Barrier route is largely determined by the location of settlements: it winds around the settlements, ensuring that they are physically connected to Jerusalem and Israel. As a result, over 80% of all Israeli settlers living in the West Bank now reside to the west of the Barrier. The population of the settlements and the area they cover have both expanded rapidly in East Jerusalem. In 2004, the Israeli settler population in East Jerusalem was approximately 190,000 compared to 110,000 in 1987. The area covered by the settlements has more than doubled – from 890 to 2,170 hectares in 2005.

In addition to the settlements within the city, Israeli settlements have been built within the West Bank to form a ring around Jerusalem. The large Israeli settlements of Givat Ze'ev, Ma'ale Adummim and the Gush Etzion bloc located respectively to the north, east and south of Jerusalem are physically connected to Jerusalem by roads that pass through the Barrier and which Palestinians are prohibited or restricted from using. These large Israeli civilian populations in the West Bank and their associated infrastructure further isolate East Jerusalem from the rest of the West Bank.

In 2004, 79% of the total settler population was located in Jerusalem and the surrounding Ramallah and Bethlehem governorates<sup>23</sup>. The overall route of the Barrier in the West Bank incorporates 73 Israeli settlements between the Green Line and Barrier; approximately 10.2% of the West Bank lies between the Green Line and the Barrier<sup>24</sup>.



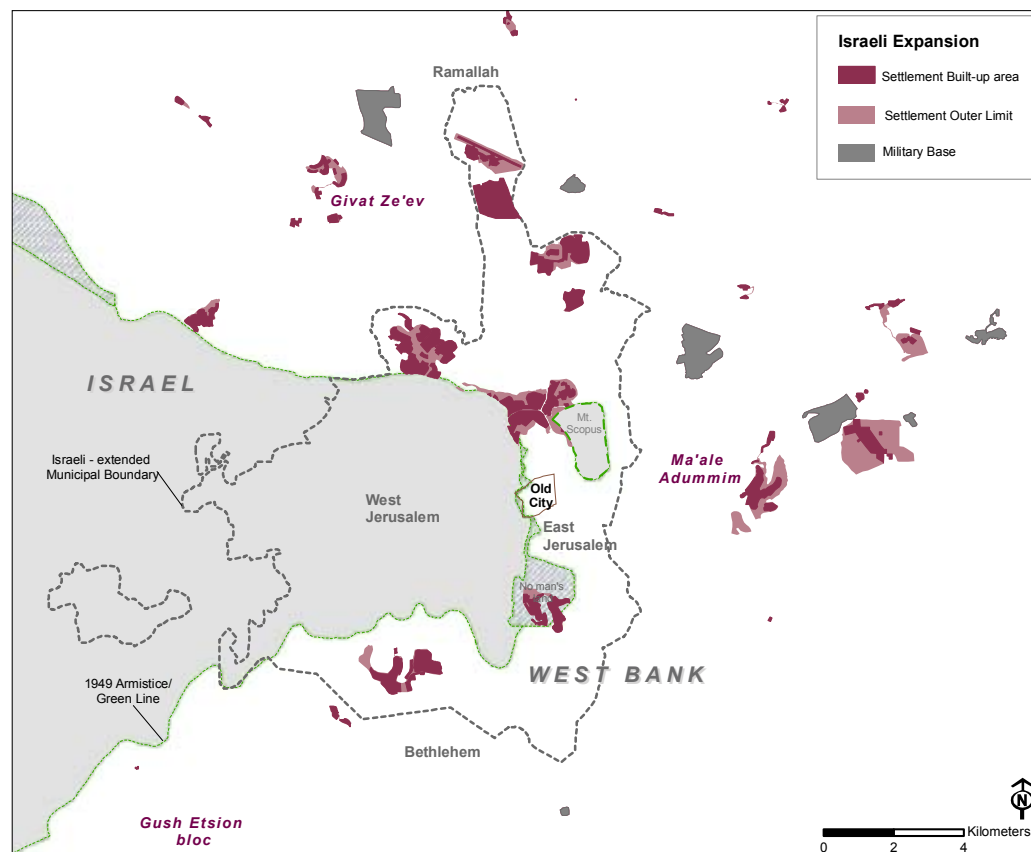
Photo by: J.C. Torday

View of Pisgat Ze'ev, the largest settlement in East Jerusalem, from Hizma, a Palestinian village separated from the city by the Barrier, April 2007.

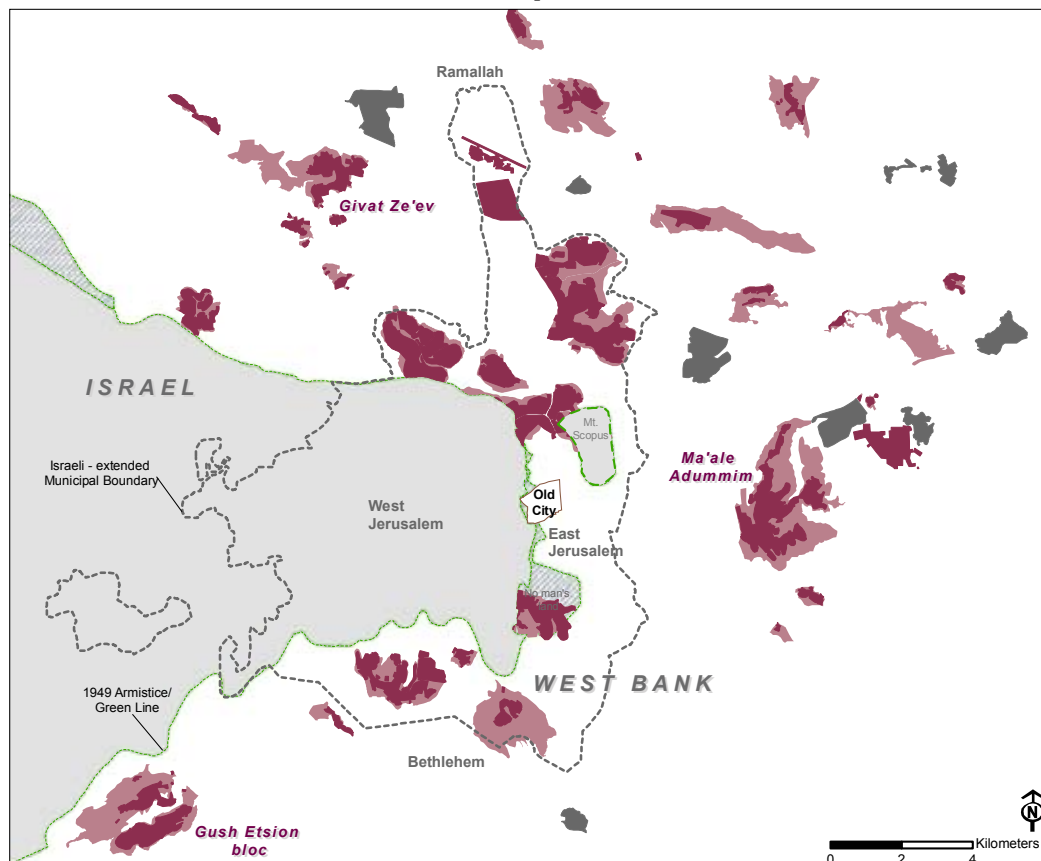
**Figure 1: Settlements in East Jerusalem**

Settlement Name	Year of Establishment	Settler population (2004)	Area covered in hectares (2005)
Ma'alot Dafna	1968	3,712	61.8
Ramat Eshkol	1968	11,219	87.1
French Hill	1968	6,625	66.8
Gilo	1971	2,7086	270.8
Pisgat Ze'ev	1972	40,911	170.0
Ramot Allon	1973	40,792	292.2
East Talpiyyot	1973	12,200	167.9
Newe Ya'akov	1985	20,374	426.0
Har Homa	1991	4,417	292.2
Ramot Shlomo	1994	13,979	96.4
Jewish quarter, Old City	1967	2,428	11.3
Gi'vat HaMatos	1991	310	27.5
Qalandiya Airport	1967	Industrial/commercial zone	86.7
Atarot Industrial Zone	1970	Industrial/commercial zone	107.2

# 1987 Israeli Settlement Expansion in the Jerusalem Area



# 2005 Israeli Settlement Expansion in the Jerusalem Area





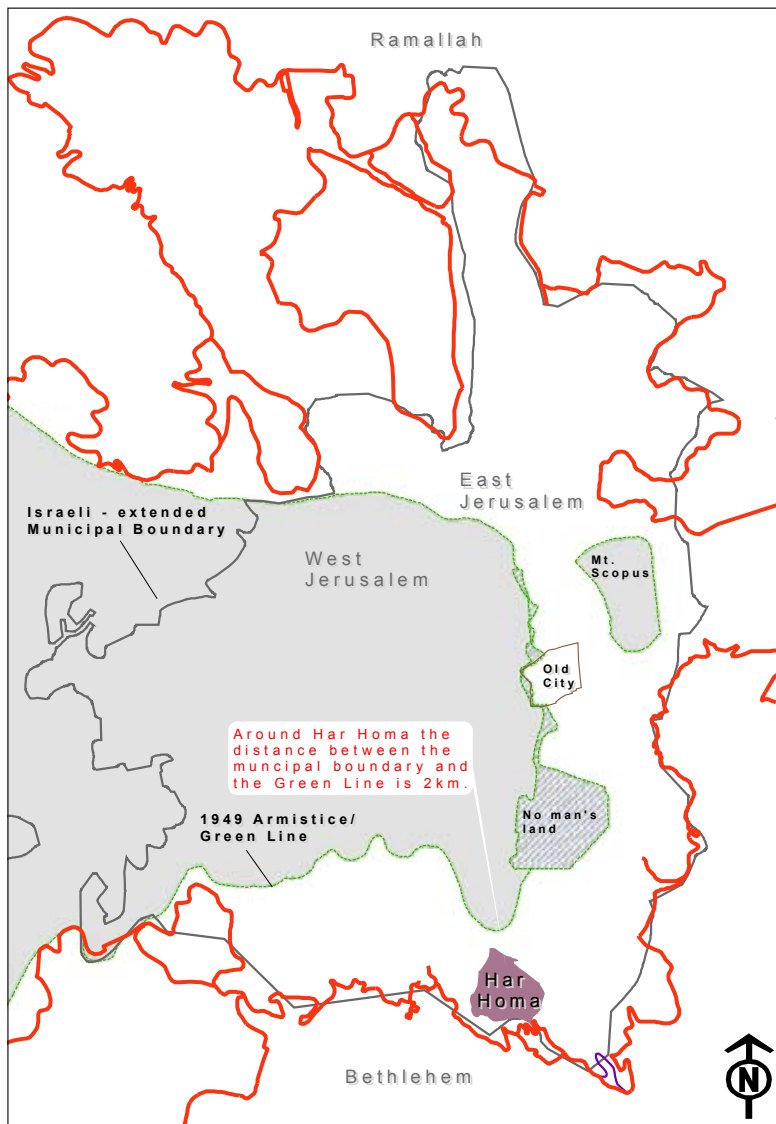
## The Barrier and Israeli Settlement Expansion: Har Homa Settlement







View of Har Homa settlement from Bethlehem, now physically separated from Jerusalem by the Barrier, April 2007



Har Homa settlement was established in 1997 on land belonging to Bethlehem, which had been included in the expanded Jerusalem municipal boundary. By 2004, it was home to more than 4,400 settlers and by 2005, covered an area of more than 220 hectares. Now physically separated from Bethlehem and connected to Jerusalem by the Barrier (as seen in the forefront of the photograph), Har Homa is massively expanding.



Photo by: Tom Kay

### Case Study - the forced separation of a Jerusalem family

When Sahar and Tariq got married 31 years ago, Sahar had a Jerusalem ID card while Tariq was a West Bank ID holder. Their three daughters were all born in Jerusalem but the family lived in Abu Dis, just outside the Israeli-declared municipal boundaries of Jerusalem, as it was cheaper. As their two eldest daughters were born before 1982, they were given Jerusalem ID cards. However, the youngest daughter was born after 1982 and was ineligible to inherit her mother's Jerusalem permanent resident status as her father was a West Bank ID holder.

When the Israeli authorities began enforcing the 'centre of life' policy the family could not prove residency in the Israeli-declared municipal area of Jerusalem, as they lived in Abu Dis. As Sahar and her two daughters with Jerusalem ID cards live outside of the Jerusalem municipal boundaries, their Jerusalem identification cards were eventually revoked. They have tried to appeal, but the cost of lawyer fees was too high. Now neither Sahar, nor her two eldest daughters, have the right of residency in Jerusalem and all are forced to apply for permits to visit Jerusalem, the city in which they were born.

Soldiers inspect documents at Qalandiya checkpoint near Jerusalem, April 2004





## Family Reunification Law

In May 2002, the GOI decided to freeze, for the first time, all family reunification proceedings between Israeli citizens and permanent residents (Jerusalem ID card holders) and their spouses from the oPt.

In July 2003, the Citizenship and Entry into Israel (Temporary Order) was enacted. The temporary order was renewed in 2004 and 2005. The temporary order denies spouses from the oPt who are married to Israeli citizens or permanent residents (Jerusalem ID card holders) the right to acquire citizenship or residency status and thus the opportunity to live with their partners in Israel and Jerusalem. In 2004 it was estimated that the law affected between 16,000 and 24,000 families<sup>29</sup>. In Israel, foreign spouses who are Jewish are automatically granted citizenship under the Law of Return. In other cases citizenship can normally be obtained after a minimum of four years, and temporary residency is routinely granted.

In July 2005, when the order was renewed, limited exceptions were granted based on gender and age. The amendments permit Palestinian women over the age of 25 and Palestinian men over the age of 35 to apply for temporary visitors' permits to be with their Israeli spouses (including both citizens and permanent residents). However, applying for such a permit is administratively complicated, expensive and often requires the services of a lawyer. Amnesty International, citing Israeli human rights groups, noted that prior to the freezing of family reunification proceedings, "the Israeli Ministry of Interior took an average of five years from the submission of an application to grant or deny the application. The applicant spent another five years in various statuses before receiving permanent residency or citizenship"<sup>25</sup>. Furthermore, permits can be rejected on the grounds of security with no recourse or reason for the denial. The temporary nature of the permits issued means that the spouse is not entitled to apply for social services or work permits<sup>26</sup>.

On 14 May 2006, the Israeli Supreme Court dismissed a petition filed by the Association for Civil Rights in Israel (ACRI) and Adalah (The Legal Center for Arab Minority Rights in Israel) requesting an annulment of this temporary law. According to Human Rights Watch, "the majority of justices did find that the current law violates the constitutional right of Israelis to equality and to family life ... However, only a minority of justices felt that the appropriate remedy was to overturn the temporary law"<sup>27</sup>.

The temporary order expired in January 2007. In late 2006, the Israeli Cabinet advanced legislation extending the temporary order for another two years and in January 2007 the order was debated within the Knesset. It has been reported that draft revisions to the temporary order will establish a committee to deal with requests for exceptions on "humanitarian grounds" given the criticism of the temporary order by the minority judges in the Supreme Court ruling<sup>28</sup>.

Palestinian residents of East Jerusalem face a real threat of losing their own permanent residency if they move to the West Bank or the Gaza Strip to join their spouses. Israeli citizens are prohibited by the IDF from entering Area A (designated under the Oslo Accords as being under Palestinian Authority security and administrative control) and so have to break Israeli law in order to live with their spouses. If spouses from the oPt stay illegally in Israel with their Israeli spouse and children, they often can't leave the house for fear of arrest and deportation.



The Barrier in Abu Dis, January 2007

Photo by: OCHA / Nir Kafr