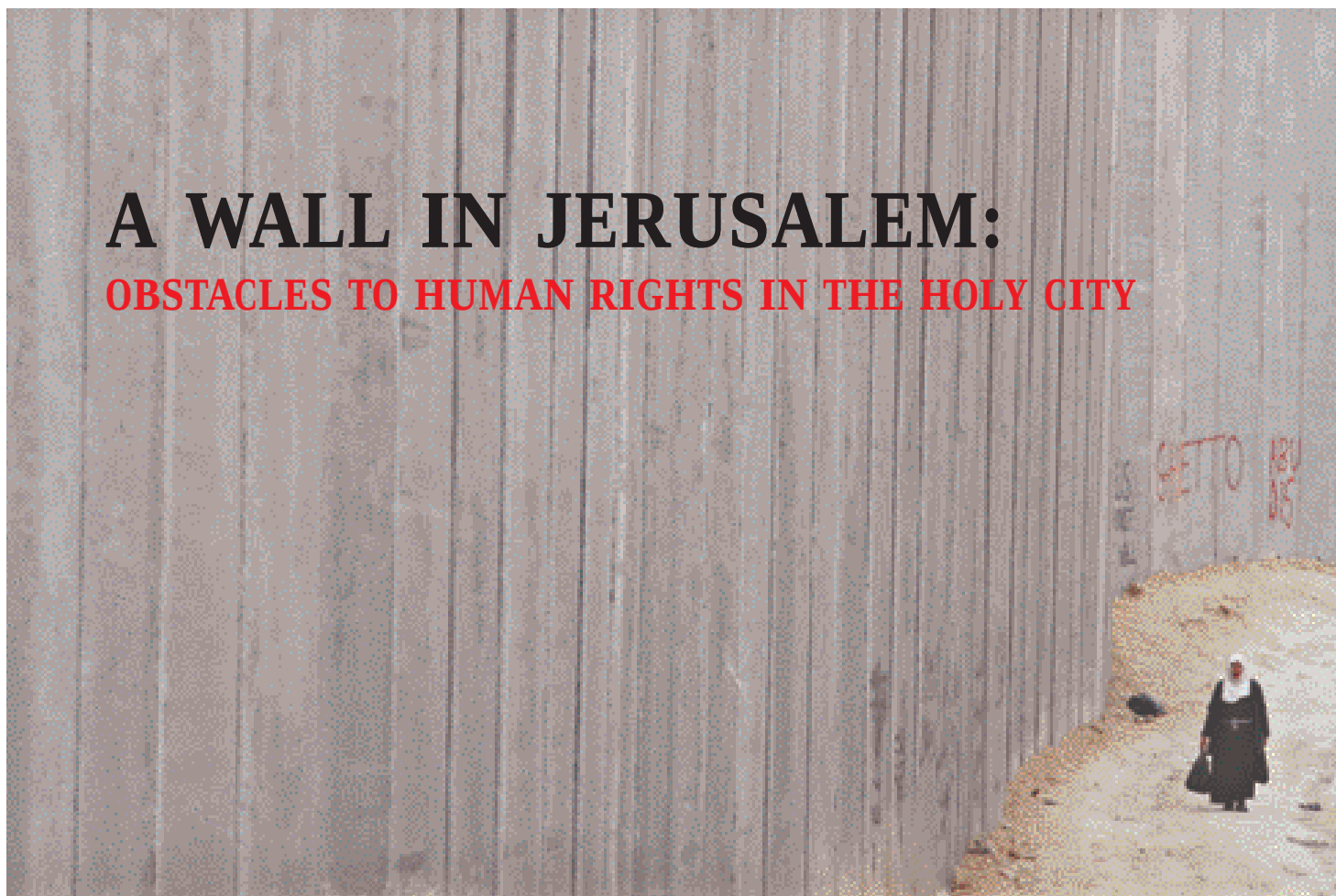


A WALL IN JERUSALEM:

OBSTACLES TO HUMAN RIGHTS IN THE HOLY CITY



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B'TSELEM

The Israeli Information Center
for Human Rights in the Occupied Territories

Human Rights

Jerusalem, a center for **faith** and a symbol of **hope**,
presents a sad reality: **segregation**,
discrimination and **deprivation** of basic human needs
are the daily lot of an entire community.



Lior Mizrahi, Bau Bau

in the Holy City

It is difficult to speak about Jerusalem in an indifferent manner. Discussions about Jerusalem - a holy city for Judaism, Christianity and Islam - are loaded with symbolism, religious sentiment and nationalist rhetoric. To quote **Yehuda Amichai**, one of Israel's finest poets:

The air above Jerusalem is filled with prayers and dreams
Like air above cities with heavy industry
Hard to breathe
From time to time a new shipment of history arrives

Nevertheless, Jerusalem is not just a symbol, but also a living city, and the latest shipment of history - Israel's 1967 occupation of East Jerusalem - is not a history of prophets and profound truths. It is a history of dispossession, systematic discrimination and an ongoing assault on the basic rights of the Palestinian residents of the city.

It doesn't have to be this way. Instead of exacerbating social divisions, Israeli policy could advance Jerusalem's standing as a vibrant, prosperous and beautiful city of pluralism and tolerance. This publication is intended for those who want Jerusalem to be a city of justice, a city where all its residents can live in safety and dignity. The focus of the publication is the Separation Barrier that Israel is currently constructing around the city, which is a source of great suffering for those who live along its route. But the Barrier cannot be seen in isolation. The harm caused by the Barrier can only be understood in the broader context of Israel's policies since 1967 regarding East Jerusalem.

All those who care about Jerusalem must strive to ensure that the daily reality accords with the city's designation as the City of Peace.

In the words of the prophet **Isaiah** (62:1):

"For the sake of Zion, I will not be silent.
For the sake of Jerusalem, I will not be still."

Re-drawing the Borders

In order to create a large capital for the Israeli State, extensive areas of the West Bank were annexed to Jerusalem.



This transformation, and Israeli measures to maintain Jewish demographic superiority, exacted a heavy toll on local Palestinians.

During the 1967 war, Israel took control of the West Bank and East Jerusalem. While the West Bank remained under military occupation, Israel annexed East Jerusalem and applied Israeli law there. The annexed area included, however, not only the 6 square kilometers of East Jerusalem prior to 1967, but an additional 64 square kilometers that were part of the West Bank.

In its re-drawing of the Jerusalem borders, one of the factors Israel took into account was demographic: ensuring a large Jewish majority in the city. This was accomplished by including sparsely populated Palestinian areas in the territory annexed, while attempting to exclude the more populated areas. As a result, several villages and neighborhoods were divided in two. In other cases, farmlands belonging to a village were annexed to Jerusalem, while the village itself remained in the West Bank.

Immediately following the occupation of the West Bank, Israel's Parliament passed the "Jerusalem Law", annexing the area within the newly determined municipal boundary, and proclaiming Israeli sovereignty over it. Israel conducted a population census, and Palestinians residing inside what was now under municipal jurisdiction, were granted the status of "permanent resident" and the option of becoming Israeli citizens.

East Jerusalemites found themselves in an awkward situation. In order to become citizens they were obliged to pledge allegiance to Israel. Thus, most declined citizenship, opting to be permanent residents instead. This status resembles the one granted to non-Jewish immigrants: it allows Palestinian Jerusalemites to work in Israel, and enjoy health insurance and social welfare benefits provided to all Israeli residents. However, residents lack political clout and are subject to a variety of measures intended to ensure a Jewish majority in the city. The result is an inequality between Jewish and Palestinian Jerusalemites that is present in all aspects of daily life in the city.



An Isolated Capital



Damascus Gate, 1964

Eliana Aponte, Reuters

Prior to 1967, Palestinians could move freely between Jerusalem and its environs. Their familial, economic and cultural bonds extended throughout the entire West Bank. East Jerusalem served as the center for the entire area, including Bethlehem and Ramallah. No barriers, implicit or explicit, obstructed the flow of people and commercial goods or social engagement and exchange. Since 1967, with the occupation of the city, Palestinian reality has undergone a profound transformation. The city is now almost completely severed from the surrounding Palestinian areas, disrupting the social, economic and cultural infrastructure of the entire area. Within the city itself, a range of official policies have exacerbated the marginalization and neglect of Palestinians.

Unilateral Annexation

The status of East Jerusalem and the West Bank are identical under international law. Both are occupied territory subject to the relevant provisions of International Humanitarian Law. Among other things, this law requires Israel to ensure the welfare of the local population. International law also prohibits unilateral annexation of occupied territory. For this reason, Israel's decision to annex East Jerusalem has not been recognized by the international community, including the United States. Only a diplomatic agreement between the parties can lawfully change the status of East Jerusalem.





Celebrations marking Jerusalem Day, the unification of the city under Israeli rule

Demographically Imbalanced

Since annexation, Israel has implemented policies aimed at reducing the number of Palestinians in the city. These take the form of legislation, measures limiting services granted by law, and discriminatory law enforcement.

Residency and Social Rights

Unlike citizenship, residency status expires after seven years of absence. A Palestinian resident of East Jerusalem, therefore, cannot leave the city for an extended period of time. Jerusalemites whose life circumstances have led them to live abroad, risk permanently losing their status as Jerusalem residents and all accompanying rights.

A Palestinian Jerusalemite applying for social security benefits will be subjected to a thorough, police-like investigation by the Israeli National Insurance Institute (NII), to prove that he has not moved outside the city's boundaries. In fact, in 70% of the cases it investigates, the NII eventually concludes that the person is indeed entitled to the benefit. In the meantime, families wait months without receiving their disability, unemployment or pension payments.

Families Divided

In 2003, Israel completely halted the process of family unification, which enabled Palestinian Jerusalemites to apply for residency status for their non-resident spouses. This has resulted in tremendous hardship for thousands of families in which one spouse is from Jerusalem and the other from the West Bank. The family cannot legally live together inside Jerusalem. In many cases, the West Bank spouse remains illegally in Jerusalem, in constant fear of arrest. The children are frequently not registered as Jerusalem residents, and may not receive health coverage.



Lazlo Balogh, Reuters

**'Ali Sarasreh,
36, father of three children,
merchant from Bethlehem**

For ten years, I have been married to Sanaa, who holds a Jerusalem ID card. My wife's request for family unification was rejected the first year of our marriage, and in order to maintain her Jerusalem residency status and national insurance rights, she wandered between our home in Bethlehem and her parents' house in Jerusalem. In the first years we were married, we didn't have any problem going between Jerusalem and Bethlehem. After five years of marriage and the birth of two children, the situation changed completely. My wife wanted our children to have Israeli birth certificates, and benefit from health insurance. In early 2005, we registered the two oldest children in Jerusalem schools. This was the time when they were building the separation wall in the area north of Bethlehem, making movement between Jerusalem and Bethlehem difficult. Two months ago, the checkpoint became like a huge border crossing, with cameras and metal-detectors. We had to disrupt the whole family in order for the children to study in Jerusalem schools. There is no way for us to all live together like a normal family. So I live in Bethlehem, while my wife and two children live in Jerusalem. Since they don't have school on Friday, my wife returns to our house with the children only once a week, on Thursday night. They return to Jerusalem Friday afternoon. I cannot see my wife and children in the middle of the week to see how they are doing and to help them. Although they are only a few miles down the road, I feel as if I am distant from them. I know nothing about their problems, and am unable to follow their development, except for the little bit that I see them during their day off from school.

Sanaa Zeid, B'tsalem



"There is no way for us to all live together like a normal family. So I live in Bethlehem, while my wife and two children live in Jerusalem."

Discrimination in Access to Housing

Segregation and discriminatory policies make it extremely difficult for Palestinians to find housing solutions. Massive tracts of land were expropriated from Palestinians in order to build for Jews. Intentional lack of urban planning, prohibitions on construction, overcrowding and the constant fear of house demolitions are a daily reality for one third of Jerusalem's residents.

Rather than addressing the welfare of its residents, urban planning in the city of Jerusalem is first and foremost aimed at maintaining the Jewish majority in the city. This is achieved by massive investment in Jewish neighborhoods in East Jerusalem, coupled with the prevention of the expansion of Palestinian neighborhoods.

One third of the area annexed in 1967 was expropriated, mostly from individual Palestinian land-owners, and was used exclusively to build Jewish neighborhoods. Today there are 12 Jewish neighborhoods in East Jerusalem, populated by some 192,000 people. According to international law, the status of these neighborhoods is identical to the settlements throughout the West Bank.

At the same time, virtually all construction is prohibited in Palestinian neighborhoods. There are various means to implement this policy. Over a third of East Jerusalem lacks outline plans, making construction impossible. Plans for the remaining areas define vast tracts of land as Green Areas, where building is forbidden, allegedly for ecological reasons. Jabal Abu Ghaneim, a hilltop amongst neighboring Palestinian villages, was defined as a "Green Area" until 1999, when it was turned into the Jewish settlement of Har Homa, inhabited today by over 2,000 people.

As a matter of fact, Palestinian building is only allowed in 7% of East Jerusalem, mostly in existing Palestinian neighborhoods. Even within these neighborhoods, Palestinians will generally not get permits to expand their houses.



Mahtouz Abu Turk, Reuters

Demolished Palestinian home, Har Homa in the background, 2002

Severe overcrowding and no hope of obtaining a building permit - even to build a house on land they own - lead many Palestinians to build without permits. They do so knowing they will forever live in fear that, after investing their life savings to build, their home may be demolished.

In fact, both Jews and Palestinians build illegally. Yet the response of the authorities is not equal. Palestinians account for about 20% of illegal construction, yet more than 75% of the demolitions are carried out on Palestinian homes. While demolitions carried out in Jewish neighborhoods target either commercial buildings or additions to a house, in Palestinian neighborhoods such demolitions leave entire Palestinian families homeless. The rate of house demolition has increased dramatically since Israel began constructing the Barrier.

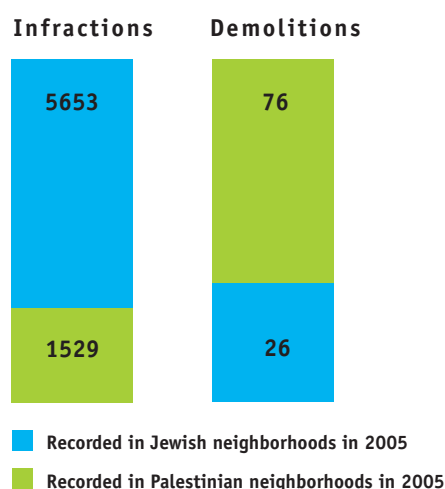
The lack of housing solutions drove many East Jerusalem Palestinians to the suburbs, even at the risk of losing social security benefits. Following the construction of the Barrier, which cuts off the suburbs, many of these same people are moving back into the city. Thus, the Barrier is only exacerbating the housing shortage for Palestinians in Jerusalem.



Mahfouz abu Turk, Reuters

Beit Hanina, East Jerusalem, 2006

Who Builds Illegally? Whose Houses Are Demolished?



*Data provided by the head of the department of construction administration in Jerusalem Municipality.