THE TRAP IS CLOSING ON PALESTINIAN JERUSALEMITES

Israel's Demographic Policies in East Jerusalem from the 1967 Annexation to the Eve of the Final Status Negotiations (1996)

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On the eve of the final status negotiations, the picture evolving from the analysis of Israel’s demographic policies in East Jerusalem is darker than ever before. By means of this new memorandum, we wish to convey the urgency of immediate action in order to protect Palestinian residency rights in the city in a time when its Palestinian inhabitants are confronted with immense pressures for integration, either into the Israeli occupation system, or into the new Palestinian system in the West Bank (outside of Jerusalem).

The authors wish to express their gratitude to all the human rights organizations active in the framework of the NGO Coalition for Family Reunification, whose insight and comments were a valuable contribution to this report.

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Jerusalem: An Occupation set in Stone?


1996 is the crucial year for Jerusalem. The future of the city is scheduled to be raised in the final status negotiations between the PLO and Israel.

Jerusalem: An Occupation set in Stone? deals with the Palestinian inhabitants of occupied East Jerusalem, and with the thousands of Palestinians whose daily lives depend on access to the facilities and services provided in the city. These people tell their stories. These people's stories tell the devastating effects of Israel's attempt to uproot the Palestinian presence from the city, and they give a personal account of the Palestinian people's longing for peaceful and secure lives in their capitol, Jerusalem.

Jerusalem: An Occupation set in Stone? documents the major strategies by means of which the Israeli occupation has, since 1967, denied Palestinians access, housing, and family cohabitation in their city, and it shows that use of these repressive strategies has even increased since the signing of the Declaration of Principles between the PLO and Israel in 1993. The film aims to convey the urgency of a just political solution to the conflict in the devided city, a solution without which there can be no peace in the “City of Peace”.

The Palestine Housing Rights Movement hopes that this film will become a useful tool for NGOs, educators, and solidarity committees all over the world who are working to raise awareness of the complex issue of Jerusalem.

Producer (Copyright): Palestine Housing Rights Movement (PHRM), a coalition of Palestinian and international NGOs for the promotion of adequate housing in Palestine
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Length: 55 min • Language: English • Filmed in Jerusalem, March - June 1995

This film may be ordered for a fee of USS 20 (or equivalent in other currency). Please send orders and cheques to the Palestine Housing Rights Movement, PO Box 20560, Jerusalem.
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Introduction

While Israeli strategic thinking about the future of the 1967 occupied Gaza Strip and the West Bank has always been subject to internal debate and contradictory proposals (from partial withdrawal to annexation), this has definitely not been the case with regard to occupied East Jerusalem. Since 1967, Israel's strategic aim regarding Jerusalem has been based on a broad consensus among Zionist right- and left-wing forces in the Israeli political leadership: Israel was to strive for permanent control and sovereignty over all of 1967 occupied East Jerusalem; i.e. the so-called “unification of Jerusalem”. Based on this political consensus, a special inter-ministerial Knesset committee on Jerusalem was established that has, since the early days of the occupation, designed clear-cut and comprehensive policies aimed at transforming the social, political, and demographic reality in the Palestinian city. Demographic manipulations aimed at restricting the growth of the Palestinian population in East Jerusalem have been part and parcel of the Israeli scheme since 1967.

Although the broader framework of occupation policies with regard to East Jerusalem has remained unchanged since 1967, a deeper analysis reveals a significant shift in policy, coinciding with the start of the political negotiations between Israel and the PLO in 1991. On the level of Israeli demographic policies, this shift can be characterized as a progressive step from simply establishing a Jewish majority and unilateral Israeli control (1967 - 1991), to a more refined policy, preparing the ground for Palestinian and international recognition of permanent Israeli sovereignty over both parts of the city. Thus Israel has strived, since 1991, for the geographic and demographic separation of East Jerusalem from the rest of the Palestinian West Bank, and for the establishment of a stable and controllable Palestinian minority inside the city boundaries.

The consequences of the Israeli demographic policies on Palestinian residency rights in East Jerusalem have been devastating. On the eve of the final status negotiations, and in the absence of a Palestinian strategy able to counter the Israeli scheme, Palestinian Jerusalemites find themselves trapped:

a) In 1996, their legal status as residents of the city is far more vulnerable than the status of Palestinians living in the rest of the 1967 occupied Palestinian areas. The fact that the postponement of the question of Jerusalem has been interpreted by both sides (Palestinian and Israeli) as including the
postponement of urgent and immediate issues pertaining to basic human rights of Palestinian Jerusalemites, has created a situation in which Israeli violations against Palestinian residency rights have continued unabated throughout the interim period. Since the violations are a direct result of Israel's historic policy of limiting the growth of the Palestinian population in East Jerusalem, they represent not only an infringement of basic individual rights, but also contribute to the weakening of Palestinian bargaining power in the upcoming political negotiations over Jerusalem.

Due to the exclusion of human rights issues pertaining to Jerusalem residents from the fora of the political negotiations in the interim period, Palestinian residency issues in Jerusalem will have to be raised as part of the political issues scheduled for the final status negotiations (including return of refugees and displaced persons from Jerusalem, compensation for lost property, political sovereignty, settlements in Jerusalem, etc.). It is to be feared that given the scope and complexity of the problems, the needs and concerns (family reunification, child registration, protection of residency status) of all those Palestinians who have remained Jerusalemites despite the Israeli policies applied against them, will appear of minor importance. If this scenario is correct, Palestinian Jerusalemites will remain without political protection even after the start of the final status negotiations -- undefended and exposed to Israeli pressure for either emigration or integration.

b) In the absence of legal and political protection, the redistricting of the 1967 occupied Palestinian areas based on the Oslo Accords, has confronted Palestinian Jerusalemites with a tragic choice: Those among them wishing to protect their national Palestinian identity (e.g. by participating in the Palestinian elections through registering their domicile in the Palestinian West Bank outside city boundaries) are increasingly running the risk that Israel will cancel their residency rights in Jerusalem; those choosing to abstain from open identification with the new Palestinian Authority so as to protect their rights and benefits as residents of Jerusalem are subject to strong pressure for integration into the Israeli system. Whatever their individual choice - integration into the new system of the Palestinian Authority (thus forfeiting their special status and rights as Jerusalemites) or compliance with the pressure of the Israeli occupation - their decision will ultimately serve the Israeli aim of creating a small and controllable Palestinian minority in East Jerusalem. Israel may then argue in the final status negotiations that, due to the limited scope of Palestinian presence in the city, the claim for Palestinian sovereignty over East Jerusalem is baseless, and that the only question on the agenda are negotiations over limited minority rights in the remaining Palestinian neighborhoods of the city.
Chapter I:


In this period, characterized by the absence of political negotiations with the PLO, Israeli governments aimed at establishing unilateral Israeli control over East Jerusalem. Israeli demographic policies of this period were designed to create a Jewish majority in the areas occupied in 1967. While Jewish immigration to the city was encouraged, Israeli residency policies directed against the city’s Palestinian population were aimed at restricting its growth.

1. The Result of the 1967 War and the Israeli Annexation: Palestinian Jerusalemites - Exiles or “Foreigners” in their Hometown

At the outbreak of the June 1967 war, approximately 80,000 Palestinians were living inside the borders of East Jerusalem, then administered by the Jordanian government. Thousands of them left or were driven out of the city during the war, and thousands more were working or studying abroad at the time.\(^1\) A small number of residents of the Old City were allowed to return to East Jerusalem as part of the 14,000 refugees repatriated by Israel after the 1967 war. The rest, approximately 30,000, were forced to remain in exile and were thus made part of the Palestinian refugee question - or, in the language of the current political negotiations, of the question of “Displaced Persons”.

Immediately following the war, the Israeli Labor government decided to annex East Jerusalem. The Israeli population census conducted in the newly occupied and annexed areas recorded 66,000 Palestinians living in East Jerusalem. 44,000 of those were living in what had been, before 1967, East Jerusalem. The remaining 22,000 were living in surrounding West Bank areas that were annexed to the new municipal boundaries by Israel.\(^2\) These 66,000 persons were classified as “permanent residents of Israel” according to the Law of Entry to Israel (1952).

\(^1\) International law defines East Jerusalem as occupied territory exactly in the same way that the rest of the Palestinian areas occupied by Israel in 1967 are categorized. Similarly, international law classifies East Jerusalem residents as civilians under military occupation (UN General Assembly Resolutions 181, 2253, 2254). International law experts also maintain that, in the case of annexation, peoples of annexed territories should automatically be given quasi-citizenship status by the annexing state; it is not the obligation of an annexed people to request citizenship.\(^3\)
The Law of Entry to Israel - in stark contrast to the Israeli Law of Return applying to Jewish persons - defines entry to and residency in Israel as a privilege and not a right. By applying the Law of Entry to annexed East Jerusalem, Palestinian Jerusalemites were made, legally speaking, "foreigners" or "permanent tourists" in their hometown.

   Restricting Population Growth by Bureaucratic Means

2.1 Restricting Immigration to the City

While physical access from the West Bank to East Jerusalem was not restricted during the day, Israel prevented Palestinian immigration by means of:

- **Visitors' Permits**: Palestinians (including Jerusalemites) living in exile and not holding travel documents of a state with diplomatic relations with Israel can visit Israel only if they obtain a "visitor's permit" from the Jerusalem Interior Ministry. The application for such a permit must be submitted by a Jerusalem resident, and it has been the Ministry's policy to issue visitor permits only to members of the immediate family (parents, siblings, children) of the applicant. Frequently, these applications are rejected; the Ministry is not obliged to justify negative decisions. If the permit is granted, it is valid for up to three months and may be renewed once for an additional month. Renewals beyond this period are exceptional.

- **Family Reunification**: this is the only legal mechanism by which a Palestinian (from the rest of the 1967 occupied territories or from abroad) can obtain resident status in East Jerusalem. Applications must be submitted to the Jerusalem Interior Ministry by a resident of East Jerusalem at cost (US $150). The Ministry accepts applications for immediate family only, and the Law of Entry to Israel does not oblige the authorities to give the reasons for negative decisions. Besides the fact that requests for family reunification are frequently rejected, applicants are usually confronted with long periods (one - three years) of uncertainty due to the extremely slow processing of applications.

   Until 1994, the Ministry did not accept family reunification applications submitted by female Jerusalemites for their non-resident husbands. The rationale for this policy was that, traditionally, in Arab society, a wife moves to live with her husband, not vice-versa.

   Since the denial of family reunification is applied explicitly against members of the nuclear family, it represents a blatant violation of the international norm of protecting family unity. Palestinian families are thus confronted with the painful choice of either living separately, or living together outside the city boundaries.
Child Registration: until 1982, the Interior Ministry used to register newborn Palestinian children in East Jerusalem according to their fathers’ ID card, but was prepared to accept registration by the mother if the father did not have Jerusalem resident status. In 1982, the Ministry decided on a new policy: according to the new interpretation of Regulation 12 of the Law of Entry to Israel, East Jerusalem mothers no longer had the legal option to register their children. This resulted in many of the Palestinian children born in Jerusalem being registered according to their father’s status as West Bank residents (without the future right to live in the city), or remaining unregistered. Unregistered Palestinian children were refused admission by Israeli public schools and had no access to public health services.

2.2 Encouraging Emigration from the City

Revocation of Jerusalem Resident Status: Regulation 11 of the Law of Entry to Israel states that if
- a permanent resident lives outside Israel for more than seven years;
- becomes a permanent resident of another country;
- applies for citizenship in another country,
s/he is liable to lose his/her status as a permanent resident of Israel. Although Israeli law never explicitly defined the rest of the West Bank and the Gaza Strip as foreign territory, this regulation is also enacted against Palestinians who move to the West Bank outside the city boundaries. The number of Palestinian Jerusalemites whose ID cards have been revoked is unknown (see box 5: demographic data). However, given the absence of a legally protected resident status, every Palestinian Jerusalemite leaving the city for a longer period of time and irrespective of his/her intentions, is threatened with losing the right to return to his/her hometown (see also: chapter 2/4).

Once a Jerusalem ID card is revoked, its holder may submit an application for the reinstatement of his/her resident status to the Interior Ministry. These applications are approved only if supported by official documents proving that the person’s absence was unavoidable; cases which date back more than seven years are usually rejected.

Conditioned Exit Permits: All Palestinian Jerusalemites require an Israeli permit to travel abroad, whether to Jordan via the Jordan bridge crossings or via the Israeli airport. These exit permits contain a re-entry visa to Israel which must be renewed after three years (for traveling to Jordan) or one year (for travelling via the airport). If, for any reason, a person does not renew his/her Israeli reentry visa, s/he forfeits the right to return.

In certain periods, especially during the Intifada, the Jerusalem Interior Ministry conditioned the issuing of exit permits to male Palestinian residents with a written
statement by the applicant promising to stay abroad for periods of nine months or more, thus coercing them into voluntary exile.

• **Social Benefits:** East Jerusalem residents are obliged to make National Insurance payments equal to those required by citizens of Israel. In exchange, the NI Institute is supposed to provide social insurance to mothers, children, elderly, widowed, unemployed, disabled, etc. Although the discriminatory practices of the NI Institute are common knowledge and well documented, National Insurance benefits are considered a major privilege in comparison to the situation in the rest of the 1967 occupied territories, where no system of social welfare has been available.

    Israel, on the other hand, has used the incentives of its welfare system to support its demographic policies. NI laws were liberalized to include Palestinian Jerusalemites living outside the city boundaries during times that Palestinians were actively encouraged to leave the city (e.g. 1973, “Build Your Own Home in al-Azariah” campaign; 1993 High Court decision confirming eligibility of Jerusalemites living outside the city to NI benefits), but were then followed by new restrictions depriving all those who had actually left the city from entitlement to NI benefits (e.g. 1984 NI policy to stop payment of benefits to Palestinians residing outside the city borders; 1994 NI law explicitly excluding Palestinian Jerusalemites living in the areas transferred to the Palestinian Authority from eligibility to NI benefits).

Field research conducted in East Jerusalem in the summer of 1994 shows the devastating results of the Israeli policies of this period. The major problem encountered by Palestinian residents was the denial of family reunification to non-resident spouses of Jerusalem women (109 of 136 documented cases). Problems with child registration ranked second: in 49 documented cases, East Jerusalem mothers had been refused registration of their children, most of them had not yet found a public school that would admit these children, although the registration period for the school year of 1994/95 had already expired. Revocations of Jerusalem ID cards ranked third (21 cases), all of them had pending applications for the reinstatement of their ID cards at the Jerusalem Interior Ministry.  

The restrictions on Palestinian residency rights resulting from the policies described above served to implement a decision made by the Israeli government in the early 1970s, according to which the percentage of Palestinians in the city should not exceed the quota of 28 percent. The Israeli target was achieved: in June 1993, official Israeli sources announced that the Jewish population in East Jerusalem numbered 155,000, surpassing the Palestinian population in the same area (150,000).  

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The Jerusalem Interior Ministry: the Government’s Bureaucratic Tool

Throughout the decades of Israeli occupation, the Jerusalem Interior Ministry has functioned as the government’s long arm, translating policy decisions into hard reality. The fact that criticism of its discriminatory and illegal practices was documented and voiced by human rights organizations and journalists - but persistently overlooked by the responsible Israeli authorities - legitimized the impression that the violation of Palestinian residency rights was the *raison d'être* of this bureaucracy. Its Israeli directors and personnel ruled over Palestinian Jerusalemites with a “carrot and the stick” approach: those able and willing to pay extra fees found their requests approved; others were forced to wait, or found their applications rejected. Palestinians willing to provide “services” (as spies or collaborators) were granted the privilege to act as “mediators” between the population and the Ministry.

The Ministry was closed for “inefficient performance” for the first time by Israel’s Interior Minister David Liba’i in the summer of 1995, and in December of the same year, the Ministry’s obscure practices were finally raised in a meeting of the Knesset Committee for Internal Affairs. The Israeli daily *Yediot Achronot* had revealed that:

- Yosef Tov, director of the Population Registry, signed blank Jerusalem ID cards for his two close friends and servants, one of them his Palestinian car mechanic, the other his Israeli laundry aide. Both of them made a living from the sale of these ID cards to Palestinians;
- a Palestinian millionaire from Hebron, Haddad Muslemani, had supported Ehud Olmert’s election campaign against former Mayor Teddy Kollek. Once elected, Mayor Olmert provided the millionaire with a considerable reduction of municipal taxes and - with the help of Yosef Tov - with a Jerusalem ID card.

Following these shameful revelations, Yosef Tov was suspended from office, and the new Israeli Interior Minister, Haim Ramon, closed the troublesome Ministry for a second time. Since then, however, nothing has changed. The Ministry, just like the servant that escaped his master’s control, is doing business as usual. The bureaucracy has resisted all outside pressure to adapt itself to the requirements of the new era, in which creating a mirage of transparent and democratic procedures are top priorities.
Chapter II:


The 1991 Madrid Conference marked the end of the status quo of the Israeli occupation in the 1967 occupied Palestinian territories including East Jerusalem, despite the fact that all formal negotiations over the future of the city were postponed. Israeli policy makers were aware of the fact that, in the new era of political negotiations with the PLO, they would eventually have to achieve Palestinian and international recognition of Israel’s former unilateral policies. While the old mechanisms of Israeli control over occupied and annexed East Jerusalem continued, Israeli policy-makers revised the tools so as to better prepare the ground for the final status negotiations, and to support Israel’s claim for permanent sovereignty over the whole city. The new demographic policies aimed at achieving two major goals in the interim period:

a) to separate East Jerusalem and its inhabitants from the rest of the West Bank;

b) to establish inside the city a stable Palestinian minority which will be unable to challenge the Israeli claim for sovereignty.

In accordance with these targets, the new system of Israeli political demography in East Jerusalem is composed of the following elements:

1. Speeding Up Jewish Settlement
Following the Oslo Accords of September 1993, Israel engaged in the rapid construction and population of new Jewish settlements and road systems on the remaining vacant lands of East Jerusalem (Rekhes Shu’fat and the Har Homa project on the Abu Ghneim Mountain are the most prominent examples).

2. Military Closure on Palestinians
In the framework of the 1991 Gulf War, Israel introduced new permit requirements for West Bank residents wishing to enter East Jerusalem (“military closure”). Since March 1993, this military closure has been permanent. Even under “normal”
circumstances, the closure represents a serious infringement against freedom of
movement and Palestinian social and economic life. Frequently, however, Palestin-
ian access to Jerusalem is totally stopped for periods between several days to weeks,
and the consequence of these "total closures" have been devastating. While
Israel's control over Palestinian access to the city may remain partial, the new
system of closure and entry permits has proved a successful tool for the promotion
of the notion of separation: free access to Jerusalem is no longer perceived as the
norm by the large majority of the Palestinian people in the 1967 occupied territories.

3. Exclusion of East Jerusalem Inhabitants from
Improvements of Palestinian Residency Rights in
the Rest of the 1967 Occupied Palestinian Lands

Since 1991, Israel and its negotiators have denied the application of all, even
piecemeal, improvements of residency rights introduced in the West Bank and the
Gaza Strip to the residents of East Jerusalem. Israel has thus underlined its position
that all issues pertaining to Jerusalem - even matters of basic human rights - could
not be regarded as part of the current political process. This holds true for Israeli
High Court decisions and unilateral policy changes between 1992 and 1993/4, but
especially for all arrangements based on the Oslo Accords. The fact that the PLO
too has since then handled Jerusalem human rights issues as part of the agenda of
the final status negotiations, must be regarded a major Israeli achievement.

By 1996, the year in which the final status negotiations on Jerusalem are scheduled
to begin, the legal and political protection of Palestinian residency rights in the city
lags far behind the situation in the rest of the 1967 occupied Palestinian territories:

3.1 Non-resident spouses of Palestinian Jerusalemites are excluded
from the 1992 agreement between the Israeli State Attorney and
the High Court which, for the first time, grants the right to renewable (six month)
visitor's permits to non-resident spouses of Palestinians residing in the West Bank
and the Gaza Strip.

3.2 Palestinian Jerusalemites are excluded from the new Israeli policy
concerning family reunification in the West Bank and the Gaza Strip
which was first announced in summer 1993 and revised in early 1994:
while in the latter areas non-resident spouses of Palestinian residents protected by
the 1992 High Court agreement have a right to family reunification, no such right
applies in East Jerusalem; while criteria for eligibility and (insufficient) annual
quota for family reunification were officially declared in the West Bank and the

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Gaza Strip, insight into the obscure subject of family reunification in East Jerusalem has remained a matter of hearsay, rumors, and painful experience.

3.3 The agenda of the special quatri-partite committee (PLO, Israel, Egypt, Jordan) set up in March 1995 to negotiate over the repatriation of the 1967 Displaced Persons, do not include the approximately 30,000 Palestinian Jerusalemites exiled as a result of the 1967 war.

3.4 Palestinian Jerusalemites are not subject to the new arrangements defined by the Cairo (1994) and Oslo II (1995) Agreements:

- they do not profit from the loosening of restrictions on visitors' permits (Annex III/Appendix I/Article 28/13);

- they were not entitled to apply for resident status under the special provisions of Annex II/Article 1/1g, - they cannot receive Palestinian travel documents;

- exit permits from the areas transferred to the Palestinian Authority are no longer limited in time; West Bank and Gaza residents can thus no longer lose their resident status as a result of travel abroad. In East Jerusalem, however, the situation has remained unchanged: whoever does not renew his/her Israeli reentry visa within the set period of one/three year/s, automatically loses his/her status as a resident of Jerusalem (see Chapter 1/2.2);

- while Palestinian Jerusalemites continue to be exiled, negotiations over their repatriation are not on the agenda in the interim period: Annex III/Appendix I/Article 23/3 of the Oslo II Agreement provides for the establishment of a Joint Committee to clarify the residency status of Palestinians whose ID cards were revoked by the Israeli authorities in the past. This Joint Committee is not authorized to handle ID card revocations from residents of East Jerusalem.

4. New Restrictions on the Definition of Residency Status in East Jerusalem: "Proof of Center of Life"

In the past, revocations of Jerusalem resident status based on Regulation 11/Law of Entry to Israel were applied mainly against East Jerusalem residents who had lived outside the country for more than seven consecutive years and thus could no longer renew their Israeli reentry visa (see Chapter 1/2.2). This measure was rarely applied to East Jerusalem residents who lived in the West Bank, or those living
abroad but visiting regularly in order to renew their visas. Although the Israeli High Court had already ruled that a "permanent resident" of East Jerusalem whose "center of life" is outside the city is liable to lose his status as a resident of the city, such a broad interpretation of Regulation 11 was not commonly applied. Between 1967 - 1991, tens of thousands of Palestinian Jerusalemites were thus able to live in the West Bank or abroad and, at the same time, keep their residency rights in the city.

The first official notice of the Interior Ministry's policy change reached human rights organizations in June 1994, when - in response to a High Court petition against the discrimination of East Jerusalem women in the framework of family reunification - the Ministry stated that women, just like men, would from now on be entitled to apply for family reunification for their husbands, but that applications would be considered only if the applicant could document that her "center of life" was in the city.9

### Confiscation of ID Cards of Jerusalem Residents: Sample Cases

**Najah G.** is a Jerusalem resident. Approximately seven years ago, she and her husband decided to move to Ramallah/West Bank, since they had failed to find a suitable home in Jerusalem. In 1995, Najah lost her ID card while she was shopping. She submitted an application to the Interior Ministry asking to replace her lost ID card. When she came to pick up her new ID, she was informed by the clerk that she was no longer entitled to a Jerusalem ID, due to the fact that she and her husband are living in Ramallah. The Ministry did not change its position, despite the fact that Najah's lawyer explained that Israeli law does not explicitly define the West Bank as "foreign country," and that Regulation 11 of the Law of Entry therefore does not necessarily apply to her case.

**"Aida S." is a Jerusalem resident and married to a Jordanian citizen.** Since "Aida's" application for family reunification for her husband was rejected, the couple established their home in Jordan. Since then, "Aida has come to Jerusalem regularly in order to visit her family. In summer 1995, "Aida came with her family, her husband entering Israel as a tourist using his Jordanian passport. Following the comment by a clerk of the National Insurance Institute that her ID card was old (11/10/1983) and would need renewal, "Aida went to the Interior Ministry, handed in her old ID card, and submitted an application for a new one. The Ministry, however, rejected her application on the grounds that she was no longer considered a Jerusalem resident, because her "center of life" is in Jordan.
ID Card Confiscations - The Symbol of the Interim Period in Jerusalem!

Since summer 1994, the Ministry has proceeded to scrutinize the files of Palestinian Jerusalemites stored in its Department of Population Registry. Dozens, if not hundreds, of ID cards have since then been confiscated from Jerusalemites who – according to the Ministry's records – no longer live in the city, but in the surrounding West Bank or abroad. Instructed by the Israeli Civil Administration in the West Bank, soldiers and border police entered Palestinian homes in West Bank communities bordering the city and inspected people's ID cards, in an obvious attempt to identify the Jerusalemites living there.

Following the transfer of responsibility over civil affairs in the West Bank to the Palestinian Authority, the legal protection of Palestinian Jerusalemites living in the new Palestinian areas is diminishing. While in the past a petition against the confiscation of an ID card from a Palestinian Jerusalemite still had a fair chance of success at the Israeli High Court, this may no longer be the case. A legal precedent was already created by the new Israeli National Insurance Law, which explicitly excludes non-Jewish permanent residents living in the autonomous areas from eligibility to welfare services. This law also states that such persons cease to be “residents of Israel” even if they continue to hold their blue Israeli ID cards.

While in the past Israeli authorities lacked accurate data concerning Palestinian Jerusalemites living in the West Bank, this information is now available. According to the Oslo II Agreement and the Palestinian Election Law, Palestinian Jerusalemites living outside the city were required to register for the elections at their place of domicile in the West Bank or Gaza Strip. The Palestinian Authority, on the other hand, was obliged to transfer the election registry to the Israeli side for approval. Now, following the Palestinian elections, these voters' lists are in the hand of the Israeli Interior Ministry, and it is more than reasonable to expect that the Ministry will not abstain from making use of this new tool to speed up the process of determining who - in Israeli terms - is still entitled to residency rights inside the city.
5. Adaptation of Procedures and Regulations Pertaining to the Residency Rights of Palestinians Remaining in the City to Meet International Norms

Looking ahead to greater international involvement in Jerusalem affairs once the final status negotiations begin, Israeli policy makers set out to repair some of the most blatant shortcomings and obscure practices which had violated the residency rights of Palestinian Jerusalemites in the past.

5.1 Abolishing Gender Discrimination in Family Reunification: Following a High Court petition submitted by the Association for Civil Rights in Israel (ACRI) in 1993, the Interior Ministry declared in June 1994, that East Jerusalem women, just like men, are entitled to apply for family reunification for their husbands, if actual domicile in the city could be documented. Hundreds of applications have since been filed with the Ministry.

5.2 Permission of Child Registration by East Jerusalem Mothers: Following a meeting with local human rights organizations, the Interior Ministry agreed, in February 1992, to a liberal interpretation of Regulation 12 of the Law of Entry to Israel, so as to allow registration of children by their East Jerusalem mothers. These applications were also conditional on documentation of "center of life" in the city.

5.3 Declaration of Criteria for Family Reunification: The Interior Ministry’s official response to the 1993 ACRI High Court petition also shed light on the obscure issue of family reunification. For the first time, the Ministry explicitly mentioned two criteria underlying its decisions on applications for family reunification of Jerusalem spouses: the applicant (if female) must be able to document that she lives in the city ("center of life" criteria), and the requested spouse must not have a criminal or security record.

The actual improvements of Palestinian residency rights in East Jerusalem, however, have remained partial. This is mainly due to the fact that the Interior Ministry - a bureaucracy developed for control and discrimination (see box 2) - has been unable/unwilling to implement the new policy decisions. Until now, only a small portion of female Palestinian Jerusalemites have profited from the new regulations for family reunification and child registration; the majority have not yet received a response from the Ministry to applications submitted in 1994. Moreover, the Ministry’s new demand for documentation of “center of life” in East Jerusalem, has prevented many eligible women from filing an application, because they do not possess official documents (property, rent contracts, tax-electricity-phone bills) issued in their name.
6. Dividing the Palestinian Community Inside the City: Encouraging Applications for Israeli Citizenship

In April 1995 David Efrati, former head of the East Jerusalem Population Registry, informed the Israeli press that the rate of Palestinians applying for Israeli citizenship was 50 percent higher than in the past, and that an average of 60 applications had been submitted monthly since May 1994. Similar statements were frequently made throughout 1995, causing protest and uncertainty among the Palestinian political leadership.

The facts, however, remain obscure. It is certainly true that a growing number of Palestinian Jerusalemites - tired of the Interior Ministry’s bureaucratic discrimination and losing hope in a just political solution to the question of Jerusalem - decide to individually protect themselves by applying for Israeli citizenship. However, the number of applications actually approved is unknown. It is reasonable to expect that the Interior Ministry has granted Israeli citizenship to some Palestinian Jerusalemites, as part of the Israeli effort to reduce the size of what is perceived as a potential “national minority in the Jewish city.” The granting of Israeli citizenship to large numbers of Palestinian Jerusalemites, however, remains problematic for a state whose sole purpose is to serve the interests of its Jewish population. Still, the Israeli propaganda wave has achieved its aims: to question the national identity of Palestinian Jerusalemites and to introduce yet another mechanism for dividing the Palestinian community in the city.

Interior Ministry Prevents Public Access to East Jerusalem Demographic Data

In May 1994, the AIC Project for Palestinian Residency & Refugee Rights asked the Jerusalem Interior Ministry to provide data on filed applications for family reunification and ID cards revoked in East Jerusalem since 1967. The Ministry's June 1994 response stated that it holds partial data relevant to the request, but that “we usually do not publish such data.” Subsequent AIC requests for access to the Ministry's partial data remained unanswered. In 1995, the Israeli Coalition for the Freedom of Information adopted this quest for public data. A petition was submitted to the Israeli High Court, based on the right of the public to know. No court hearing has been scheduled, and it must be expected that the High Court will delay handling the matter, in order to avoid involvement in a matter which is perceived as being linked to the political negotiations on Jerusalem.
Footnotes & References

1. A 1993 sample study conducted by Dr. Bernard Sabella of the University of Bethlehem calculates a number of 7,630 Palestinian Jerusalemites who were outside the country during the 1967 war and therefore were never issued Israeli ID cards; from: ARTICLE 74 - Bulletin for Palestinian Residency & Refugee Rights, no. 8-9, AIC, May 1994.


4. “Urgent Residency Issues in Jerusalem - A View from the Field”, AIC memorandum, September 20, 1994; the figures listed for the different categories of problems exceed the total of documented cases (136), because Israeli restrictions against the residency rights of one family member usually cause problems to other family members, so that Palestinian family suffer from a myriad of residency problems.

5. Ha'aretz, 6 July 1993; quoted in Krystall, Nathan, p. 11.


10. See also: ARTICLE 74, no. 14, December 1995.

11. ARTICLE 74, no. 12, April 1995.
Conclusion and Recommendations

Israel's demographic manipulations since 1967 and the absence of political protection by the Oslo Accords and the subsequent political agreements between the PLO and Israel have had a devastating effect on the residency rights of Palestinian Jerusalemites. On the eve of the final status negotiations, the Palestinian community of East Jerusalem is threatened with further decimation. ID card confiscations by the Israeli authorities deprive Palestinian Jerusalemites living outside the city of their Jerusalem resident status and may permanently prevent their ability to return to their hometown. The Palestinian Authority in the West Bank, unaware of the Israeli scheme, has failed to develop a special mechanism to offer at least temporary protection to Palestinian Jerusalemites.

Only an immediate joint effort by local and international human rights organizations, political activists, the Palestinian Authority, and the Palestinian negotiators to develop a strategy able to counter the Israeli measures may stop the current process of dividing the Palestinian community of East Jerusalem. If no such immediate steps are taken, Israel will be able to present, in the final status negotiations, demographic figures which render political negotiations over Palestinian sovereignty in 1967 occupied East Jerusalem futile: major parts of this community will have become subjects of the Palestinian Authority in the West Bank, others will have received Israeli citizenship, and the rest will be offered autonomy rights in the Israeli city.
RECOMMENDATIONS TO THE PALESTINIAN AUTHORITIES

- Exploit all international forums and meetings to raise concern for the deterioration of Palestinian residency rights in Jerusalem (highlight the military closure and ID card confiscations);

- Raise the demand for the FREEZE of the residency status of Palestinian Jerusalemites living outside the city until the issue is resolved in the final status negotiations (to Israel and international community);

- Demand Israeli guarantees that the Palestinian election registry will not be abused for further confiscations of ID cards from Jerusalemites living in the West Bank or the Gaza Strip;

- Set up a special working group on Palestinian residency rights in Jerusalem to prepare for the final status negotiations (to deal with immediate residency issues not related to the refugee question or political issues, such as: Jerusalemites living outside the city, lost IDs, family reunification, etc); this working group could be assisted by expert NGOs;

- Frequently and publicly address the specific problems of Palestinian Jerusalemites in order to rebuild confidence among the community;

- Establish channels for intervention in individual emergency cases (independently or via Israel); explore ways for establishing a Palestinian insurance fund for Jerusalemites so as to counter the integrative pressure deriving from Israel’s National Insurance;

- Consider the sensitive situation of Palestinian Jerusalemites in all future steps for establishing residency & citizenship laws and regulations in the Palestinian areas (census, ID cards, etc.); carefully study the effect of such measures on the legal situation - in Israeli terms - of Jerusalemites; avoid their transformation into legal subjects of the Palestinian Authority before the issue of Jerusalem is solved in the final status negotiations.
CALL FOR INTERNATIONAL ACTION IN DEFENSE OF PALESTINIAN RESIDENCY RIGHTS IN JERUSALEM

Join the Campaign:

- Address media and policy makers; brief them on the deteriorating situation of Palestinian residency rights in East Jerusalem; highlight the problem of ID card confiscations

- Protest to Israeli embassies and officials (especially to Interior Minister Haim Ramon) against the practice of ID card confiscations

- Address your concern to PA and PLO officials: lobby for their demand of a FREEZE of the resident status of Palestinian Jerusalemites living in the PA areas

- Include residency issues in every campaign for Palestinian rights to Jerusalem

- Adopt individual cases to lobby among the Israeli authorities

For additional information and campaign assistance please contact:
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Alternative Information Center