

Response by Ir Amim to the Fourth Periodic Report of Israel (CCPR/C/ISR/4)

**In Accordance with the List of Issues Adopted by the Human
Rights Committee at its 105th Session, 9-27 July 2012**

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EXECUTIVE SUMMARY AND GENERAL RECOMMENDATIONS

Ir Amim's response to the fourth periodic report of Israel (CCPR/C/ISR/4) focuses on those issues pertaining to rights of the Palestinian permanent residents of East Jerusalem. Ir Amim's submission highlights those policies—and discriminatory application of policy—that violate the State of Israel's obligations as a signatory to the International Covenant on Civil and Political Rights.

Under the provisions of international law, East Jerusalem is an integral part of the West Bank. From the perspective of domestic Israeli law, East Jerusalem is like any other part of Israel. In 1967 Israel applied its law, jurisdiction and administration to East Jerusalem. The "law, jurisdiction and administration" was applied to Jerusalem by virtue of section 11b of the Law and Administration Ordinance, 1948. That ordinance was added to the 1967 Law and Administration Order (in the Law for the Amendment of the Law and Administration Order (no. 11), 1967) and declared that "the state's law, jurisdiction and administration will apply to any area of the Land of Israel that the government decides by decree." Following that ordinance, the government passed the Law and Administration Decree (no. 1), 1967, according to which, "The territory of the Land of Israel described in the appendix is hereby determined as the territory to which the state's law, jurisdiction and administration apply." From the international perspective, the de facto annexation of East Jerusalem to Israel does not apply. However, in the context of this Shadow Report, since the State of Israel's "law, jurisdiction and administration" extends to East Jerusalem, then according to the state's own logic, the International Covenant on Civil and Political Rights to which Israel is a signatory, must also apply in East Jerusalem.

According to the Israeli Central Bureau Statistics 2011 Yearbook, at the end of 2011 the Arab population of Jerusalem was 291,127 out of a total of 804,400 residents of Jerusalem (36%). A few hundred of these are Arab citizens of Israel and the rest are Palestinian residents of East Jerusalem.

The Citizenship Law, 1952, does not grant universal citizenship to the residents of East Jerusalem. The law theoretically allows individuals to receive citizenship on certain conditions, but in any case it does not apply generally to all residents of East Jerusalem. The residents of East Jerusalem are permanent residents of Israel with the exception of those individuals who applied for citizenship and whose applications were approved. The number of such cases is apparently small.

The status of residency, unlike citizenship, requires constant verification and is always subject to expiration and revocation. The status of residency leaves a large measure of discretion to the Israeli authorities who have radically changed their policies over the years, outside the scrutiny of public discussion or even public notification. The connection of the residents of East Jerusalem to the place where they were born and raised for generations is cast in perpetual doubt. They are required to repeatedly prove their connection to Jerusalem to the authorities, to continually present numerous documents and to withstand examinations and investigations. Between 1967-2013, the residency of 14,309 Palestinian East Jerusalem residents was revoked.

In 2011, the poverty level among Palestinian residents of East Jerusalem stood at 79.5% and among children at 85%. This indicates a significant gap in poverty levels between Palestinian and Jewish Jerusalemites, with the poverty level among Palestinian families three times higher than that among Jewish families.

Specifically, Ir Amim's submission substantively addresses items 6, 7, 9, 18, 21 and 25 under the List of Issues prior to the submission of the Fourth Periodic Report of Israel (CCPR/C/ISR/4), adopted by the Human Rights Committee at its 105th session, 9-27 July 2012.

In response to **Item 6 of the List of Issues**, Ir Amim's monitoring reveals multiple violations of Palestinian rights perpetrated through the practice of demolition of houses and private property; the State's housing policy and the denial of issuance of construction permits, including the discriminatory nature of the municipal planning system that prevents the legal construction of Palestinian building in East Jerusalem; and East Jerusalem Palestinians' restricted access to health services, education, adequate housing, water and sanitation.

Ir Amim's monitoring indisputably confirms that in addition to home demolitions, the near complete exclusion of Palestinians from the planning process and the failure to advance Palestinians' alternative plans—often financed by private community funding—leaves communities completely powerless to affect the growth and development of their neighborhoods and public spaces. Combined with negligible rates of building permit approvals (little more than 4,000 have been awarded since 1967), Palestinians in East Jerusalem are faced with mounting displacement pressures.

Gross disparities in education between East and West Jerusalem exacerbates these pressures, severely inhibiting the personal, academic and professional growth of Palestinian children and perpetuating the crippling poverty rate in East Jerusalem, now approaching 80%. The Fourth Periodic State Report issued by Israel in December of 2013 addresses the question of equality in access to education between Jewish and Arab citizens at the national level. As a Jerusalem based NGO, Ir Amim focuses on the discrepancies in access to education between East and West Jerusalem, specifically for non-citizen Palestinian residents, due in no small part to the lack of physical classrooms to accommodate their needs. Ir Amim's research reveals a shortage of 2,000+ classrooms in East Jerusalem, including a shortage of 400 preschool classrooms – a situation in violation of the Free Education Law guaranteeing free education for all children ages 3-4. Dropout rates between East and West Jerusalem are in stark contrast to one another, reaching 13% of East Jerusalem students as of September 2012.

Nowhere are these disparities more apparent than in the eight neighborhoods beyond the barrier, located firmly within the municipal boundaries but left isolated on the other side of the barrier. Close to 80,000 Palestinians now live in these 'no man's lands', for which the Municipality has all but completely abdicated responsibility. Emergency services, including police and fire, are virtually absent; water and sanitation infrastructure is insufficient to meet current demand; educational disparities are at their worst; and the imposition of checkpoints severely curtails freedom of movement.

Regarding the occurrence of discriminatory planning and demolitions, Israel must immediately halt all demolition orders that are not structural emergencies and create a review process through a commission that includes Palestinian leadership from East Jerusalem; the commission would be charged with determining the urgency of the demolition order and review any designations of illegality. Israel must cease the creation of area plans that result in the expropriation of Palestinian land for inappropriate uses, and prioritize the development of additional residential housing and schools in East Jerusalem. Measures must be taken to halt the summary dismissal of alternative Palestinian plans through the planning process, to ensure their fair consideration and promote their legal advancement.

Regarding disparities in the provision of educational resources, Ir Amim calls for the prioritization of Palestinian educational facilities in land-use planning and permit-granting, and an equitable number of dropout prevention personnel and sufficient level of budgeting.

The Municipality of Jerusalem must assume—and the state of Israel ensure—full accountability for provision of services to the eight neighborhoods beyond the barrier, which are indisputably located within the Municipal boundaries of the city and as such, are entitled to full municipal services. Authorities must prioritize the provision of infrastructure, including sewage and drainage, emergency services, and general municipal services, including educational and health facilities. Specifically, and as a start, residents of the northern neighborhoods have proposed to extend existing emergency services in the maternity hospital in Kafr Aqab, in addition to identifying an immediate solution for ambulance crossings. This could be accomplished by establishing a station from which ambulances would be allowed to pass the checkpoint to the Israeli side of the barrier, without being delayed; by obligating ambulances inside Jerusalem to enter the area; or, by permitting ambulances from Ramallah to cross the checkpoint without delay. See Section VI.G below for additional suggestions.

In response to **Item 7 of the List of Issues** regarding the extent to which Israel has been promoting cultural rights in Israel and the Occupied Palestinian Territory, including East Jerusalem, Ir Amim finds repeated cases of Palestinian event closures and budgetary discrimination in the allocation of municipal funds, indicating a severe disregard on the part of the government for the cultural rights of Palestinian residents in East Jerusalem. Combined with State imposed closures of political institutions, the continued erosion of East Jerusalem's cultural infrastructure leaves it vulnerable to social fragmentation and disempowerment. Israel must allow Palestinian residents to hold cultural events and other activities. The municipal budget must be revised to adequately support the needs of East Jerusalem's children—not only in terms of physical classroom space but also the professional personnel and dropout prevention services required to retain students and respond to their academic and developmental needs.

In response to **Item 9 of the List of Issues** regarding provision of water and sewage (to which Ir Amim formally responds under **Item 6(d)** below), Ir Amim finds an acute shortage of services in the 8 neighborhoods beyond the separation barrier. In the northern neighborhood of Kafr Aqab, water pipes are too narrow to accommodate the demand placed on the sewage and drainage infrastructure. In 2002-2003, the residents installed, at their own expense, sewage and drainage pipes. However, during that time, the area was inhabited by only 12,000 people and the piping was designed to service up to 30,000. Today, around 65,000 people live in the area, more than twice the estimated amount (a population growth of 500%). The need for drainage services is constantly growing, and in addition to the area itself, the system also carries drainage from the Ramallah and al-Bireh area. As a consequence of insufficient drainage, instances of flooding have become common, sewage can be seen flowing in the street, and there has been damage to homes and property. Among specific recommendations, residents demand that the Israeli authorities install new pipes with a minimum diameter of 3 meters to respond to the area's sewage and drainage needs.

In response to **Item 18 of the List of Issues**, as a Jerusalem based NGO, Ir Amim focuses on violations of the covenant in the context of Jerusalem—specifically, violations against the minority Palestinian population. Ir Amim's research reveals that nationalist Jewish violence in Jerusalem has been increasing in frequency and severity in recent years. Often in cases of nationalist Jewish violence against Palestinians, charges are dropped, cases

closed, evidence lost. Although definitive statistics are unavailable, numerous examples reveal the increasing severity of the situation.

Ir Amim advocates for 1) consistent investigation of reports on all attacks against Palestinians and destruction of their property, 2) expeditious prosecution of cases, 3) equal provision of protection for Palestinian and Jewish residents of Jerusalem and 4) actions taken by authorities to prevent and counter racist incitement on the part of public officials.

In response to **Item 21 of the List of Issues**, as a Jerusalem based NGO, focusing on violations of the covenant in the context of Jerusalem, Ir Amim's core mandate also includes working towards the halting or impeding of all building and construction—settlement building, road infrastructure, national parks and touristic settlement—used to consolidate Israeli control of East Jerusalem and displace its Palestinian residents.

With regard to the issue of checkpoints which Palestinians living within the neighborhoods beyond the barrier are forced to navigate within their own city, Ir Amim and colleague organizations have developed a substantive list of recommendations found in Section VI-B of this report and including but not limited to increasing the number of vehicular and pedestrian lanes, clearly placing signage outlining hours of operation.

In response to **Item 25 of the List of Issues**, Ir Amim's research demonstrates that Israel's Citizenship and Entry into Israel Law is discriminatory and results in family separation, infringing on the rights of Israeli citizens and East Jerusalem residents to marry or live with a Palestinian spouse from outside of Israel or East Jerusalem. The law is estimated to adversely affect thousands of Arab Israeli citizens and residents of East Jerusalem and their Palestinian spouses. According to a June 26, 2014 reply from the Ministry of Interior's Administration of Border Crossings, Population and Immigration, in response to a request by Ir Amim under the Freedom of Information Law, during 2003-2013, 5,130 requests for family unification in East Jerusalem were filed. Men filed 2,878 of the requests and women 2,252. Of the thousands of requests, only 5 were granted permanent residency: 3 men and 2 women. In total, 2,918 residency permits were issued in Israel—of them 1,753 for men and 1,165 for women—and 1,614 requests for family unification were denied—764 for men and 850 for women.

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I. Ir Amim

A. Mission and History

Ir Amim (“City of Nations” or “City of Peoples”) seeks to render Jerusalem a more viable and equitable city for the Israelis and Palestinians who share it, under current circumstances and toward a more politically sustainable future. Ir Amim envisions a city that ensures the dignity and welfare of all its residents and that safeguards their holy places, as well as their historical and cultural heritages.

Ir Amim was founded in 2000, and became active as a non-profit organization in 2004. In order to achieve its vision, Ir Amim conducts ongoing monitoring, policy and legal advocacy.

B. Contact information

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II. Response to Item 6 of the List of Issues: Housing Demolition and Planning Discrimination; Educational Discrimination and Classroom Shortages in East Jerusalem; Access to Health Services etc. in Neighborhoods beyond the Barrier

A. Demolition of Illegal Structures in the City of Jerusalem

The Fourth Periodic State Report issued by Israel in December of 2013 details a minimal list of demolitions, with the majority occurring in West Jerusalem. The numbers reported are not comprehensive and the state appears to have only reported those demolitions completed by the Jerusalem Municipality, omitting a significant number of demolitions executed by the Ministry of the Interior. Additionally, the report misconstrues the character of the demolitions and the gravity of harm experienced by those whose property is demolished, describing the demolitions as primarily non-residential in character.

Displacement rose significantly in East Jerusalem in 2013, with 298 Palestinians displaced from demolitions compared to 71 in 2012. Although the Israeli record shows only 13 demolition orders against illegal construction in East Jerusalem between January and August 2013, other data

bases reveal numbers close to 74.¹ Thus far in 2014, 85 Palestinians, including 45 children, have been displaced and an additional 93 have had their livelihoods affected.²

A similar trend of underreporting is evident for previous years. The state report claims only 24 demolitions of illegal structures in East Jerusalem occurred in 2012; these are described as predominately non-residential “fences, caravans, (a) goat pen, a shed and a warehouse, illegal building extensions and new buildings that were constructed without legal permits.”³ However, the Civil Society Advocacy Working Group on Displacement Demolition and Displacement Figures Report issued in July reveals demolitions roughly three times that number.⁴ The state reports that in 2010 only “a few” demolitions were completed in East Jerusalem, with 23 the year prior.⁵ Reports show 43 demolitions in 2011 and 84 in 2010.⁶ And this trend of extensive demolitions in East Jerusalem continues.

Ir Amim requests that the Committee refer to the report submitted by "Bimkom – Planners for Planning Rights" for more detailed information regarding this topic.

B. East Jerusalem Planning Discrimination

The state report claims that the new outline plan for Jerusalem is currently in the authorization process. However, while the plan was submitted and approved for deposit in 2008, the Ministry of the Interior has refused to sign onto the document, preventing formal deposit of the plan. Thus, the outline plan is effectively frozen in the authorization process and even the Jerusalem planning authorities have expressed skepticism about its progress.

Attempts to create plans at the Palestinians neighborhood level in Jerusalem have also failed. For instance, in the Al-Sawahra neighborhood, the planning process began in 2009 for a new neighborhood of 2,500 housing units but momentum was hindered, no plan number was ever assigned and the plan was never discussed in the planning committees. Moreover, smaller plans advanced by residents who own land included in the Al-Sawahra plan were rejected on the grounds that the larger plan must first be completed. Additionally, the plans referenced by the state for the Deir al 'Amud and Al Montar neighborhoods exist only on paper, with no current indications of any intention to initiate actual development.

Simultaneously, the Jerusalem District Building and Planning Council approved the plan for the Mount Scopus Slopes National Park at the expense of the development of the adjacent Palestinian neighborhoods of A-Tur and Isawiyya and despite the plan's contradiction of the Jerusalem 2000 Outline Plan.⁷ The Mount Scopus Slopes National Park Plan, approved by the

¹ Civil Society Advocacy Working Group on Displacement. “CS-AWGD Demolition and displacement figures.” Updated June 2014

http://www.palestinagrupperna.se/files/Updated%20through%20May%202014%20Facts%20and%20figures%20demolition%20and%20displacement%202009%20through%202013_0.pdf .

² United Nations Office for the Coordination of Humanitarian Affairs. “United Nations Humanitarian Coordinator calls for an immediate halt to demolitions in East Jerusalem.”

http://www.ochaopt.org/documents/ocha_opt_28_03_2014_english.pdf (accessed August 26, 2014).

³ Israel. “Consideration of reports submitted by States parties under article 40 of the Covenant pursuant to the optional reporting procedure. Fourth periodic reports of States parties due in 2013.” Paragraph number 63. http://www.ccprcentre.org/doc/2013/10/CCPR_C_ISR_4_5310_E.doc (accessed August 26, 2014)

⁴ See *supra* note 1.

⁵ See *supra* note 3 at paragraph 35.

⁶ See *supra* note 2.

⁷ Ir Amim. “The National Park Plan on Mount Scopus: Political Interest Versus Resident’s Welfare.” <http://rhr.org.il/heb/wp-content/uploads/natioanl-park-english-web-1.pdf> (accessed August 26, 2014).

District Planning and Building Committee in November 2013, is an initiative of the Israel Nature and Parks Authority and the Jerusalem Municipality. The plan expands the area originally allocated for the park in the Jerusalem 2000 plan, absorbing all of the open area adjacent to A-Tur and Isawiyya. Because the plan consumes areas identified in the 2000 plan for development of these two communities, it effectively eliminates any opportunity to develop the areas for Palestinian residential purposes.⁸

Ir Amim requests that the Committee refer to the report submitted by "Bimkom – Planners for Planning Rights" for more detailed information regarding this topic.

C. Shortage of 2,200 Physical Classrooms in the Official School System

The Jerusalem school system consists of both official state run schools and “unofficial but recognized” schools. Unofficial schools are licensed and funded by the Ministry of Education, however they remain privately operated and charge tuition.⁹ Of the 232,501 students enrolled in the Jerusalem school system in 2012-2013, 33.8% are in the "Arab school system".¹⁰ Roughly half of these 78,676 Arab students attend official schools.¹¹ However, the majority of students enrolled in unofficial schools do so because of the lack of official municipal schools in their area. According to the Jerusalem Education Administration in 2012, 2,827 do not attend school.¹²

In 2011, the Supreme Court held that every child from East Jerusalem must be allowed to enroll in an official school in his/her area of residence or, alternatively, be refunded tuition for attendance at an unofficial but recognized school.¹³ In 2012, the Jerusalem Deputy Mayor acknowledged a shortage of 1,100 classrooms for official schools, including over 700 new classrooms required to replace existing classrooms located in substandard structures and 400 completely new classrooms.¹⁴

The Municipality has made some progress in prioritizing the construction of additional official classrooms in East Jerusalem, with close to 400 classrooms in some stage of planning or construction as of August 2013.¹⁵ Since the number of missing classrooms is expected to grow in proportion to the estimated population, at a rate of 6% annually, the grave shortage of classrooms will persist even with this minor increase in classroom construction.

It is important to also note that classroom sizes reveal significant disparities between East and West Jerusalem. Although the state has implemented a program that restricts the maximum classroom size to 32 students, in East Jerusalem, the *average classroom size* is already at the maximum number of 32, while in West Jerusalem, average classroom sizes range from 24-25

⁸ See *supra* note 8.

⁹ Ir Amim. “Annual Status Report: The Failing East Jerusalem Education System.” August 2013. Page 3 at note 1. <http://www.acri.org.il/en/wp-content/uploads/2013/09/EJ-edu-report-2013.pdf> (accessed August 26, 2014)

¹⁰ See *supra* note 9 at page 3.

¹¹ See *supra* note 9 at page 3. Another 20,000 Arab students attend private schools run the Waqf, United Nations Relief and Works Agency, and others. *Id.* at 4.

¹² Ir Amim. “Failed Grade: East Jerusalem’s Failing Educational System.” 2012 at 3. <http://www.ir-amim.org.il/en/report/failed-grade-%E2%80%93-east-jerusalem-failing-educational-system-2012> (accessed August 26, 2014)

¹³ See *supra* note 9 at page at 5.

¹⁴ See *supra* note 12 at page at 4.

¹⁵ See *supra* note 9 at page at 7.

students per room.¹⁶ Moreover, in East Jerusalem, classroom spaces are often rented rather than constructed, resulting in overcrowded, inappropriate facilities with substandard health and safety conditions; many of these rented spaces are former residential buildings that have been temporarily converted to schools.¹⁷ During the 2012-2013 school year, 773 classrooms were rented.¹⁸

In 2012, the Free Education Law was expanded to include all children ages 3-4. However, due to the acute shortage of institutions for children aged 3-4 in East Jerusalem, only 31% of the 5,792 children in the age group attended preschool in 2012. Of these, only 6% or 1,105 children attended official kindergartens. According to monitoring data, 26 new classrooms were to be built or rented in 2012 for the purpose of creating additional kindergartens. These classrooms accommodate roughly 500 children ages 3-5. Even if most of the children served are aged 3-4, there are still roughly 1,200 children in this age group who are not absorbed into the system. To bridge the gap and enable families with children aged 3-4 years old the benefit of a free education, as stipulated by law, an additional 400 new kindergarten classrooms are required.¹⁹

D. The Severe Dropout Rate of East Jerusalem Students

As of September 2012, the total dropout rate in East Jerusalem reached 13% of all students.²⁰ This is significantly higher than the national rate reported by Israel. The Fourth Periodic State Report states that in 2011-2012, the total dropout rate in the Jewish population stood at 1.5% and in the Arab population at 2%.²¹ The contrast is even more stark compared to the dropout rate of West Jerusalem in 2011, where only 1% of students dropped out.²² In East Jerusalem, most of the attrition occurs in grades 10-12, with the trend starting as early as grade 7. According to data from the Ministry of Education (MANHI) for the 2012-2013 school year, 10% of Palestinian children of 8th or 9th grade school age were not enrolled in an educational institution. For 10th grade, this figure doubled to 20% and by 11th grade, 30% of the students did not attend school. The cumulative dropout rate results in 36% of children in East Jerusalem failing to complete a full 12 years of school.²³ The lack of dropout prevention programs, combined with the severe shortage of classrooms, contributes significantly to the high dropout rate. Dropout prevention programs are lacking in East Jerusalem in particular, where 30% of secondary schools have no such services.²⁴

E. Access to services in Neighborhoods beyond the Barrier

The path of the separation barrier around Jerusalem has left eight Jerusalem neighborhoods within the municipal boundary but outside of the separation barrier. In the northernmost reaches of East Jerusalem this includes Kafr Aqab-Semiramis; and to the northeast of East Jerusalem, this includes the neighborhoods of Ras Khamis, Ras Shehada and Dahiyat al-Salam (New Anata), as well as the Shuafat Refugee Camp. These two areas to the north and northeast of East Jerusalem

¹⁶ See *supra* note 12 at page 6.

¹⁷ See *supra* note 12 at page 6-7, footnote 12.

¹⁸ See *supra* note 12 at page 6.

¹⁹ See *supra* note 9 at 9.

²⁰ See *supra* note 9 at 9, footnote 19.

²¹ See *supra* note 3 at paragraph 185.

²² See *supra* note 15 at 9, footnote 20.

²³ See *supra* note 15 at 10, footnote 21.

²⁴ See *supra* note 15 at 10.

are inhabited by roughly 80,000 Palestinian residents of Jerusalem, accounting for roughly one quarter of the city's total Palestinian population.

The separation barrier disconnects the residents of Jerusalem who live beyond the barrier from their city; they cannot enter the city without crossing checkpoints.²⁵ As the separation barrier was erected, these neighborhoods became dense, neglected enclaves, with municipal services stopping almost entirely. Although these neighborhoods are officially by Israeli law a part of Jerusalem, in reality, the Israeli authorities persistently avoid them and deny services. The lack of enforcement of Israeli law in these neighborhoods has led to massive unmonitored construction of Palestinian residences and businesses – most without even the most minimal infrastructure. Both the northern and northeastern areas beyond the barrier are densely populated and on constant verge of a humanitarian crisis. Neither area has local emergency services, including fire services. Even ambulances from Jerusalem are not permitted to pass the separation barrier. The combination of building density and the lack of infrastructure and services might lead both regions towards a humanitarian crisis.

Several petitions to the Supreme Court against the path of the barrier in North Jerusalem have cited residents' arguments concerning their disassociation from Jerusalem in terms of education, healthcare, employment and commerce, and the overall harm to their fabric of life²⁶. The state's response included the promise that "the government and the Municipality of Jerusalem have prepared to take care of the population in light of the barrier's construction". As stated in the ruling: "the respondents [the state] are aware of their duty to continue to preserve the residents' fabric of life, as well as their bond to Jerusalem. The respondents pledge to persist in their efforts to minimize the harm to the residents' life fabric, by establishing a governmental services compound in the Qalandia checkpoint, as well as by other means that the government has decided on (in its decision from July 10th 2005)".²⁷

In July 10, 2005, Government Decision no. 3874, "on the Barrier around Jerusalem and the care of the residents in light of its construction" passed. In it, the Municipality of Jerusalem also committed to "establishing a 'community administration for the area around Jerusalem' – that would take care of the residents in Jerusalem's municipal territory beyond the barrier", as well as "enforcing the public order in the area of the crossings, as part of the governmental services". Additionally, in cooperation with the then-Ministry of Education, Culture and Sports, the Jerusalem Municipality committed to "organizing a transport system that would carry students to schools in Jerusalem, in an orderly and controlled fashion, for school year 2005/2006", as well as "building education institutions that would minimize the costs of transport – in the long term".

According to the government's decision, the community administration would guarantee the provision of governmental and municipal services for residents of neighborhoods separated from the city. In reality, this community administration has led to a three-headed mechanism, in which the residents find themselves shuttled back and forth between the administration and the Municipality, neither responding, and each casting-off responsibility to the other.

1. Lack of Proper Access to Fire Services

As of the date of writing, there is no fire station in the vicinity of Kafr Aqab. The residents have asked that one be established in the Qalandia checkpoint, but to this day, they have not been

²⁵ See *infra* Section VI. regarding the impact of checkpoints on the lives of Palestinians.

²⁶ (HCJ 5488/04, 6080, 3648)

²⁷ See *Id.* at paragraph 59.

acknowledged. In the December 2, 2014 discussion of the Knesset Public Petitions Committee, the deputy chief of Jerusalem's fire services admitted he accepts the resident's complaints on the issue: "...our response time is very long, sometimes 40 minutes, a long time at the checkpoint [sic], we are held up before we go in, and this is a life-saving service. We ask for two things, to have designated land and building at the checkpoint's area; we will man it with firefighters, and establish there a fire station that would provide them with the proper services..."²⁸

2. *Lack of Proper Access to Healthcare Services*

In the entire Kafr Aqab area, there are no emergency medical services, except for a small hospital that provides emergency maternity care and delivery services. In addition, there is not one ambulance station in the area, and in cases of emergency the residents have to contact one in Ramallah, since ambulances from Jerusalem do not enter this area. The complications do not end here: ambulances from Ramallah are forbidden from crossing the checkpoint, so any patient must be transferred in Qalandia from the Palestinian ambulance to an Israeli one, all the while wasting an unreasonable amount of time and causing clear risk to the patient's life.

According to Government Decision no. 3873, the Ministry of Health should have determined crossing procedures that would allow "the provision of fast, humane services for those in need", as well as, "in coordination with the relevant parties – determining crossing procedures that would ease the transfer of physicians and equipment from the areas around Jerusalem", and should act "to encourage hospitals in east Jerusalem to establish outposts beyond the barrier", as well as coordinate with all relevant parties to "issue orderly permits for medical staff that would allow for their quick crossing". None of the above has been carried out.

3. *Lack of Classrooms in Official Schools*

Today, there are 16 schools in the Kafr Aqab area. Only two of them are official schools; the other 14 are operating with no de facto supervision. Due to a lack of classrooms in this area, over 3,750 students pass the Qalandia and Hizma checkpoints every day, in order to reach schools on the Israeli side of the barrier. Filling this gap would require establishing approximately 125 additional classrooms. The residents are interested in establishing new official schools in this area, in addition to officializing the existing ones.

4. *Lack of Sewerage and Drainage Services*

The water pipes currently laid out in the Kafr Aqab area are too narrow to accommodate the demand placed on the sewerage and drainage infrastructure. In 2002-2003, the residents installed, at their own expense, sewer and drainage pipes. However, during that time, only 12,000 people inhabited the area and the piping was designed to service up to 30,000; today, around 65,000 people live in the area, more than twice the estimated amount (a population growth of 500%). The need for drainage services is constantly growing, and in addition to the area itself, the system also carries drainage from the Ramallah and al-Bireh area. As a consequence of insufficient drainage, instances of flooding have become common, sewage can be seen flowing in the street, and there has been damage to homes and property. Residents demand that new pipes be installed with a minimum diameter of 3 meters to respond to the area's sewage and drainage needs.

²⁸ Protocol of the Knesset Committee's discussion. <http://knesset.gov.il/protocols/data/rtf/zibur/2014-02-12-01.rtf> (page 35; in Hebrew)

5. Lack of Sanitation Services

Following a petition filed by the area's residents through JLAC (the Jerusalem Legal Aid and Human Rights Center; Administrative Petition 9777-04-12), the court intervened and there have been relative improvements in sanitation. Sanitation services in the area were all but nonexistent, leading to life-threatening conditions. Garbage piled up on the streets in the center of residential neighborhoods, close to education and health care institutions. In the absence of alternative solutions, residents burn their trash, thus exacerbating health risks.

6. Lack of Access to Water

Regarding the issue of access to water in the neighborhoods of Jerusalem beyond the barrier, we refer the committee to the reports issued by Bimkom and the Association for Civil Rights in Israel (ACRI).

F. Conclusion and Recommendations:

Israel's Fourth Periodic State Report fails to address the lack of resources allocated to the East Jerusalem educational system. Ir Amim advocates for prioritization of Palestinian educational facilities in land-use planning and permitting, and an equitable number of dropout prevention personnel and sufficient level of programming.

Regarding the occurrence of discriminatory planning and demolitions, Israel should halt all demolition orders that are not structural emergencies and create a review process through a commission that includes Palestinian leadership from East Jerusalem; the commission would be charged with determining the exigency of the demolition order and review any designations of illegality. Additionally, priority on creating additional residential housing and schools in East Jerusalem is necessary.

Israel must also prioritize the provision of infrastructure, including sewerage and drainage, emergency services, and general municipal services to the neighborhoods beyond the barrier. Specifically, the residents of the neighborhoods propose to extend the existing emergency services in the maternity hospital in Kafr Aqab, in addition to their demand to find an immediate solution for ambulance crossings. This could be accomplished by establishing a station from which ambulances would be allowed to pass the checkpoint to the Israeli side of the barrier, without being delayed; by obligating ambulances inside Jerusalem to enter the area; or, by permitting ambulances from Ramallah to cross the checkpoint without delay. See Section VI below for additional suggestions.

III. Response to Item 7 of the List of Issues: The Promotion of Cultural Rights in East Jerusalem

A. Event closures in East Jerusalem

According to a review conducted by Ir Amim in the years 2004-2013, 87 Palestinian events were shut down by order of the Minister of Public Security. These closure orders were issued by means of the Interim Agreement on the West Bank and the Gaza Strip Implementation Law (Restriction of Activities) of 1994. Thirty-eight of the orders required closure of cultural activities, including an event marking Palestinian Teachers' Day, as well as events held in celebration of

Palestinian Children's Week that were to take place at the Palestinian National Theatre in June 2013.

B. Budgetary Discrimination

Analyses of the Jerusalem Municipality's actual expenditure data for 2011 and 2013, conducted by Ir Amim, reveal severe discrimination against residents of East Jerusalem in the allocation of municipal budgets. For example, although residents of East Jerusalem constitute roughly 36% of the city's population, analysis of the 2013 actual expenditure data shows that East Jerusalem received only 2.1% of the municipal culture budget, 5.3% of the youth promotion budget, and 4.7% of the sports budget.

Department	Budget (in NIS)	Budget invested in East	% invested in East	Dpt. staff budget (in NIS)	% of budget invested in East Jerusalem (w/o relative department budget)
Culture	206,207,096	3,830,791	1.90%	24,461,685	2.10%
Community	50,322,000	5,787,626	11.50%	22,307,933	20.70%
Sports	39,134,000	603,000	1.50%	26,288,241	4.70%
Youth promotion	34,642,124	866,053	2.50%	18,203,303	5.30%
Total Municipality budget for 2013 (w/o Irregular Budget)	4,360,000,000	412,568,141	9.50%	252,225,406	
Total budget w/o administrative staff budget	2,805,031,285		14.70%		16.20%

IV. Response to Item 9 of the List of Issues: Provision of Water and Sewage in Jerusalem

Please see the Response to Item 6 in the List of Issues above, found in Section II. E, regarding the lack of access to Sewerage, Drainage and Water Services.

V. Response to Item 18 of the List of Issues: National Jewish Violence in Jerusalem

Ir Amim's research reveals that nationalist Jewish violence in Jerusalem has been increasing in frequency and severity in recent years.²⁹ Often in cases of nationalist Jewish violence against Palestinians, charges are dropped, cases closed, evidence lost. Although definitive statistics are unavailable, numerous examples reveal the increasing severity of the situation. At least 17 cases of settler violence in Jerusalem have surfaced in the past few years.

²⁹ Ir Amim. "National Jewish Violence in Jerusalem: A Review." March 2013. [See attached appendix]

For instance in August 2012 in Jerusalem, three Palestinian boys were attacked by several dozen Jewish youth, resulting in the hospitalization and near death of one. Later, pertinent records were found to be expunged and charges against the defendants were reduced from aggravated assault to incitement.³⁰ In the following months, between September 2012 and March 2013, at least 10 additional violent incidents were documented.³¹ Moreover, earlier cases of violence resulting in manslaughter charges occurred in 2010 and 2011.³²

Two additional cases in May 2012 follow the pattern of attacks perpetrated against Palestinian men due to actual or perceived interactions with Jewish women.³³ Frequently, private individuals and organizations promote and incite aggression through campaigns, threats, and boycotts of businesses where a mix of Arab men and Jewish women are employed.³⁴ In these cases, despite complaints being filed with the Jerusalem Police addressing the posting of threatening posters and flyers in locations where violent incidents took place, neither the District Attorney's Office nor the Police took action.³⁵ Similar complaints have been filed against rabbis calling upon the public not to hold joint Jewish-Palestinian activities in an effort to prevent Palestinian men from interacting with Jewish women. Most of the complaints were not qualified and investigated as racially motivated incitement, but rather dismissed as religious, rather than racist, incitement.³⁶

Historically, violence against Palestinian property and individuals has been largely confined to the West Bank, including destruction of olive trees, graffiti, mosque desecration and physical assaults. Since 2011, however, incidents of this type have increased within Jerusalem.³⁷ Between 2011 and 2013, at least 10 specific incidents were documented. Additionally, a spike in "price tag" violence resulted in 56 reported incidents, compared to 28 incidents the previous year. "Price tag" refers to acts of random violence aimed at the Palestinian population by radical Israelis and settlers who exact a "price" from local Palestinians for any action taken against their settlement enterprise. In 2011 and 2012 the IDF issued several dozen administrative restraining orders against Jews from West Bank settlements for "price tag" incidents in the West Bank. Many of those arrested relocated to Jerusalem where the occurrence of "price tag" incidents appears to have risen in direct relation to their increased presence in the city. Rabbis often provide support and encouragement to perpetrators of such violence against Palestinians in Jerusalem. They warn of the "dangers of assimilation" and preach against mixed nationality schools and renting or selling homes to Arabs.³⁸

Ir Amim calls for 1) consistent investigation of reports of all attacks against Palestinians and destruction of their property and, 2) equal provision of protection for Palestinians and Jewish residents of Jerusalem.

³⁰ See *supra* note 29 at footnote 4.

³¹ See *supra* note 29 at footnotes 5-12.

³² See *supra* note 29 at footnotes 15-17.

³³ See *supra* note 29 at footnotes 18-19.

³⁴ See *supra* note 29 at 4-7.

³⁵ See *supra* note 29 at 7.

³⁶ See *supra* note 29 at footnote 31.

³⁷ See *supra* note 29 at 7.

³⁸ See *supra* note 29 at 10.

VI. Response to Item 21 of the List of Issues: Construction of Settlements in East Jerusalem, Segregation and the Effect of the Separation Barrier on the Lives of Palestinians in Jerusalem

According to Ir Amim monitoring, at the end of 2000 there were 41,324 housing units in Israeli settlement compounds and neighborhoods in East Jerusalem. By 2012, that number had risen to 54,216, representing a 20% increase of the Jewish population in East Jerusalem.³⁹ Of greatest concern is not the extent of construction over the last decade but rather the planned growth of settlements in East Jerusalem. Out of 10,000 prospective housing units in the planning process, 6,431 were approved since 2012, and 4,474 of those approvals have advanced to tender.⁴⁰

Around the highly coveted swath of neighborhoods encompassing the Old City of Jerusalem and Mount of Olives there are roughly 2,000 settlers in 8-10 compounds, living not in areas adjacent to Palestinian neighborhoods but directly within their centers.⁴¹ This bold and inflammatory declaration of an Israeli presence creates demographic and territorial chaos in these communities. In the Old City of Jerusalem there are roughly 1,000 settlers living in approximately 58 structures in the Muslim and Christian Quarters and 5-10 opened legal challenges to evict Palestinian tenants from their homes as a means of transferring housing units to settler organizations. Just outside the Damascus Gate, 5 housing units have been handed over to settlers. During 2013, the Ministry of Housing and Construction attempted to advance a plan for a 21 unit Jewish compound and several public structures in a 3-dunam area next to Herod's Gate.

Over the past decade, the government has increasingly appropriated land in East Jerusalem for the development of national parks. In addition to two existing national parks (the national park around the Old City Walls, declared in 1974, and the Emek Tzurim National Park in 2000), three are currently in advanced stages of the planning process. The Emek Refaim National Park was approved by the District Planning and Building Committee in 2013. The plan includes declaration of a national park on 1,200 dunams of land in East Jerusalem adjacent to the village of Al Walajeh. The park would further isolate Walajeh—around which construction of the separation barrier has been initiated. In November, the District Planning and Building Committee approved the contentious plan for the Mount Scopus Slopes National Park, which would allow for development of a 732 dunam park between the East Palestinian neighborhoods of Issawiya and A-Tur. The park would block community and neighborhood development of Issawiya and A-Tur. An appeal of its approval currently stands before the National Planning Committee. Finally, the King's Garden targets an area of 50 dunams in the al-Bustan section of Silwan. Construction of the park would require the demolition of up to 56 homes in the neighborhood. The Local Planning Committee approved the plan for discussion by the District Planning and Building Committee in 2010; to date, there has been no hearing. An additional three national parks are currently in the early stages of the planning process.⁴²

³⁹ Ir Amim. "Jerusalem 2014: The Rising Cost of Peace." February 2014. Page 1.

⁴⁰ See *supra* note 39 at 3.

⁴¹ See *supra* note 39 at 4.

⁴² These parks appear in the Jerusalem 2000 master plan (see section II above): one on the Mount of Olives, a national park in Sheikh Jarrah and the Bab a-Zahara National Park, which would be developed north of the Old City.

A. Qalandia and Shuafat Refugee Camp Checkpoints: Separating Neighborhoods beyond the Separation Barrier from the City of East Jerusalem

There are multiple checkpoints in the area surrounding Jerusalem, used by Palestinians and Israelis passing from the West Bank to Jerusalem and vice versa. Unique among them are the Qalandia and Shuafat refugee camp checkpoints, being placed not between the West Bank and Jerusalem, but inside the territory of Jerusalem itself. The path of the barrier in these two areas has been upheld by court decisions; however, these same decisions also mandated that the state conserve the life fabric of residents that found themselves on the Palestinian side of the barrier. The Court included a stipulation for maintenance of reasonable crossing times at the checkpoints⁴³. Despite this ruling, over the years, many complaints have been filed regarding both crossing times and conditions, including various prohibitions and limitations, ever-changing instructions and guidelines and multiple reports of maltreatment of Palestinians at the checkpoints. On April 1, 2014, Ir Amim, B'Tselem, and ACRI sent a letter detailing the different failures in the Qalandia checkpoint; on April 2, 2014, as demanded by the Knesset Public Petitions Committee, representatives of the organizations attended a meeting with all of the relevant parties. Following are the issues raised by the organizations:

1. *Qalandia Checkpoint*

The checkpoint is central for residents from Ramallah and the northern areas of the West Bank, as well as for Palestinian Jerusalem residents who must cross it to pass between the city itself and the neighborhoods of Kafr Aqab and Semiramis, located within the municipal line but beyond the barrier. Residents of the the West Bank wanting to reach the south of the West Bank utilize the road that leads to the checkpoint, which is narrow and prone to traffic jams, on their way to al-Ram and southward. In addition to the many delays, a major problem at the checkpoint is lack of clear and consistent crossing times. Residents are unable to estimate how much time it will take to cross the checkpoint, adding another challenge to navigating their daily lives, beyond the primary insult of having to cross a checkpoint to access their city.

a) The Motor Vehicle Path

Passing through the Qalandia checkpoint are 4 traffic lanes for vehicles - one of them designated for public transportation and active only 5 days a week, between 6:00 AM and 8:00 PM. According to residents, most of the time only 2 of the 3 remaining lanes are active. Throughout most of the day and night, the roads leading up to the checkpoint are heavily congested, as is the checkpoint itself. Delays for both vehicular and pedestrian traffic can take up to several hours, especially during weekends.

b) The public transportation lane

There is only one public transportation lane, and according to residents it is closed at night, as well as on Fridays and Saturdays, despite the needs of Palestinians who must pass through the checkpoint on Friday in order to exercise their religious freedoms and on Saturday, which is a

⁴³ Regarding Qalandia, HCJ 5488/04 - al-Ram regional Council v. the Government of Israel; regarding Shuafat refugee camp, HCJ 6193/05 - Residents' Council of Ras Khamis v. the Competent Authority under the Emergency Land Requisition (Regulation) Law.

standard work day. Moreover, closing the public transportation lane creates substantial additional pressure on the private lanes, as well as on pedestrian traffic. On occasion, the public transportation lane is closed for several days, resulting in severe congestion in all other lanes. The reason given for these closures is a lack of available personnel.

While passing through the public transportation lane, all passengers are required to step down from the bus and go through a body scan and an examination of their personal belongings. The elderly, people with disabilities, and women more than 8 months pregnant are exempt; students who are on an organized group ride are also exempt. Pregnant women rarely forgo the examination, preferring to endure it rather than be forced to answer humiliating questions, e.g. regarding the stage of their pregnancy.

c) Pedestrian crossings

Narrow pedestrian lanes lead to the 5 examination points in the pedestrian crossing area, with metal fences between them and barbed wire above. An additional passageway, designated for humanitarian crossing, is open only in the morning for short periods of time, punctuated by long waits in between. Requesting opening requires addressing military personnel, at which point the soldier in charge of the key must be found – often a lengthy process. There are also no clear signs indicating the passageway's hours of operation. Any signage is exclusively in Hebrew and does not clearly indicate which of the lanes are open. Most of the time, only 2 of the lanes are open; this includes the busiest hours. The rest of the day, only one lane is open. Many times, lanes are closed without prior notice, resulting in unexpected pressure on remaining lanes. There is no separation between male and female pedestrians, creating uncomfortable conditions in the narrow passageways. Toilet facilities have been closed.

d) Ambulance and fire engine crossings

A hazardous outcome of the congestion at the checkpoint and on the roads leading to it is the impediment it creates for ambulances and fire engines navigating under emergency conditions. To the best of our knowledge, even Red Crescent ambulances arriving from the Jerusalem side of the barrier - that is, with Israeli licensing – must pass through a mandatory examination on their way out, leading to critical delays. This severe problem, although well known to the area's commanders, has yet to be addressed, thus imperiling the health, property, and even lives of tens of thousands of the area's residents. As stated above, the issue of the extreme congestion at the Qalandia checkpoint has been known of for years; yet, despite this knowledge, since the opening of the public transportation lane 3 years ago, no additional steps have been taken to ease the pressure, and even the public lane does not function properly. This situation endures in violation of Supreme Court rulings, including stipulations regarding crossing times, which have only worsened.

2. *Shuafat Refugee Camp Checkpoint*

The checkpoint in its current form is relatively new, and is crossed by residents of the Jerusalem neighborhoods of Ras Khamis, Ras Shahada, Dahiyat al-Barid, as well as the Shuafat refugee camp.

a) Traffic and Congestion

The checkpoint is open 24 hours a day, and includes 3 lanes to Jerusalem and 2 additional lanes in the opposite direction. In addition, there is one passageway for pedestrians crossing to Jerusalem and a turnstile through which pedestrians can return to the aforementioned neighborhoods. During rush hour, and especially during the hours when children are returning home from school, around

1:00 PM, thousands of children must wait for long periods to enter the single turnstile. Throughout the day and night, including rush hour, only 2 of the vehicular lanes are open; the first one exclusively for student transportation and the second for both residents and public transportation. As such, every morning, between 8:00 and 8:45 AM, traffic jams from the exit of the neighborhoods toward Jerusalem cause delays of up to half an hour. In the direction toward the neighborhoods, only one of the lanes is open, and it is often blocked by traffic police who stop and check vehicles from within the lane itself. It should be noted that on Fridays, Saturdays and holidays, partial staffing of the checkpoint creates added pressure.

b) Lack of an ambulance station

Before the construction of the barrier and the checkpoint, Magen David Adom (MDA) ambulances could enter into the neighborhoods and provide residents with emergency care and evacuation. The situation has markedly deteriorated since the barrier's erection and, according to residents, soldiers prevent MDA ambulances from entering even for life-saving purposes. The only ambulance service allowed through the checkpoint is the Red Crescent. Arrival times can take up to half an hour. An MDA ambulance, leaving the nearby station in Pisgat Ze'ev, could arrive in minutes; instead, residents must wait for an ambulance to arrive from Wadi Joz.

c) Lack of a fire station

There is not one fire station in the four Jerusalem neighborhoods beyond the Shuafat refugee camp checkpoint. A fire engine responding to a fire must enter through the highly congested checkpoint. Before erection of the separation barrier, fire engines from the Pisgat Ze'ev station provided services to the residents of these areas—with the capacity to save lives given their relatively short response time.

d) Lack of Appropriate Authorities at the Checkpoint

The District Coordination Liaison (DCL)'s lack of representation at the Shuafat checkpoints results in many residents being prohibited from crossing. The group most impacted by this situation is that of residents undergoing the family unification processes – i.e., Palestinians from outside of Jerusalem who marry Jerusalem residents, and receive a permit to legally stay in Israel. Current checkpoint procedures prohibit these people from crossing, despite their holding a legally authorized permit. In order to enter other parts of the city, these individuals are directed to Qalandia or Zaytoun checkpoints, designated for West Bank residents. Being forced to navigate these routes substantially lengthens their travel time and especially harms people who work in Israel, as well as parents who must accompany their children to medical exams or other arrangements.

Previous appeals have led to the partial solution that certain categories of residents, identified on a list submitted by ACRI, were issued permits. Appeals have been made to the Israeli Civilian Administration (ICA) demanding that they reform the policy and allow access for any resident with an Israeli permit received under the unification procedures. The ICA has responded that it is in the process of making procedural changes; however, there is no evidence of modifications being made. On March 20, 2014, Hamoked: Center for Defense of the Individual appealed to the Supreme Court, demanding that people in this categorical group receive permits to cross through the Shuafat Refugee Camp checkpoint, in close proximity to their homes⁴⁴.

⁴⁴ (HCJ 2129/14 - HCJ 2129/14 - Zahdeh et al. v. Military Commander of the West Bank Area et al., Petition for Order Nisi).

e) Requirements for Original Birth Certificates from Children

Checkpoint personnel require children to present their original birth certificates as a condition for crossing. Following appeals by ACRI, the procedure was terminated approximately three years ago. Recently, however, there is evidence that the procedure continues to be employed, resulting in children who cannot present their original birth certificate being refused passage.

f) Crossing of trucks carrying equipment

Although the checkpoint is newly constructed, it is not adapted to the demands of trucks and other cargo vehicles. Starting approximately one year ago, merchants have been prohibited from passing through the checkpoint. Residents needing to transfer furniture and equipment from the neighborhoods into Jerusalem are directed to the Beitunia checkpoint - a 45 minute diversion.

g) Illicit drug trade near the checkpoint

The severe drug problem in the area of the refugee camp has been steadily worsening, exacerbated by the absence of a police presence in the neighborhoods. Drug dealers operate with impunity next to the checkpoint. Residents' demands for the enforcement of law and order in these neighborhoods remain unanswered. Consequently, crime, including a thriving drug and arms trade and property offenses, is rampant. It should be emphasized that this "drug station" operates right next to the barrier, clearly visible to both soldiers and students of the nearby municipal school.

h) Lack of a service center and administrative services at the checkpoint

As construction of the new checkpoint was initiated, residents were promised that the second stage of construction would entail development of a service center and administrative offices, including Social Security and Ministry of Interior offices and a branch of the Israeli Post Office. Although residents have learned that land expropriations for the center have been completed, to date, the center remains unbuilt.

i) Restriction of crossing for men under the age of 45 on Fridays

On several Fridays during recent months, men under the age of 45 have been prohibited from crossing the checkpoint in the early afternoon hours. This ban is imposed at all checkpoints around Jerusalem, including the Hizma, Qalandia, Zaytoun, al-Zayim, Bethlehem, Gilo and Al Walajeh checkpoints. Residents with Israeli identification cards crossing for the purposes of work, accessing health care, or visiting family, etc. are prohibited from crossing; the soldiers at the checkpoints maintain that there is an order banning entry to the other side of the city. This practice constitutes a severe violation of freedom of movement, a basic right of all residents.

B. Conclusion and Recommendations

Regarding settlement construction and land expropriation, Israel's continued construction in the Palestinian areas of Jerusalem, including within the Historic Basin, must cease. Governmental support of settler organizations and budgetary allocations for the development of tourist attractions and national parks in East Jerusalem and beyond must also be curtailed. Further construction of the separation barrier should cease as well, or at a minimum, the route should follow that of the 1967 green line.

Regarding the issues of the checkpoint at Qalandia, as long as Israeli policy continues to impose the security barrier multiple changes are required to address the three distinctive types of

congestion at the checkpoint: vehicles and individuals being examined at the checkpoint upon entry to Jerusalem; vehicles crossing on their way to Kafr Aqab and Ramallah; and Palestinians driving from the northern areas of the West Bank to the south (Bethlehem and Hebron), who are forced by different IDF roadblocks to enter the highly congested area around Qalandia—despite not having to actually pass through the checkpoint. Both via the letter from Ir Amim *et al* and at a subsequent meeting, the authorities have been presented with possible solutions to these issues. We reiterate these below.

First, Israel should make the lines of authority clear to those crossing the checkpoint via well placed signage in the area. There should be one central address to forward complaints about difficulties in crossing the checkpoint. Additionally, there should be a fully staffed checkpoint in order to allow all pedestrian and motor vehicle lanes to be open, including on Fridays, Saturdays and holidays. The public transportation lane should be staffed in order to maintain access from early morning hours to late at night, including on Fridays and Saturdays. Additionally, examination procedures should be changed so that passengers with an Israeli identity card and students will not be required to disembark the bus (as is the case at the Shuafat refugee camp checkpoint). The pedestrian passageway should be improved to enable men and women to cross with comfort and dignity. Modifications would include posting clear signage in Arabic, clarifying opening hours of each lane, repairing and enabling access to existing toilet facilities, and facilitating communication between personnel and those waiting for examination.

Additionally, the roads leading up to the checkpoint should be widened, paved and expanded to allow changes to traffic arrangements such as separating the lanes in order to ease traffic congestion. The road to Al- Qasarat (known as the ‘stone quarry road’) should be paved and repaired to enable drivers who are not required to drive through the checkpoint to pass around it, thus avoiding traffic near the checkpoint on their way from the Ramallah area to al-Ram. The metal gates of the Qalandia and Dahiyat al-Barid barriers should be opened in order to allow direct passage of vehicles towards al-Ram and Ramallah. DCL Beit El should be opened for Palestinian traffic which would enable drivers to directly reach Route 60 on their way to the south of the West Bank without unnecessarily going through the checkpoint. Procedures at Qalandia Checkpoint should be regularly reviewed and revised in order to guarantee proper behavior of checkpoint personnel, holding them fully accountable for violation of procedures.

Regarding the issues of Shuafat Checkpoint, Ir Amim, B’Tselem, and ACRI have proposed solutions to address these problems. We reiterate these solutions here. First, all traffic lanes must open during throughout the day and a public transportation lane must be established—this is especially crucial during peak traffic hours from 5:45-8:00 AM and 1:00-3:30 PM. Considering that a substantial number of vehicles crossing the checkpoint are public transportation vehicles, we suggest designating one of the three lanes exclusively for public transportation. Additionally, the Ras Khamis gate must be opened in order to reduce pressure and congestion during the afternoon hours for vehicles and pedestrians returning to the neighborhoods from East Jerusalem. Security examinations are unnecessary at the entrance to the neighborhoods, which should reduce the number of personnel required to accommodate this solution.

Regarding pedestrian traffic, the installation of an additional turnstile for people returning to the neighborhoods would reduce congestion; during rush hours, residents are forced to wait in line for hours before crossing the single turnstile. Additionally, establishing a lane for wheelchair and stroller crossings, which currently does not exist, would allow pedestrians with special needs and pedestrians (usually women) with small children, to avoid paying for a taxi or request assistance from passing cars to transfer their equipment through the vehicular lane.

Finally, in regards to the lack of emergency services in the Shuafat neighborhoods, a fire station must be erected inside the Shuafat neighborhoods. The gates at the barrier must be opened during emergencies in Shuafat Refugee Camp and locating a permanent ambulance inside the neighborhoods is imperative. Until then, ambulances should be allowed through the checkpoint. Today, the only escape route for the tens of thousands of neighborhood residents—emergency vehicles included—is through the Shuafat checkpoint. Any incident resulting in mass casualties would result in a disaster scenario. Ir Amim and its partner organizations propose installation of gates at the barrier, such as those used at the old Ras Khamis checkpoint, for emergency purposes. This change would require a system to coordinate with residents and emergency vehicles, as well as posting an emergency contact number on the gate and via public communication. The gates should be remotely operable to allow for minimal response time.

Finally, in order to ease the burden on Palestinians with an Israeli permit due to involvement in the family unification process, Israel must establish a permanent presence of the DCL at the Shuafat Checkpoint and allow these permit holders to pass through the checkpoint.

VII. Response to Item 25 of the List of Issues: Family Reunification and Residency.

In 2000 the government decided to suspend the naturalization procedures of a Palestinian couple; thus began a process that led to the violation of the right to family life of tens of thousands of Arab Israeli citizens as well as residents of East Jerusalem. The greatest harm was caused to the Arab minority in Israel and Jerusalem, which maintains family and marriage ties with the Palestinian community in the Occupied Territories. ACRI petitioned the Supreme Court of Justice (SCJ) against the government decision and while the petition was pending in court, the Knesset passed the Citizenship and Entry into Israel Law (Temporary Order), 2003, which anchored the government decision of the suspension in law. This law restricted the ability of Palestinian residents of East Jerusalem to legalize the status of their Palestinian spouses (if they did not have Israeli status) and to live with them and their children in East Jerusalem⁴⁵.

The temporary order excluded Palestinian spouses from the arrangement so that the graduated procedures for the legalization of the status of spouses of Israeli citizens and residents no longer applied to them. From this point forward, residents of East Jerusalem could not live with their Arab spouses under the procedure of “family unification” (if the non-resident was under 35 in the case of men and under 25 in the case of the women). Even if older than the age criteria, the spouses of residents could only receive residency permits that did not include entitlements to social security and national health insurance. The same applied to the couple's minor children over the age of 14. Anyone who received a temporary residency permit in Israel without a work permit and without social benefits would remain locked in that status and be required to renew it every few months.

Despite the HCJ's criticism of the law and despite the state's claims that the order was designed to be temporary, the law has been extended again and again. Moreover, its application has been expanded and now also prevents the legalization of the status of family members of Israeli citizens and residents of East Jerusalem who were born in Iran, Lebanon, Syria and Iraq or other countries designated as risk areas which the government has the authority to add to the order. It was also decided that residents of the Gaza Strip can no longer acquire status in Israel, not even under

⁴⁵ Ir Amim, Permanent Residency – A Temporary Status Set in Stone (May 2012): <http://www.ir-amim.org.il/en/report/permanent-residency-temporary-status-set-stone>

exceptions in the law. In 2007, four more petitions to cancel the citizenship law were submitted. On January 11, 2012 the petitions were rejected.

The law is estimated to adversely affect thousands of Arab Israeli citizens and residents of East Jerusalem and their Palestinian spouses. According to a June 26, 2014 reply from the Ministry of Interior's Administration of Border Crossings, Population and Immigration, in response to a request by Ir Amim under the Freedom of Information Law, during 2003-2013, 5,130 requests for family unification in East Jerusalem were filed. Men filed 2,878 of the requests and women 2,252. Of the thousands of requests, only 5 were granted permanent residency: 3 men and 2 women. In total, 2,918 residency permits were issued in Israel—of them 1,753 for men and 1,165 for women—and 1,614 requests for family unification were denied—764 for men and 850 for women.

In the case of the residents of East Jerusalem, those whose spouses are residents of the West Bank (or residents of Iran, Lebanon, Syria, Iraq or Gaza) cannot obtain licenses to reside in Israel or permits to stay in Israel. Consequently, some couples live in forced separation. In other cases, the Palestinian spouse residents in Israel with temporary permits that do not allow them to work or drive; nor can they be insured by the National Insurance Institute or enjoy public health care. If residents of East Jerusalem choose to live in the Occupied Territories with their spouses, they risk losing their resident status and all the benefits that status confers.

As a result, despite the geographical and cultural proximity between the residents of East Jerusalem and the residents of the West Bank, the former cannot maintain normal family life with the latter; they are forbidden to live together in Jerusalem, and if they wish to do so outside the city, they risk losing their residency and all of its benefits.

Ir Amim requests that the Committee refer to the report submitted by Society St. Yves for detailed information regarding this topic.