

Depicting the Lives of Palestinians under the Israeli Occupation: The Case of East Jerusalem

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Over sixty years have passed since 1948 and forty-two years have passed since 1967. Yet, the Israeli occupation of Palestine still continues. Critical issues such as the refugee situation and the conflicts over Jerusalem and the border have not yet been resolved, nor even put on the negotiation table. Time is a significant and critical factor. There have been several generations of refugees and the occupied people, and occupation conditions have changed with each generation.

In this paper, I would like to argue the importance of depicting the lives of Palestinians by examining the case of East Jerusalem. More concretely, I will describe the impact of the Israeli occupation policies on the daily lives of Palestinians in East Jerusalem. I will focus on the “residency right” as the most important policy, which Israel imposed on Palestinians in East Jerusalem after 1967, and other occupation policies such as checkpoints and the Separation Wall as important factors. Both have strengthened the effect and significance of the residency right.

Israel has attempted to unify West and East Jerusalem since 1967 by enacting laws and by erasing the border between the two sides on a social level. To put it concretely, Israel has been promoting the policy of “strengthening the Jewish presence in Jerusalem” [Cheshin 1998] (the so-called Judaizing of Jerusalem) by constructing and expanding Jewish settlements in and around East Jerusalem. There have been many research studies about the Judaization of East Jerusalem and many maps indicating its geopolitical features. Israel has manipulated the legal system of the “residency right” in order to control Jerusalem’s demographic balance. It is true that Jewish settlements have expanded, that the Jewish population has been increasing, and that the Judaization of East Jerusalem has been greatly promoted. However, we cannot conclude that Israel has always succeeded in its attempt to Judaize East Jerusalem. As will be explained later, the demographic control of Jerusalem has not been successful. The Israeli occupation policies have always caused the occupied people to react in various ways.

Occupation does not only mean control of land and demographics. It is not only what percentage of land Israel has confiscated or the number of Jewish Israelis living in Jerusalem but how Judaization has affected the lives of the occupied people. In this paper, I will depict the lives of Palestinians in East Jerusalem using case studies.

The Legal Status of Palestinians in East Jerusalem

On June 26, 1967, directly after it occupied East Jerusalem on June 7 (East Jerusalem had been under Jordanian rule), Israel conducted a census in the expanded Jerusalem Municipality. On June 27, the Israeli Parliament, the Knesset, enacted two laws. One was the Municipalities Ordinance Amendment, No. 8, by which Israel officially expanded East Jerusalem and drew the new municipal boundary. The other was the Law and Administration Ordinance Amendment, No.11, by which Israel enforced its legal and administrative systems in the expanded area (Map 1). Then, Blue identity cards indicating the right to reside in Israel were issued to Palestinians living inside the new municipal boundary of Jerusalem at the time of the census, and Green identity cards indicating one's status under the military occupation were issued to Palestinians residing in the West Bank [Halabi 2007].

Residency rights are conferred by the Law of Entry into Israel, 1952 [B'Tselem and HaMoked 2004], which was enacted long before Israel occupied East Jerusalem in 1967. The residency right is given to those who do not have Israeli citizenship, such as non-Jewish spouses of Jewish Israelis and foreigners who work in Israel [Halabi 2007]. Those who have a blue ID card—which indicates the residency right—enjoy the right to Israeli social welfare, medical services, the ability to vote in municipal elections, and freedom of movement and they are duty-bound to pay all taxes, such as property, income, and national insurance taxes. The residency right is literally the right to reside in Israel. In order to keep this right, residents are obliged to prove that their “center of life” is inside Israel, including East Jerusalem [B'Tselem and HaMoked 2004; Halabi 2007]. It should be noted that the residency right is entirely different from citizenship in the sense that the residency right can be revoked by the Interior Minister if a person does not comply with certain rules.

In a case where a blue ID holder (an Israeli resident) marries a green ID holder (a West Banker), the blue ID holder can apply to the Interior Ministry for family unification so that his or her spouse who holds a green ID card will be able to acquire a blue ID card. According to the rules concerning family unification, a spouse holding a green ID card can acquire a blue ID card in five years and three months after several stages if he or she satisfies the required conditions [HaMoked n.d.]. However, until the rules concerning family unification was amended in 1994, only a husband holding a blue ID card was allowed to apply for family unification for his wife who held a green ID card; a wife holding a blue ID card was forbidden to apply for family unification [B'Tselem and HaMoked 1997: 9]. In order to have an application accepted by the Interior Ministry, an applicant has to prove that both husband and wife have lived within the boundary of the Jerusalem Municipality in the last two years by submitting a number of documents [Halabi 2007]. Even if an application is accepted, it often takes more than five years and three months

because the Interior Ministry delays processing applications. There is a critical contradiction in the rule; it requires an applicant to prove that not only he or she, but also the spouse holding the green ID card has lived in Jerusalem for two years. However, Israel considers any green ID card holder staying in Jerusalem without a permit as residing illegally; therefore, such people are detained or deported. In practice, the Interior Ministry starts processing an application if the green ID holding spouse of an applicant has succeeded in living in Jerusalem without ever having been imprisoned.(1)

A child born to a blue ID holder and his or her green ID holding spouse had to be registered on the father's ID card until the regulation was amended in 2006. Therefore, a child of a blue ID holding mother and a green ID holding father was, even if the child was born and raised in Jerusalem, registered on the father's green ID card and received a green ID card as a West Banker at the age of sixteen, "unless the mother protests in writing [...] prov(ing) that the center of her life and of her children's life is in Jerusalem" [Jahshan 1994]. In order for such a child to get a blue ID card so as to live in Jerusalem "legally," the child had to have a green ID card first. Only then could his or her blue ID holding mother apply for family unification for her child. These regulations were amended in 2006, allowing children to be registered on a blue ID card if one parent is a blue ID holder.(2)

Legal Status, the Boundaries, and their Influence on the Daily Lives of Palestinians

The boundary of East Jerusalem was drawn "to annex as much territory as possible to (Israeli West) Jerusalem which was not inhabited by Arabs"[Cheshin 1998: 7], ignoring the spread of Palestinian neighborhoods. The new boundary thus suddenly divided several communities in two. This resulted in a different legal status for the residents of these neighborhoods—some people found they had a blue identity card as residents of Israel and others had a green identity card as non-residents of Israel. It should be mentioned that there were many people who were born and raised in Jerusalem and happened to reside outside of the new boundary of the Jerusalem Municipality when the census was conducted on June 26, 1967. These people could not receive a blue ID card and fell under the category of "non-resident." However, many continued to live in Jerusalem. Figure 1 illustrates the transition of Jerusalem's population. As Figure 1 shows, Israel has not succeeded in the demographic control of Jerusalem. It should also be noted that "Arab" includes only those who hold legal status in Israel, namely, either citizenship or the residency right, and excludes those who live in Jerusalem and possess a green ID card [JIIS 2004].

The boundary of East Jerusalem drawn in 1967 and the residency right divided Palestinian society in two because people's legal status was similarly divided. This

also resulted in many cases where family members had different legal status even though they lived together in the same house. Despite this, people could move freely between Jerusalem and the West Bank and it was easy for blue ID holders and green ID holders to live together in Jerusalem before the first Intifada. However, after the first Intifada began, Israel started to restrict entry of Palestinians into Jerusalem, and especially after the Oslo Accord in 1993, many checkpoints were established to block the movement of Palestinians [B'Tselem 2007]. This made it especially difficult for green ID holders to enter Jerusalem through the checkpoints. This situation has become increasingly conspicuous since construction of the Separation Wall began in 2002. It was still possible to make a detour around checkpoints to access Jerusalem before the construction of the Separation Wall. However, the Separation Wall physically separated Palestinian society between East Jerusalem and the West Bank.

Currently, blue ID holders can move relatively freely between East Jerusalem and the West Bank, but green ID holders cannot visit Jerusalem without obtaining a special permit from the Israeli Civil Administration in the West Bank. Therefore, it is difficult for a Palestinian with a green ID card who lives in Jerusalem and has finished *Tawjihi* to attend a Palestinian university in the West Bank.

Below are case studies illustrating the difficulties the Israeli policies of residency and control of the boundary have caused Palestinians in East Jerusalem.(3)

Case 1: Um Muhammad and her family(4)

Um Muhammad is a blue ID card holder who was born and raised in the Old City of Jerusalem. She married Abu Muhammad in 1980. He was born in Yafa in 1941, and immediately after his birth, he and his family moved to Abu Dis, a suburb of Jerusalem.

During the Jordanian period, Abu Muhammad lived in Abu Dis and worked in Jerusalem. In 1967, he was provided with a green ID card as a West Banker, since he lived outside the new municipal border. After marrying him, Um Muhammad could not apply for family unification because women were forbidden to apply for their husbands. This changed in 1994, when the family unification was amended. However, until the Separation Wall was constructed around Jerusalem, people were able to move freely between Jerusalem and Abu Dis. So he could live with his wife and children in the Old City and visit his parents in Abu Dis.

Um Muhammad has two sons and three daughters. Of these, one son, Ahmad, and one daughter, Aisha, were born in Jordan. The others were born in Jerusalem. According to the Law of Entry into Israel, 1952, children should be registered on their father's ID card. Hence, Um Muhammad's five children were automatically registered on Abu Muhammad's green ID card. This meant that in the future they would be provided with green ID cards as West Bankers. However, the Law of

Entry into Israel, 1952, stipulates that a child born in Israel can be registered on the mother's ID card only if the mother can prove to the Interior Ministry that the child was born in Israel and that the "center of life" for both she and her child is in Israel. Um Muhammad went to the Interior Ministry, submitted her tax, national insurance, and electricity and water bills for the last two years, and the birth certificates and school certificates of her children, and successfully re-registered the three children who were born in Jerusalem on her blue ID card.

Meanwhile, Ahmad and Aisha, who were born in Jordan, could not be registered on their mother's ID card; the only way for them to obtain blue ID cards was to apply for family unification. Yet, this would be possible only after they received green ID cards at the age of 16, which they did. However, once green ID card holders exit Jerusalem and enter the West Bank, they cannot re-enter Jerusalem through checkpoints without a special permit issued by the military authority in the West Bank. Um Muhammad left their cases to an advocate and petitioned the court. As a result, she obtained a special permit (*tasrīh*) four and a half years ago for Ahmad to enter Jerusalem and two and a half years ago for Aisha. However, this permit is valid only for a limited period and must be extended prior to its expiration date. In Ahmad's case, the latest permit was valid from 0:00 June 30, 2008 to 0:00 October 30, 2008. Before it expired, he went to the Civil Administration Office in the West Bank in order to get an extension for another five months. He is waiting for a response now. Even if he succeeds in getting an extension, before the extended permit expires, he will have to go to the Interior Ministry in East Jerusalem and apply for an eleven-month permit. In order for his application to be granted, he will have to prove that his and his mother's "center of life" is in Jerusalem by submitting tax, national insurance, and electricity and water bills for the last two years, the ID cards of the family members, his university certificates, and his brothers' and sisters' employment or university certificates. This permit enables him to enter Jerusalem, but only through two of the many checkpoints. Although he was born in Jordan, Ahmad has been living with his family in the Old City of Jerusalem. He now attends university in the West Bank, and whenever he comes back from university, he has to go through one of the accessible checkpoints where he undergoes a strict security check, including inspection of belongings and questioning that sometimes lasts for more than four hours.

According to family unification regulations, an applicant can conceivably obtain a blue ID card in five years and three months through several stages if he or she fulfills the required conditions. However, in practice, the Interior Ministry has delayed processing permit extensions and consequently, it has taken applicants several more years to obtain a blue ID card. Furthermore, in 2003, the Israeli

Parliament enacted the Citizenship and Entry into Israel Law (Temporary Order), which froze the processing of all family unification procedures.

According to this Temporary Order, the status at the time of the enforcement of this order should be maintained in cases where the family unification procedure commenced prior to the enforcement of the order. This is the reason that Ahmad still had only a five-month permit, despite the fact that four and a half years had passed since he first obtained this permit.

Case 2: Abu Adham (Husnie Shahin, the director of the Higher National Committee for Prevention of Drug Spread) (5)

Abu Adham was born in the Old City in 1959. In 1967, when Israel conducted a census in East Jerusalem, he was attending school in Bethlehem, which led to his being considered a “non-resident” and failing to get a blue ID card. All the other members of his family received blue ID cards. He faced no problem in going back to the Old City of Jerusalem and living there with his family at the time. He married a woman from the same community who possessed a blue ID card, and she fortunately succeeded in re-registering all of their children—who were once registered under their father’s green ID—under her blue ID card. Therefore, Abu Adham was the only person in his family who had an ID card problem.

In 1996, after the rules of family unification was amended to allow wives to apply for family unification for their green ID holding husbands, Abu Adham and his wife went to the Interior Ministry to apply for family unification for the first time. Their application was not accepted. They applied repeatedly in 2000, 2002, 2004, and 2006 without success.

A few times, Abu Adham received a permit that allowed him to stay in Jerusalem for three months, but mostly, he had to live in Jerusalem without any permit. In other words, he had no residency right, which meant that he did not have the right to free medical services and social welfare, and his stay in Jerusalem would be labeled an “illegal stay.”

In Jerusalem, the Israeli police and border police randomly apprehend Palestinians and check their ID cards in order to detect “illegal stays.” Abu Adham has been caught and imprisoned for an “illegal stay” five times, each time for 2–6 months, and has paid 1500–2000NIS (around 450–600 USD) to be released from prison.

Abu Adham had worked in West Jerusalem for many years before he started to think about the seriousness of the drug issues in East Jerusalem. In 2004, he and some other Palestinians—both from Jerusalem and the West Bank—held a conference on the drug issues in East Jerusalem and founded a center named the Higher National Committee for Prevention of Drug Spread in Wadi al-Joz.

Abu Adham became the director of the center. However, whenever he wanted to consult his colleagues in the West Bank, he was unable to do so because he had neither a blue ID nor a permit; he would have made a detour around the checkpoints to enter the West Bank but for the Separation Wall.

According to Abu Adham, his center is the only effective one that addresses the drug problem in East Jerusalem, sending more than 300 addicts to rehabilitation institutions in Israel every year and helping families of drug users and addicts. The center is registered with the Israeli government as an NGO (non-governmental organization). However, Israel has tried to close this center because of its effectiveness. In Abu Adham's opinion, while the Palestinian society in East Jerusalem needs this center, anything that benefits the Palestinians is liable to be considered a political activity. In fact, the Interior Ministry has on numerous occasions offered to immediately give him a blue ID card on his closing down the center.

This has severely pressured Abu Adham because he fully comprehends the seriousness of the spread of the drug-problem in the Palestinian society in East Jerusalem, and understands that the society really needs his center to resolve the problem. At the same time, he knows equally well that it is really difficult to live in Jerusalem without a blue ID card following the establishment of the Separation Wall and numerous Israeli checkpoints around Jerusalem.

Confronted with the prospect of having no access to free medical services and social welfare—especially when he is older—and the threat of imprisonment at all times, Abu Adham faces a great dilemma. Nevertheless, in spite of knowing that he will be unable to gain a blue ID card unless he closes the center, Abu Adham has decided to continue to work for the center as long as possible.

Case 3: Abu Ismail (6)

Abu Ismail was born in the Old City of Jerusalem in 1958. He had lived there with his family until the year 1984 when he and his family moved to Dahiyat al-Barid. He and his family had received a blue ID card as Israeli residents in 1967, without any problem. In 1975, he was employed by an Israeli company, and worked as a carpenter until 1984. While he was working, he used to pay all his taxes and national insurance. In 1984, he and his family moved to Dahiyat al-Barid, where they were able to build a large house; their house in the Old City had been very small, and its condition very poor. His mother had been ill, and her doctor strongly recommended that she move to a larger house with a lot of sunshine and fresh air.(7)

Abu Ismail himself had a disease called *emperipolexis*, which made him faint a few times a month; his doctor told him always to stay with somebody to watch over him. He married a Palestinian with a blue ID in 1979 and had a baby boy in

1981. He divorced right after his baby's birth because of his illness, and married another woman with a blue ID in 1983. He then moved to Dahiyat al-Barid with all of his family members.

Dahiyat al-Barid is located outside the boundary of the Jerusalem Municipality. This made Abu Ismail and his family fear that they would have to forfeit their blue ID cards and all their benefits, such as medical service and national insurance. However, they could find no other way but to move there, since they had no hope of building a new house inside the Jerusalem Municipality itself. It would have cost a lot of money just to apply for a permit to build a new house. Not only that, the Municipality rarely provided permits for Palestinian house construction anyway.

In 1984, at the same time as he moved to Dahiyat al-Barid, Abu Ismail quit his job because of his illness and went to the National Insurance Office to ask for a national insurance payment (*Ta'mīn watanī*). However, the National Insurance Office rejected his request, adding that he had the right to go to court. So Abu Ismail petitioned the court to win his right to national insurance. The judge said that because Dahiyat al-Barid was outside Jerusalem, Abu Ismail would have to prove that his "center of life" was in Jerusalem. He was instructed to submit at the next hearing all his shopping receipts to show where he bought food, household supplies, and so on. In the court's decision, the judge admitted that Abu Ismail had the right to national insurance, which Abu Ismail started to receive beginning in 1985.

Although Dahiyat al-Barid was outside the boundaries of the Jerusalem Municipality, he had in fact received letters from the National Insurance Office at his address in Dahiyat al-Barid, which means that the National Insurance Office had admitted Abu Ismail's right to national insurance, knowing that he had lived outside the Jerusalem Municipality.

However, in 1997, Abu Ismail's national insurance payments stopped. He was told by the National Insurance Office that he should leave Dahiyat al-Barid and move back inside the Jerusalem Municipality if he wanted to continue getting national insurance. Of course, he needed money for his and his family's medical care. Although his parents had passed away, he had a wife (by this time, his second marriage had failed, and this was his third wife) and two boys. He looked for an apartment in East Jerusalem, but he could not find an affordable one; rent was 400 even 500 dollars for the cheapest places, which he could not afford. If he lost the right to national insurance, it would mean that he would lose not only his insurance payments, but also his access to doctors and medicine.

Then, Abu Ismail went to court against the National Insurance Office in 1999. Unfortunately, he lost the case. In 2005, the judge decided that Abu Ismail had no right either to a future payment of national insurance or to the lost payments of the

past two years because his medical affliction had started when he lived in Dahiyat al-Barid, outside of Jerusalem.

Although he moved to a village inside the Jerusalem Municipality during the course of the court proceedings, the judge still gave him that reason. Abu Ismail visited the Austrian Hospice in the Old City, which had previously been a hospital, to ask for his file in order to prove that his disease had started when he lived in the Old City, but he failed. The judge had added that Abu Ismail had never had the right to national insurance in the first place, because his address was in Dahiyat al-Barid, but out of mercy had also decided that the National Insurance Office should refrain from asking him to return the payments that he had received from 1985 to 1997.

Upon hearing the court's decision, Abu Ismail became desperate. He had no income, but still he had to support his family. How did he manage to live without an income? He began borrowing money from his relatives and friends. For example, he would borrow some money from friend A at the beginning of a month, promising that he would return the money by the end of the month. Then, by the end of that month, he would borrow more money from friend B, and C, if necessary, returning friend A's money and spending the rest on living expenses. He repeated this every month. He never failed to return the money on time so that he would not lose his friends' trust. However, his debt increased to more than five thousand dollars, which made him even more desperate.

One day, after the court's decision, Abu Ismail was called to a police office. One of the security personnel, whom Abu Ismail remembered had always been an observer during his court case, approached him and said, "If you agree to work as a collaborator (*'amīl*) for Israel, the National Insurance Office will pay you twice as much amount as it used to do". Because he was very desperate, he answered, "Unfortunately I cannot work as a collaborator because my disease is too serious," instead of feeling offended or getting upset by this offer.

The security person said, "You need not work hard. You just sit in a café or restaurant all day long, drink coffee or tea whenever you want, listen to what people are talking about, and report them to us. That's all." Abu Ismail refused this offer, and he has lived without national insurance ever since.

Fortunately, Abu Ismail found a legal office, which supports him *pro bono*. He is now preparing to go to court again with a good lawyer.

Conclusion

As we have seen above, the residency right and other Israeli occupation policies have greatly affected the daily lives of Palestinians. Checkpoints and the Separation Wall physically divide the contiguity of East Jerusalem and the West Bank. They have also strengthened the effect and significance of the residency

right. These policies impact the very existence and social fabric of the occupied people. It is very important to depict the lives of Palestinians in East Jerusalem under Israeli occupation in order to make clear the violence of the occupation. Violence here refers not only to killing and injuring, or in the case of East Jerusalem, to how and to what extent Israel has promoted its Judaization policy, namely how much land it has confiscated and what percentage of the population Jewish residents account for of the total population; it also refers to the influence of these policies on people's lives as well as society in general. As mentioned above, Israel has not necessarily succeeded in accomplishing its Judaization policy because it has always pushed Palestinians into reacting. On the other hand, we cannot describe the Palestinians' reactions simply as "resistance." It is true that Palestinians reacted to Israeli policies according to the circumstances. Green ID holders continue to live in Jerusalem even if afraid of being imprisoned or deported for an "illegal stay." Some go around checkpoints to move between East Jerusalem and the West Bank. Many Palestinians who once lived in neighborhoods inside Jerusalem but beyond the Separation Wall have been relocating to be inside the perimeter of the Wall.(8) However, we cannot explain what has been happening in East Jerusalem along a certain hypothetic narrative such as the "Judaization of Jerusalem" and "resistance," which implies that things proceed in one definite direction; what has been happening in East Jerusalem is more dynamic. As long as people live, they adjust themselves to social, political, economic and cultural changes in order to survive. What is lost is the social fabric of people's lives that existed before the occupation policies caused damage. This is also the violence of the occupation and this is the why it is important to depict the lives of Palestinians constantly exposed to the Israeli Judaization policy.

Notes:

1. Interview with Usama Halabi, an advocate, and Ziyad Hammouri, the director of Jerusalem Center for Social and Economic Rights (Markaz al-Quds lil-ḥuqūq al-ijtimā'īya wa al-iqtisādīya).

2. Interview with Ziyad Hammouri.

3. The following cases were collected through interviews done by the author (Tobina).

4. Based on an interview with Um Muhammad and Ahmad on July 5, November 3, 2008, and an interview with a few legal advocates in East Jerusalem. In this case, all names are pseudonyms.

5. The center was moved inside the Old City in 2008.

6 Interview with Abu Ismail (pseudonym) on October 13, 2008.

7. In the Old City of Jerusalem, houses tend to be small, and many houses have little sunlight and fresh air inside. Besides, families with many family members

(sometimes more than ten) usually have only one or two rooms in the densely populated Old City.

8. The route of the Separation Wall was drawn to separate dense Palestinian neighborhoods from Jerusalem in view of the coming final status negotiation; Israel does not want neighborhoods that have a large number of Palestinians and whose land is not usable for future Jewish settlements. Consequently, several Palestinian neighborhoods, which are located inside the municipal boundary, have suddenly found themselves on the West Bank side of the Wall. The residents of these neighborhoods have feared that the municipal boundary might be changed to fit the route of the Separation Wall and place them outside of Jerusalem, which would result in the forfeiture of their residency rights.

Bibliography

B'Tselem. 2007. *Crossing the Line: Violation of the Rights of Palestinians in Israel without a Permit*. Jerusalem: B'Tselem (The Israeli Information Center for Human Rights in the Occupied Territories).

B'Tselem and HaMoked. 1997. *The Quiet Deportation: Revocation of Residency of East Jerusalem Palestinians*. Jerusalem: B'Tselem and HaMoked (Center for the Defence of the Individual).

———. 2004. *Forbidden Families: Family Unification and Child Registration in East Jerusalem*. Jerusalem: B'Tselem and HaMoked.

Cheshin, A. 1998. *Municipal Policies in Jerusalem: An Account from Within*. Jerusalem: PASSIA.

Halabi, U. 2007. *Israeli Laws and Judicial System as Tools for Accomplishing Political Objectives in Jerusalem: Main Stages in Consolidating Israeli Control over Jerusalem Contrary to International Law*. Jerusalem: The Civic Coalition for Defending the Palestinians' Rights in Jerusalem.

HaMoked. n.d. "Jerusalem Residency." <http://www.hamoked.org/> (February 8, 2008).

Jahshan, T. 1994. "Registration of Children," in HaMoked ed., *Palestinian Residency and East Jerusalem*, Jerusalem: HaMoked.

Jam'īya Dirāsāt al-‘Arab. n.d. *Jerusalem Map*. Jerusalem: Jam'īya Dirāsāt al-‘Arab.

JIIS (Jerusalem Institute for Israel Studies). 2004. *Statistical Yearbook of Jerusalem 2002/2003*. Jerusalem: JIIS.