



On Sunday, August 9, 2015, ACRI sent a letter to Prime Minister Benjamin Netanyahu regarding the dire and deteriorating condition of Jerusalem neighborhoods located beyond the separation barrier. This letter detailed how, in spite of a government decision that was made a decade ago, and in spite of commitments the government made following legal petitions to the High Court of Justice, as of today, none of the multitude of assurances made to the residents of these neighborhoods have been fulfilled. These commitments were meant to ensure the protection of these residents' rights, and to ensure their ability to have uninterrupted access to the rest of the city following the construction of the barrier. In reality, these neighborhoods have been cut off, neglected by the various government authorities responsible for them, their infrastructure has collapsed, and local residents have found themselves living in an abandoned no-man's land, left on their own to cope with the myriad problems caused by the barrier.

Excerpts from the letter [section numbers may not correspond to the original letter]:

1. On July 10, 2005, the government of Israel passed Decision no. 3783: "Government ministry arrangements concerning the 'Jerusalem envelope' and addressing the needs of the population of the Jerusalem area as a result of the construction of the fence." The decision was intended to implement special arrangements that would enable the continuation of normal life for residents of Jerusalem neighborhoods that were left on the other side of the barrier, as well as maintain the shared fabric of life between the Palestinian residents on either side of the barrier.
2. The government's decision imposed responsibility for implementing the special arrangements on the following government authorities: the Municipality of Jerusalem, the Ministry of Defense, the Ministry of Public Security, the Ministry of Education, the Ministry of Health, the Ministry of Communications, the Israel Postal Company, the Ministry of Social Affairs, the National Insurance Institute, the Ministry of Transport, the Interior Ministry and the Israeli Employment Service.
3. **The Israeli government placed special emphasis on the fact that the separation barrier would not violate the rights of the Jerusalemites living in these neighborhoods, in the area that was annexed to Israel in 1967, and who hold Israeli ID cards. The decision was based on the understanding that from the moment Israel assumed sovereignty over the neighborhoods of East Jerusalem, it also assumed responsibility for safeguarding the various rights afforded to all residents according to Israeli and international law.**
4. The arrangements were intended to enable the continuation of normal life for the tens of thousands of residents of Kafr 'Aqab and Semiramis (whose residents cross into the rest of Jerusalem through the Qalandiya checkpoint), as well as the tens of thousands of residents of Ras Khamis, Ras Shehada, Dahiyat al-Salam (the Hashalom Neighborhood), and the Shuafat Refugee Camp (whose residents cross at the Shuafat Camp checkpoint). The local community center ('Minhal Kehilati') that was established

following the decision was also meant to take responsibility for the residents of Jerusalem's enclaves beyond the separation barrier in the areas of Jabel Mukaber and Wallajeh, in the south of the city.

5. No governmental authority knows the total number of residents living in areas of Jerusalem beyond the barrier today. The absence of official, reliable information regarding the number of residents reflects clearly the disregard government authorities have for what happens beyond the barrier. Based on a variety of different sources, we conservatively estimate that over 120,000 people live in these areas. The majority holds Israeli ID cards and has the legal status of permanent residents of Israel. There are also residents of West Bank who live in these neighborhoods, generally because they are married to Palestinians with Israeli ID cards.
6. In addition to the arrangements by government ministries, the National Security Council, in cooperation with civil authorities and security bodies, developed a plan for the efficient operation of border crossings in the Jerusalem envelope. The NSC's recommendations were adopted by the government in March 2005. (See ["The Operation of Crossings between Israel and Judea and Samaria"](#) in the State Comptroller's report 61a from March 2011 [link in Hebrew]).
7. **The government's decision, the plan created for passage through the crossings, and the accompanying assurances were presented to the justices of the High Court of Justice in the course of the hearings on the legal petitions filed by residents of the neighborhoods against the route of the barrier. These petitions were rejected on the assumption that the violation of basic rights caused by the erection of the barrier was reasonable and proportional, subject to the state fulfilling its obligations, including the aforementioned government decision.** (See High Court of Justice 5488/04: Alram Local Council et al vs. the State of Israel et al (Dec. 13, 2006) (Hereinafter: "The Alram Case"), and High Court of Justice 6193/05: Ras Khamis Residential Committee et al vs. the institution authorized by law for settling land requisitions (Nov. 25, 2008) (Hereinafter: "The Ras Khamis Case").
8. These verdicts clearly indicate that the legitimacy of building a separation barrier was contingent on the relevant authorities implementing the aforesaid arrangements, as well as on the existence of reasonable crossing times at the checkpoints as the state committed to in court:

"The conclusion is that the route of the fence passes the proportionality test in the narrow sense, based on the assumption that the government decision (on July 10, 2005) concerning 'addressing the needs of the population of the Jerusalem area under the conditions resulting from the erection of the fence' will be implemented by all relevant bodies." (Paragraph 59 in the court ruling on the **Alram Case**).
9. **Despite these assurances, the decade that has passed since the government decision has been characterized by systemic violations of these commitments. The policy that accompanied the erection of the separation barrier has turned the neighborhoods beyond the barrier into a no-man's land, which no authority is interested in, and which no one is taking responsibility for. This policy has dealt a fatal blow to a long list of basic rights of tens of thousands of residents, including the rights to dignity, health, education, freedom of movement, and more. Leaving the current policy in place constitutes an act of criminal neglect towards an entire population.**

10. Apart from the police and soldiers who staff the checkpoints at the entrances to the neighborhoods, no Israeli authority has a presence in the neighborhoods today. Even the Municipality of Jerusalem, whose municipal area includes these neighborhoods and enclaves, for the most part prohibits its employees from entering the area. As mentioned above, the Jerusalem Municipality does not know the number of residents living in each neighborhood and does not know how to meet the needs and provide the services required. It should be noted that Israel prohibits the Palestinian Authority from operating in these neighborhoods, citing the fact that they are inside the municipal area of Jerusalem.
11. For years, ACRI, as well as other organizations, has brought up the dire issues plaguing the neighborhoods beyond the barrier with the relevant authorities, including the Municipality of Jerusalem, the Jerusalem Police and Knesset committees. Although there is consensus that the situation in the neighborhoods is untenable, and in spite of the government's clear violations of its commitments, the authorities' repudiation of their responsibilities has continued unabated for a decade.
12. Since the neighborhoods have been cut off from the urban center of Jerusalem, every exit requires residents to go through a security inspection that involves extended waiting periods. The neglect of the neighborhoods has been exacerbated by the population growth over the past decade. There is a severe shortage of schools, playgrounds, water and sewage pipes, and even street lighting. The roads in these neighborhoods are full of potholes or simply unpaved, trash collects at the sides of the roads, and during rainy periods, streets are flooded for days at a time.
13. This unbearable situation has forced residents at times to take upon themselves the duties of the absent government authorities, and to attempt to deal with these problems despite possessing no resources, no budget and no government. Local committees raise money from residents which they use to pave roads and lay sewage and drainage pipes. Entrepreneurs build new schools and kindergartens. Emergency teams established in the past few years provide first aid, evacuate people to hospitals in emergencies, and extinguish fires. Of course, these alternative arrangements cannot replace actual government, and the existence of community initiatives in no way absolves government authorities of their responsibility. The dire problems and violations of the rights of the residents require a comprehensive overhaul and the allocation of a great number of resources towards correcting the situation.
14. **In order to implement the fundamental change required, we believe that there is an urgent need to create a comprehensive plan to fulfill the government's commitments, and to resolve the multitude of serious problems from which the residents are suffering. An inter-ministerial working group must be established within a reasonable timeframe to lead the process and to coordinate the work of the various authorities. In order to meet the commitments, designated budgetary resources must be allocated. In the best interest of this plan, we recommend that a government minister or director-general of a ministry lead this working group.**

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