



Status Report

September 2003

Nu'man, East Jerusalem

Life under the Threat of Expulsion

ביתא

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B'TSELEM - The Israeli Information Center for
Human Rights in the Occupied Territories

Nu'man, East Jerusalem

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B'TSELEM - The Israeli Information Center for Human Rights in the Occupied Territories was founded in 1989 by a group of lawyers, authors, academics, journalists, and Members of Knesset. B'Tselem documents human rights abuses in the Occupied Territories and brings them to the attention of policymakers and the general public. Its data are based on independent fieldwork and research, official sources, the media, and data from Palestinian and Israeli human rights organizations.

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Introduction

Khallet Nu'man has some two hundred residents, who live in twenty-five houses. The village is located on the southeastern border of the Jerusalem Municipality, a few hundred meters north of Beit Sahur, which lies adjacent to Bethlehem. Northwest of Nu'man, in East Jerusalem, lie Umm Tuba, Tsur Baher, and the Har Homa settlement. The Israeli authorities refer to Nu'man as Khirbet Mazmuria (hereafter: "Mazmuria"), after the archeological site from Roman times located near the village.

Palestinian settlement in Nu'man began during the 1930s. In the 1967 census, the residents of Nu'man were mistakenly recorded as residents of the West Bank and were given West Bank identity cards rather than the Israeli identity cards given to most Palestinians who lived in areas annexed by Israel. Over the years, village residents filed several requests with the Ministry of the Interior to arrange their status as residents of Jerusalem and to obtain Israeli identity cards. The Ministry has consistently denied these requests.

The Ministry of the Interior's refusal creates an intolerable situation: residents of Nu'man are classified as "persons staying illegally" in their homes and in the village of their birth,

and every contact with IDF soldiers or Border Police entails the risk of arrest or expulsion. As a result of this classification, they are not allowed to stay in neighborhoods and villages annexed into Jerusalem. The construction of the separation barrier in recent months in the Jerusalem area also makes it difficult for the residents to reach other parts of the West Bank. The planned route of the barrier will imprison them in their village.

Because the residents do not have Israeli identity cards, the Jerusalem Municipality refuses to supply vital services, such as water, a sewage system, and garbage collection, to the residents. The municipality has also refrained from adopting an outline [zoning] plan for the village, thereby preventing the residents from obtaining building permits.

This report examines Israel's policy regarding Nu'man and the resultant suffering of the village's residents. The combination of hardships faced by the residents creates a particularly extreme and harsh situation, but each of these hardships reflects a broad phenomenon that affects thousands of Palestinians living in Jerusalem and elsewhere in the West Bank, and harms hundreds of thousands of Palestinians.



*The first stone house in Nu'man
Inscription over the door: "Allah - Muhammad - 1372" (1952 according to the Gregorian calendar)
Photo credit: Yehezkel Lein*

Nu'man: Status of its residents and the land

Nu'man is situated in T'amreh, an area lying in the eastern part of Bethlehem District. Palestinians began to settle permanently in Nu'man in the 1930s. The first two families lived in natural caves (that still exist) and made a living from farming and from grazing their flocks.¹ In the 1950s, the first stone houses were built in the village. On two of these houses it is still possible to read the date of construction etched on a stone on the front of the house.

In June 1967, following the war, Israel annexed some 70,000 dunams [4 dunams = 1 acre] of land surrounding West Jerusalem and included it within the jurisdictional area of the Jerusalem Municipality.² Three months later, Israel conducted a census in all the territories that it occupied during the war. Palestinians living in the annexed areas received Israeli identity cards and were registered as residents of Jerusalem. The other Palestinians received West Bank identity cards. However, thousands of Palestinians who lived on land that was annexed were not recognized as residents of Jerusalem and were registered in the population registry of the West Bank. The precise number of such persons is unknown. Among the reasons Palestinians living on annexed land

were not recognized as residents of Jerusalem was that they were not at home at the time the census was conducted, or the census takers mistakenly determined that certain houses were located outside the city's new borders.³

The residents of Nu'man were among the Palestinians who were not recognized as residents of Jerusalem. Although the village was annexed by Israel, the census takers recorded the villagers as residents of Umm al-Tal'a, a village adjacent to Nu'man but outside Jerusalem's jurisdiction. As a result, the residents were registered as West Bank residents and were not given Israeli identity cards. How this mistake occurred remains unclear. According to Jamal Dir'awi, head of the village committee, the census takers ignored the fact that all the families were in their homes at the time of the census and registered them as residents of the West Bank because the mukhtar of the clan to which they belonged was living in neighboring Umm al-Tal'a.⁴ It is also possible that, because of Nu'man's proximity to the Jerusalem Municipality's border, the census takers mistakenly believed that the houses were not located in the territory annexed by Israel.

1. For an anthropological study of life in the caves in the southern West Bank, see Ya'akov Habakkuk, *Life in the Hebron Mountain Caves* [in Hebrew] (Jerusalem: Ministry of Defense, 1985).

2. Under international law, the annexed territory has the same status as the rest of the West Bank, and the international community has not recognized Israel's annexation of East Jerusalem. Regarding the annexation of East Jerusalem, see B'Tselem, *A Policy of Discrimination: Land Expropriation, Planning and Building in East Jerusalem*, January 1997, pp. 17-19.

3. Even today, there are cases in which Israeli authorities are not certain whether a particular house lies within the jurisdictional area of Jerusalem. Mistakes of this kind are common primarily in areas close to the municipal border. See, for example, B'Tselem and HaMoked: Center for the Defence of the Individual, *The Quiet Transfer – Revocation of Residency Status of Palestinians in East Jerusalem*, April 1997, footnote 39.

4. The testimony of Jamal Dir'awi was given to Suha Zeyd on 10 June 2003.

Palestinians who did not receive Israeli identity cards even though they lived in annexed territory could apply to the Ministry of the Interior to change their identity card. However, the standard of proof that applicants must meet to obtain approval of their requests is extremely high. The evidence generally has to include an aerial photo from 1967 or earlier of the house in which the applicant lives, documents proving ownership of the house, tax-payment receipts, and documents indicating the applicant's place of work and/or study since 1967. The difficulty in meeting this standard of proof, not to mention the substantial costs entailed in obtaining the proof and in retaining an attorney, makes the process irrelevant for many Palestinians. Residents of Nu'man find it especially difficult to meet this standard of proof because the area never underwent "land arrangement," the bureaucratic procedure of dividing the land into parcels and recording ownership in a lands registry.⁵ Therefore, residents of Nu'man were unable to obtain documents proving their ownership of their houses and the land on which they lived and farmed. However, some of the families have documents confirming tax payments to the Jordanian government for their farmland.

B'Tselem obtained from the Israel Mapping Center aerial photos of the village that were taken on 19 August 1967, 28 November 1977, and 10 April 1987. Eleven houses in the village, one of which is under construction, appear in the 1967 photo. Another lot appears ready for construction. All the houses adjoin cultivated farmland. In the 1977 photo, seven more houses appear, one of them the house that was under construction in the 1967 photo and another one on the lot that appeared ready for construction

in the earlier photo. The size of the farmland under cultivation was the same, but over the course of the ten years that had passed since the previous photo, the residents had planted trees in the yards alongside their houses. In the 1987 photo, we see four new houses and more trees alongside some of the houses. A new road joining Nu'man and al-Khas also appears in the photo. This series of photos proves that Nu'man indeed existed prior to 1967 and that it developed gradually over time.

Until the early 1990s, the failure to register residents of Nu'man as residents of Jerusalem had almost no effect on them. Although Nu'man was formally annexed into Israel in 1967, the Israeli authorities completely ignored the village for many years. The Jerusalem Municipality has not prepared an outline plan for the area or supplied any services to the residents and has not required the residents to pay municipal taxes. Over the years, the Israel Police Force has not enforced law in the village, and has never considered the question of whether the residents have been residing lawfully within Jerusalem's borders. In 1992, Ministry of the Interior inspectors appeared for the first time. They told the residents that the village lies within the jurisdictional area of Jerusalem, and that construction is not allowed within the village. However, the inspectors did not address the question of the status of the residents and did not contend that they were living there illegally.

Because the Israeli authorities ignored the village, it is unclear if the residents knew about Israel's annexation of this area, or if they were aware of the legal ramifications of this annexation. Over the years, residents of

5. On land arrangement in the West Bank, see B'Tselem, *Land Grab – Israel's Settlement Policy in the West Bank*, May 2002, Chap. 3.

Nu'man developed various connections with Jerusalem and with the villages surrounding it, in some cases even prior to 1967. Many residents worked in the city and children from the village studied in Tsur Baher and Umm Tuba, which are in East Jerusalem. Residents of Nu'man also maintained social and commercial relationships with residents of Tsur Baher and Umm Tuba.

In 1991, the government decided to require residents of the Occupied Territories to obtain individual permits to enter Israel. The decision was reinforced in 1993, when Israel imposed a general closure on the Occupied Territories that still remains in effect.⁶ Because Israel considers the residents of Nu'man residents of the Occupied Territories, even though they live within Jerusalem, their living conditions became intolerable overnight. As holders of West Bank identity cards, they are not allowed to stay in Jerusalem or the villages annexed to the city, including their homes, without a special permit issued by the Civil Administration.⁷

In light of the deterioration in their living conditions, in late 1993, the residents of Nu'man requested the Ministry of the Interior to recognize them as residents of Jerusalem and grant them Israeli identity cards. The residents claim that they are entitled to be registered in the Israeli population registry and receive Israeli identity cards because they belong to one of the categories that the Ministry of the Interior set for entitlement to permanent-resident status: they lived in Nu'man prior to 1967, their parents lived in the village prior to 1967, or they came

to live in the village after 1967 following their marriage to a veteran resident of the village.

The Ministry refused to consider the request on a group basis, and the residents petitioned the High Court of Justice to overrule the Ministry's refusal.⁸ The State Attorney's Office argued that the petition should be denied because the residents did not exhaust the proceedings in the Ministry of the Interior. To prevent dismissal of the petition for that reason, the residents decided, in early 1998, to withdraw their petition. Because of disputes they had with their attorney at the time and their difficulties in financing the process, the residents did not take any action in the matter for two years.

In January 2000, residents of the village resubmitted their request to the Population Administration of the Ministry of the Interior. The residents attached numerous documents proving that their families had resided in Nu'man for a long period of time. These documents included certificates of possession of land for tax purposes, papers indicating the village's children were registered in schools in East Jerusalem, and an affidavit from the mukhtar of the clan on the history of Nu'man and its residents. Five months later, the residents received notice that their request had been denied:

Study of the registration files indicates that most of the persons live in Umm al-Tal'a and were born in T'amreh, and there is no mention whatsoever that they live in Mazmura. Also, clarifications that we made

6. See B'Tselem, *Divide and Rule: Prohibition on Passage between the Gaza Strip and the West Bank*, May 1998, pp. 5-6.

7. For extensive discussion on other rights to which permanent residents are entitled, see *The Quiet Deportation*; B'Tselem and HaMoked: Center for the Defence of the Individual, *The Quiet Deportation Continues: Revocation of Residency and Denial of Social Rights of East Jerusalem Palestinians*, September 1998.

8. HCJ 3746/95, *Mahmud 'Ali Shawawreh et al. v. Ministry of the Interior et al.*

with the Jerusalem Building Inspection Department indicate that these two places lie in Judea and Samaria, and not within the municipal jurisdiction of Jerusalem, and are far from Mazmuria. Therefore, it was decided to deny their request.⁹

In its response, the Ministry of the Interior completely ignored the documents submitted by the residents that ostensibly prove their connection to Nu'man prior to 1967. The reference in the beginning of the response to "*most*" of the residents indicates that, as regards at least some of the applicants, the Ministry does not contend that they live in Umm al-Tal'a or anywhere else outside of Nu'man. Despite these cases, the Ministry failed to explain why the requests of all the applicants were denied.

Simultaneously, the Building Inspection Department of the Ministry of the Interior accused three residents of building houses without permits in the village, which lies within the borders of the Jerusalem Municipality. Following this, the villagers again requested the Population Administration to recognize them as residents of Jerusalem. They attached the testimonies of four Ministry of the Interior inspectors, according to which three of the applicants have lived in the village since at least 1999.

The Population Administration denied this request as well. Its response was brief and offered no reasons for the denial: "In response to your above-referenced letter, we repeat the statements set forth in our letter of 11 May 2000, that your clients are not residents of

Mazmuria, but of Umm al-Tal'a and T'amreh, which lie outside the municipal borders of Jerusalem."¹⁰

In 1993, after residents of Nu'man were forbidden to stay in Jerusalem, village residents also requested that the municipality recognize them as residents of the city and supply them with municipal services. Amir Heshin, who was the mayor's advisor for Arab affairs, responded as follows:

The area of Mazmuria is indeed included within Jerusalem's municipal borders... I do not want to state at this moment whether the demand for municipal services is proper (the question also arises why "it arose" so late?), but this task is clearly not easy and primarily it is not cheap... The subject that you raised demands thought, discussion, and staff work by the municipality. This is my recommendation to the mayor.¹¹

B'Tselem does not know if the municipality conducted the relevant discussions or staff work as Heshin recommended to the then mayor, Ehud Olmert. B'Tselem's inquiry to the municipality on this matter remains unanswered. Clearly, however, the municipality has done nothing to resolve the village's unusual situation.

B'Tselem is unable to determine if all the residents of Nu'man have lived there continually since 1967 (or have a first-degree family relationship with persons who meet this criterion), as required by the Ministry of the Interior. However, the absolute failure of the Ministry to take into account the documents

9. Letter from Esther Sharon to Attorney Shmuel Matza, 16 January 2001.

10. Letter from Esther Sharon to Attorney Shmuel Matza, 19 December 2001.

11. Letter from Amir Heshin to Attorney Wasim Dakwar, 12 January 1994.

that were submitted, and the weak grounds for denying the residents' request seriously infringe the residents' right to a fair administrative process, and specifically their right to be heard.

Even if some of the residents moved into the village several years after 1967, it is doubtful that this fact is sufficient grounds for denying their request to be recognized as permanent residents of Jerusalem and to expel them from their homes. For decades, Israeli authorities

ignored the village and thereby granted tacit consent to the situation whereby the residents established ties to the place. It was there that they established their homes, cultivated the land, and buried their dead. Under such circumstances, it would be unjustifiable and unreasonable to expel the residents of Nu'man from their homes on the grounds that they are staying in Israel illegally.



Physical roadblock on the road joining Nu'man and Umm Tuba - in the background, the Har Homa settlement

Photo credit: Yehezkel Lein

Life under siege

The restrictions on movement in Nu'man began in 1993, when the IDF imposed a general closure on the West Bank and required Palestinians to obtain permits to enter Israel. Because most residents of the village have West Bank identity cards but live within Jerusalem's borders, living in their own homes suddenly became an illegal act. Leaving their village for other areas of Jerusalem, including the villages annexed to the city entailed risk of arrest by police officers or soldiers. Since the outbreak of the al-Aqsa intifada, in late September 2000, the IDF and the Border Police have further restricted the movement of Nu'man's residents. These restrictions affect all aspects of life of the residents and prevent them from living normal lives.

Three roads join the village to its surrounding areas. One of these roads leads into Jerusalem and two roads lead to the West Bank. The road from Nu'man to Jerusalem, which is one kilometer long, reaches the southern edge of Umm Tuba, in East Jerusalem. In 1994, the IDF began to periodically close the road. In January 2003, the army blocked the road on both sides with piles of dirt and stones. It is now possible to go from Nu'man to Jerusalem only from the east via Abu Dis, or from the south via Bethlehem. In both cases, the length of the journey is substantially greater than before.

Since the al-Aqsa intifada began, Israel has also blocked the two roads leading to the West Bank. The main route that residents used to reach Beit Sahur was closed at the end of 2000 on both ends. Most residents, and primarily school pupils, continued to use the road on foot. This

limited use was also terminated recently upon construction of the separation barrier south of Jerusalem.

The second road leading to the West Bank crosses the neighboring village al-Khas. Since the beginning of the current intifada, the army has blocked this road several times with piles of stones. In each instance, the residents removed the stones as soon as they got a chance. In December 2002, this road was blocked for a month. Soldiers and Border Police officers are also occasionally stationed along this route and delay the residents who are going in or out of Nu'man. In several cases, soldiers prevented residents from returning to their homes because they did not have permits to enter Israel. In these cases, the residents had to stay in al-Khas until the security forces left the area.

These harsh restrictions on movement greatly affect the villagers' ability to earn a living. Until the beginning of the al-Aqsa intifada, a large percentage of the males in the village also worked in construction in Jerusalem. To do so, they needed Civil Administration permits to enter Israel that were issued by the Civil Administration and had to renew them every three months. Since the beginning of the intifada, obtaining the permits became a lengthy and complicated process. In addition, the number of days of total closure increased in which the holders of permits were prohibited from reaching their work place. As a result, and also because the road to Umm Tuba was blocked, most residents stopped working in Jerusalem. The loss of this source of income gravely affected the entire village, and further

reduced the community's already low standard of living.

Farming provides the basic source of income for residents of Nu'man. The residents cultivate five hundred dunams of olive trees and field crops on land that adjoins the village. They own some of this land, and some of the land is owned by residents of Tsur Baher and Beit Sahur. Some of the families have flocks of sheep and grow vegetables in their yards for home consumption. Several residents work in the Bethlehem area.

With neither Nu'man nor its neighboring village al-Khas having medical facilities, the restrictions on freedom of movement also affect the residents' access to medical treatment.¹² The nearest medical clinic is in Dar Salah, two kilometers away. However, that clinic suffers from a chronic shortage of equipment and medicine, so residents use clinics in Beit Sahur, Bethlehem, or Beit Jala. Chronic patients and their families are the ones who suffer the most from this situation. Radi 'Atiya, a resident of Nu'man, told B'Tselem about the difficulties his brother encountered in obtaining treatment:

My twelve-year-old brother Marwan has diabetes. He needs to go daily to the clinic in Beit Sahur to get insulin. The road via Hilwah Grave is blocked, so we arrange for the ambulance from the government hospital in Beit Jala to wait for us by the dirt roadblock at the end of the Hilwah Grave road. We have to go with my brother to the roadblock. The ambulance waits for us about thirty meters from the roadblock and then takes him to the clinic.

Marwan's condition worsened about a month ago, and we had to take him to al-Moqassad Hospital, in Jerusalem. My mother and I went with him. We left Nu'man for Jerusalem and passed the dirt piles at the edge of the village. We walked two kilometers to Tsur Baher, where we got on a bus that took us to Jabel Mukaber. Then we took a taxi to the Musrara neighborhood. Soldiers were stationed at a checkpoint there. They stopped the taxi. The soldiers checked our ID cards and my brother's medical documents. They delayed us for twenty minutes or so and then let us pass. Marwan was in very poor condition. He was unable to walk. We supported him the whole way, and had to carry him at times. When we reached the hospital, he was taken straight to intensive care. He was hospitalized for several days. Following his discharge, we traveled to Abu Dis, and then to Hilwah Grave via the "Container" roadblock, and then by foot to the village.¹³

Because the Jerusalem Municipality does not provide services to the village, the residents have relied on services from various service providers in the West Bank. The closing of roads leading to the village affects the orderly supply of these services. According to Yusuf Dir'awi, a resident of Nu'man, one of the greatest problems of the villagers is the shortage of water.

For many years, we received water from a well in the Hilwah Grave area near Beit Sahur, and for the past several months we have been connected to the al-Khas

12. For a discussion on the ramifications of restrictions on movement on the right to obtain medical treatment since the beginning of the intifada, see B'Tselem, *No Way Out – Medical Implications of Israel's Siege Policy*, June 2001.

13. The testimony was given to Suha Zeyd on 10 June 2003.

water network. All houses in the village are hooked up, but the pipe's small diameter results in low water pressure and frequent interruptions. This is the source of our ongoing water-supply problems. As a result, we have to cut back greatly on our household water consumption.

In December 2000, soldiers blocked the road to Beit Sahur in the Hilwah Grave area. When they blocked the road, they broke the pipe and left us without water for several days, until we fixed it. During this period, we asked the Jerusalem Municipality, through the attorney of St. Yves, to supply water to the village. The municipality informed the attorney that they couldn't because we hold Palestinian ID cards. The pipe has been broken a few more times since then, and it was fixed each time.

By the last time that they broke the pipe, about three months ago, we were fed up with the problem, so we went to the al-Khas local council to obtain permission to hook up to their water network, which is linked to Mekorot [the Israeli governmental water supplier]. The council consented, and since then, we have received water from them. So far, they have not broken the pipe, but I fear that they will do that when the fence goes up east of the village.¹⁴

Lacking a sewage system, the village relies on cesspools, which are emptied by a pump and tanker. The blockage of the road to al-Khas prevents the cesspools from being emptied and removed from the village. Jamal Dir'awi, head of the village committee, described the consequences:

Two trucks, serving Nu'man, al-Khas, Shawawreh, and Dar Salah, remove the sewage and garbage. Whenever the army closes the road to al-Khas, the garbage accumulates in the streets and the cesspools fill up, and sometimes even overflow. When this happens, the stench is disgusting, and we get lots of mosquitoes and insects, which affect our health. The children, who have developed many stomach problems, suffer the most.¹⁵

There are no schools in Nu'man. From the 1960s to 1995, the children studied in schools in the East Jerusalem communities of Umm Tuba and Tsur Baher. In 1995, the Jerusalem Municipality decided that, because Nu'man's residents have West Bank identity cards, they are not entitled to study in the municipality's school system. The children then transferred to schools in al-Khas for primary school and to Beit Sahur for high school. 'Ayisha Hamad, a resident of Nu'man, described the difficulties her children have in getting to school:

Three of my children study in Beit Sahur. One is in the first grade, one is in the tenth grade, and another is in the twelfth grade. They walk to Hilwah Grave and then take a taxi to Beit Sahur. Sometimes, Border Police officers wait behind the dirt piles in Hilwah Grave. They check their ID cards and delay the children. Sometimes, the Border Police officers do not allow the children to pass, and they have to walk a kilometer and a half into al-Khas to a hilly area that leads to the Wadi Nar Road, where they take a taxi to Beit Sahur.

14. The testimony was given to Yehezkel Lein on 11 July 2003. For a discussion on the water shortage in the West Bank, see B'Tselem, *Thirsty for a Solution: The Water Crisis in the Occupied Territories and its Resolution in the Final-Status Agreement*, July 2000.

15. The testimony was given to Suha Zeyd on 10 June 2003.

In the winter, the children are sick all the time because they walk in the rain and cold. It makes me sad to see them going off to school in the rain. They often come home coughing and shivering from the cold. This torment starts at age five, when the children begin kindergarten in al-Khas.¹⁶

Hilwah Dir'awi is among the few residents of Nu'man's who obtained an Israeli identity card. As a result, her children are allowed to study in schools in East Jerusalem. The blocking of the roads causes many problems for the children on their way to and from school:

I was born in Umm Tuba and my parents still live there. Sixteen years ago, I married Yusuf and moved to Nu'man. Umm Tuba lies within Jerusalem's borders, so all its residents, including me, have Israeli ID cards.

My eldest daughter, Nibin, 15, and my son Muhammad, 14, study in Tsur Baher. Tareq, 10, is in the fourth grade in Umm Tuba. Ibrahim, 5, goes to kindergarten in Umm Tuba. The four of them walk to school because part of the road to Umm Tuba is blocked. About a year ago, the army closed the road completely. They put piles of dirt and dug trenches along the road. The children have to walk more than a kilometer along this dirt road to get to school. They have to leave the house at 6:00 A.M., cross the dirt piles, and climb up a hill facing the road to Umm Tuba.

Most days, a Border Police jeep stands at the foot of the hill. Sometimes, Border Police officers hide behind boulders and ambush laborers and pupils on their way to Umm

Tuba. My children tell me everything about what the Border Police officers do to them. The police officers stop them and grope around in their school bags and books. That frightens them terribly. During the month of Ramadan, in November 2002, Border Police officers tried to force the children to eat during the fast. We live in constant fear and do not know what to do.¹⁷

The IDF's restrictions on the movement of Nu'man's residents infringe their right to move about freely within their country, a right enshrined in Article 12 of the International Covenant on Civil and Political Rights. This convention allows certain restrictions on movement in exceptional circumstances. However, the sweeping restriction on the movement of Nu'man's residents, and the indefinite period these restrictions are applied, flagrantly breach the convention. Restriction on movement leads to the violation of other rights that Israel must honor pursuant to the International Covenant on Economic, Social, and Cultural Rights, to which Israel is party. This convention grants every person the right to work and the opportunity to gain a living by work (Article 6.1) and the right of every person "to the enjoyment of the highest attainable standard of physical and mental health" (Article 12.1).

Furthermore, by refusing to supply services to the residents of Nu'man, the Jerusalem Municipality discriminates against the villagers in violation of their right to equality, one of the cornerstones of human rights. The right to equality is enshrined in Article 3, common to the two covenants mentioned above, and in Article 27 of the Fourth Geneva Convention.

16. The testimony was given to Suha Zeyd on 15 June 2003.

17. The testimony was given to Suha Zeyd on 15 June 2003.

Lack of town planning and its ramifications

Following the annexation of East Jerusalem in 1967, Israel nullified the Jordanian outline plans that were prepared for these areas, thereby creating a planning vacuum. This vacuum prevented the issuing of building permits, and almost completely froze the development of East Jerusalem. In the early 1980s, the Jerusalem Municipality decided to prepare outline plans for all the Palestinian neighborhoods in East Jerusalem. Most of these plans have been approved.¹⁸

In preparing the outline plans, the municipality ignored Nu'man, and the village's area is still classified as "white land." Under this classification, building permits may not be issued, regardless of the status of the residents.

In 1992, inspectors from the Building Inspection Department of the Ministry of the Interior came to the village for the first time. They informed the residents that, because no outline plan exists for the village's land, they are not allowed to build new houses or add on to existing houses. Over the years, the Ministry of the Interior issued a number of demolition orders, but no demolitions were carried out.

In May 2000, inspectors from the Ministry of the Interior came to the village accompanied by Border Police officers. They questioned the residents and took pictures of the houses. About two months later, indictments were filed

against three village residents – Nidal Dir'awi, Khader Dir'awi, and Radi 'Atiya – for building residential structures without a permit. The indictments stated that, "the building without a permit took place in Khirbet Mazmuria, located within the planning domain of the city of Jerusalem... The structure is occupied and is used for residential purposes."¹⁹

The trials began in late 2000 in the Local Matters Court in Jerusalem. Several court sessions that were set for 2001 were postponed because of the absence of the three villagers, who were unable to appear in court because of the comprehensive closure on the Occupied Territories.

In early 2003, the judge convicted the three villagers for building without a permit and ordered the three houses to be demolished. Execution of the demolition orders was postponed to July 2004, ostensibly to enable the three villagers to obtain retroactive building permits.

Postponement of demolition for this reason is a farce: the likelihood that the residents will obtain the building permits is infinitesimal. The granting of building permits is dependent on the existence of a local outline plan and its approval by the district planning committee, and on a detailed plan approved by the local planning committee. These processes generally take many years and progress is

18. Ir Shalem, *East Jerusalem – Planning Status* [in Hebrew] (Jerusalem, November 1999), p. 5.

19. Crim. File 3414/00, *State of Israel v. Nidal Ahmad Dir'awi*.

usually made only following political pressure of influential persons interested in completion of the process.²⁰

In addition to the demolition orders, the court imposed a fine of NIS 50,000 on two of the defendants and a fine of NIS 60,000 on the third. The fines, which were divided into one hundred equal monthly payments, placed another financial burden on the three families, making it difficult for them to meet their basic needs. The absurdity is that the three residents must make the payments at a post office in Israel, even though they are not allowed to enter the country. Nidal Dir'awi described to B'Tselem the hardship he suffered as a result of the court decision:

I am married and have two children. My wife is a housewife. I teach Arabic at the Beit Jala Boys High School. I earn NIS 1,450 [a month] before deductions. A large part of my salary goes for fixed expenses. I spend NIS 280 a month on water, and about NIS 350-400 every two months on electricity for my house and my parents' house.

Recently, I have also had to pay the fine of NIS 500 a month imposed by the court. I had to make the first payment on the first of July at the Postal Bank in Tsur Baher. I left home to go to Tsur Baher, but Border Police officers standing by a mound of dirt blocked the way to Umm Tuba. They did not let me leave the village. They contended that I did not have a permit to enter Israel. I explained that I have to pay the fine and showed them the payment voucher. They told me to go back to my village. In the past, I submitted

a request at the Etzion D.C.O. [District Coordinating Office] to obtain a permit to enter Jerusalem, but my request was denied.

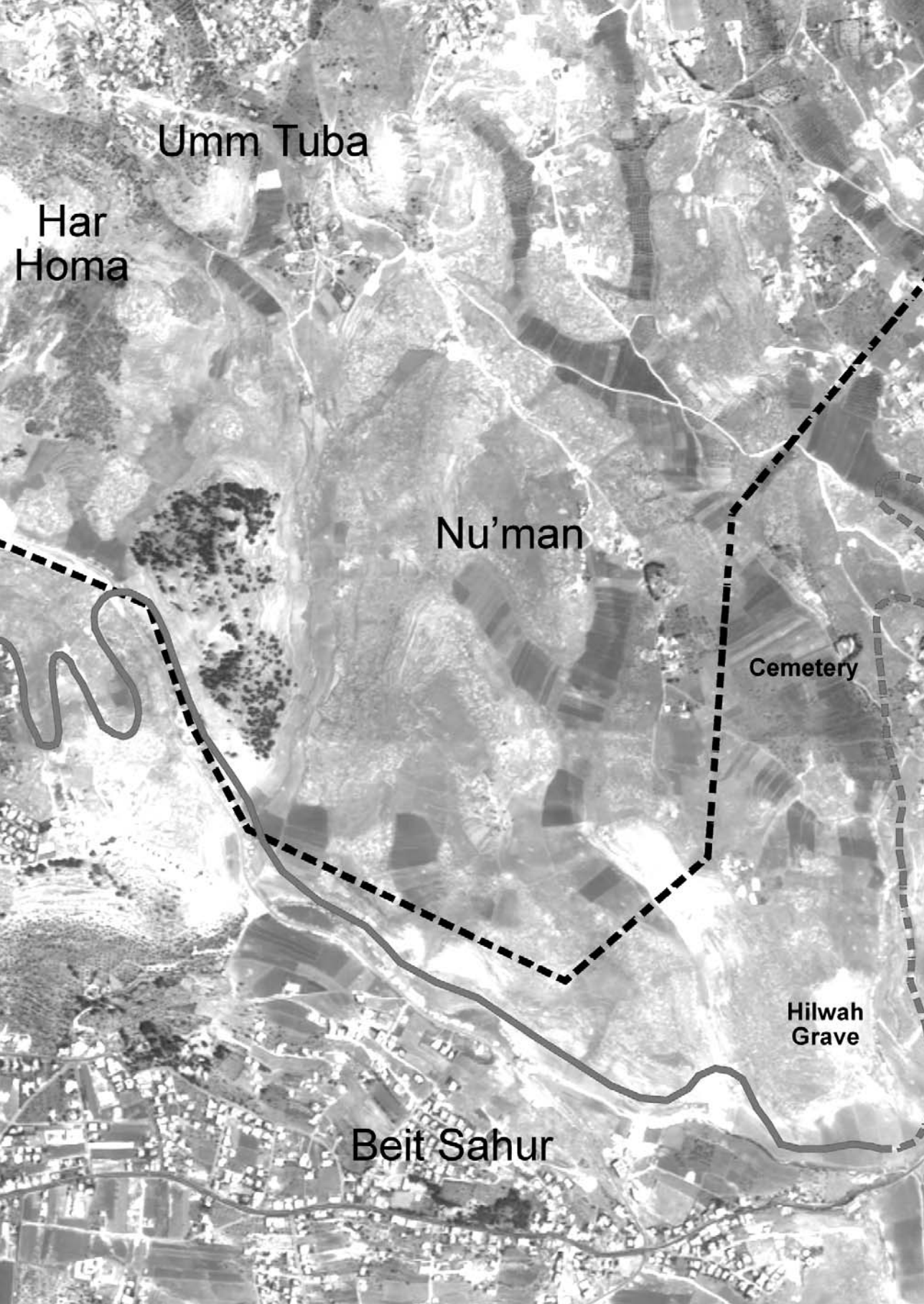
I decided to send my eight-year-old nephew Muhammad to Tsur Baher to make the payment. I worried that he would lose the money on the way, but I had no other choice. He went over the hill and the police officers did not see him. I put the money in a plastic bag and called a friend of mine who works at the post office, so that he would handle the transaction.

I plan to pay the fine even though I know that the chance that I'll get a building permit is very small. I hope that if I pay the fine and proceed with the matter of obtaining the permit, everything may work out all right. I will borrow money from friends and relatives, if necessary, to make the payments. I am constantly thinking about how to increase my income so that we have enough to live on. Last February, I began to grow vegetables in our yard. I want to sell them in Tsur Baher, either to individuals or to shops. I also asked the Red Cross for assistance, and they promised to help. Both my family and I are suffering greatly because of our financial situation.²¹

The lack of town planning makes it hard for residents to develop the village to meet their needs. The Jerusalem Municipality and the Ministry of the Interior are responsible for this situation. As a result, Israel violates the principle of equality and creates a real risk of infringing the residents' right to housing, which is enshrined in Article 11 of the International Covenant on Economic, Social and Cultural Rights.

20. Pursuant to Section 78 of the Planning and Building Law, 5725 – 1965, a building permit may be granted, in exceptional circumstances, during the period from the beginning of the preparation of the outline plan to the time it is approved, subject to various conditions. However, this exception does not apply in the case of the residents of Nu'man because the preparation of the outline plan has not yet begun.

21. The testimony was given to Sohad Sakalla on 27 July 2003.



Umm Tuba

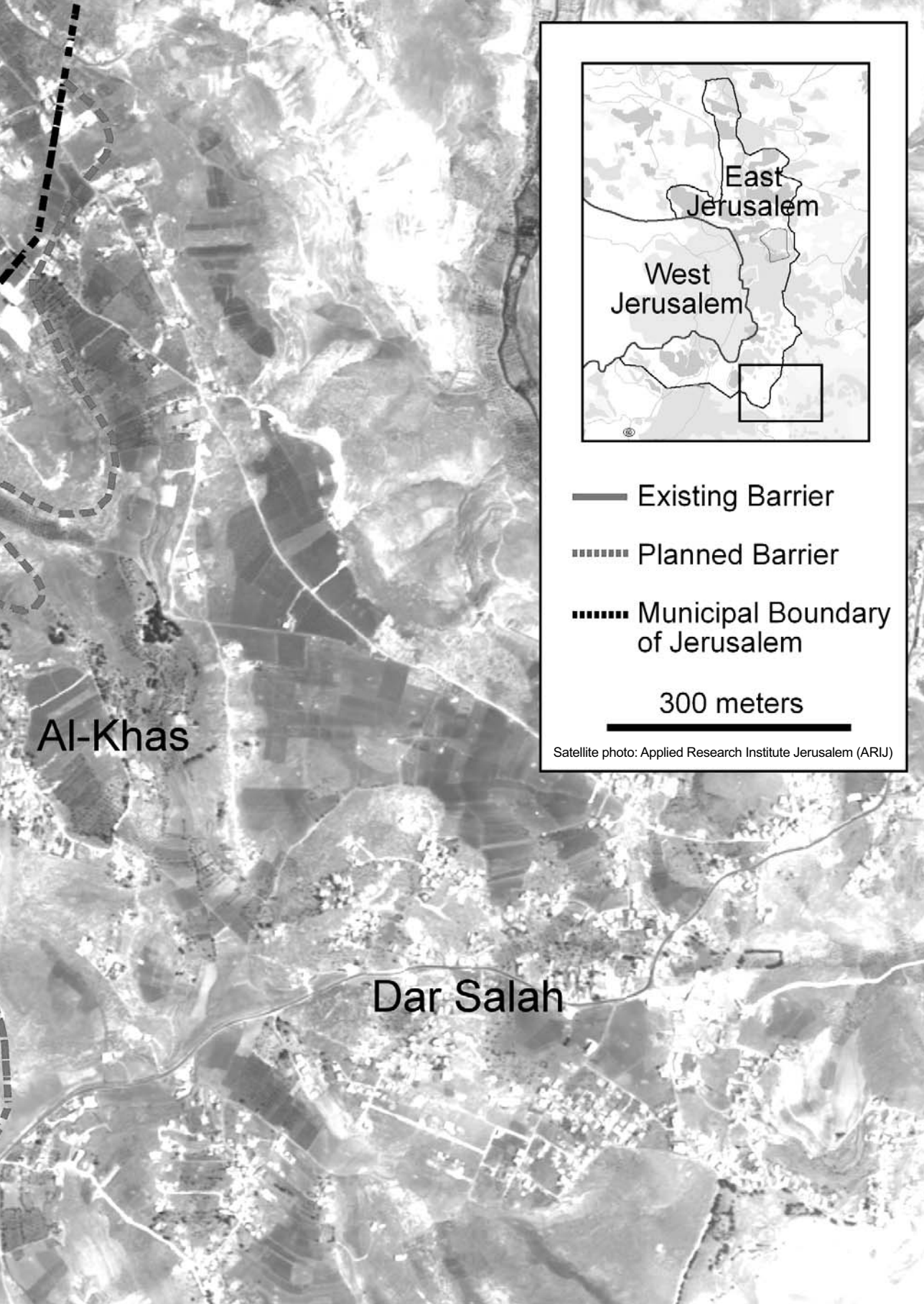
Har
Homa

Nu'man

Cemetery

Hilwah
Grave

Beit Sahur



Al-Khas

Dar Salah



- Existing Barrier
 - - - - - Planned Barrier
 - - - - - Municipal Boundary of Jerusalem
- 300 meters
-

Satellite photo: Applied Research Institute Jerusalem (ARIJ)

Ramifications of the separation barrier

In recent months, residents of Nu'man have suffered increased hardship for two reasons: one, construction of the separation barrier, which makes it difficult for them to reach the West Bank, and two, the attempts of Israeli authorities to expel them from their homes. To date, no Israeli official has come to the village to inform them of the state's plans for the village. Therefore, the residents can only guess what their future holds from the bits of information they obtain and from the facts gradually taking shape on the ground.

In June 2002, the government decided to establish a barrier that surrounds the West Bank and prevents the uncontrolled entry of Palestinians into Israel.²² The ten-kilometer section south of Jerusalem, referred to as the South Jerusalem Envelope, stretches from the Tunnel Road in the west (a few hundred meters south of the Gilo settlement) to the edge of the Palestinian town Beit Sahur in the east. Most of the barrier's route in this section runs along the border of the jurisdictional area of Jerusalem and passes between Nu'man and Beit Sahur, thereby completely blocking the road linking the two communities. The only road open from Nu'man to the West Bank is the road leading to al-Khas.

In late March 2003, the residents learned for the first time that the road to al-Khas also was going to be blocked as part of Israel's plans for construction of the separation barrier. This information was provided to the residents

by a person, accompanied by four Border Police officers, who came to the village and introduced himself as Dvir Kahana. Kahana contended that he was an official representing the Ministry of Defense, the Construction and Housing Ministry, and Moriah - the Jerusalem Municipality Development Company. Kahana showed the residents the barrier's route that stretched north from the eastern edge of the South Jerusalem Envelope. According to the map and a tour that Kahana gave the residents along the planned route, the barrier will pass between Nu'man and al-Khas and thereby isolate Nu'man from the rest of the West Bank. The barrier will also harm the residents of al-Khas: hundreds of dunams of their olive orchards and the village cemetery will lie west of the barrier. In his testimony to B'Tselem, Jamal Dir'awi described Kahana's comments to the residents at the meeting:

He said that we are living in the village illegally, and so we have to leave. He also said that the area lies along the seam line between the Palestinian Authority and Jerusalem's jurisdictional area, so Israel decided to leave the area as an open and uninhabited space. He offered us compensation for our houses that were built prior to 1993, and claimed that the other houses were slated for demolition. He added that if we choose to stay in the village, our situation would be comparable to a tree without water because our water and electricity hook-ups would soon be

22. For an extensive discussion on this subject, see B'Tselem, *Behind the Barrier: Human Rights Violations as a Result of Israel's Separation Barrier*, March 2003.

disconnected. He showed us on a map he had where a fence would go up in the area of the village, and he said that no crossing points were planned.

B'Tselem called Kahana, at the phone number he gave to the residents of Nu'man, to clarify whom he represents, but he refused to provide any information. B'Tselem wrote to the Ministry of Defense to clarify this matter, but received no response.²³ An investigation by *Ha'aretz* indicated that Kahana is employed as a quasi-independent contractor by the Ministry of Construction and Housing. His task is to locate potential land for the establishment of new settlements in East Jerusalem.²⁴ Kahana's visit to the village along with four Border Police officers bolsters the assumption that he was acting on behalf of official bodies, or at least in coordination with them.

In early August, the OC Central Command signed land requisition orders for the land on which the eastern section of the Jerusalem Envelope is to be built. Among these orders was the one relating to the section of the barrier between Nu'man and al-Khas.²⁵ Only subsequently, on 20 August 2003, the Defense-Political Cabinet approved the barrier route of the eastern section of the Jerusalem Envelope.²⁶ According to the requisition orders, the approved route is similar to the map that Kahana showed the residents.

Blocking the only road left to residents of Nu'man to reach the West Bank will imprison

the residents – who are also forbidden to enter Jerusalem – in their village. The Ministry of Defense contended that “it is examining the question of whether there will be a gate in the village as part of the overall barrier in the Jerusalem Envelope.”²⁷ Even if the Ministry of Defense decides to put a gate between Nu'man and al-Khas, the residents' freedom of movement will be significantly restricted: every trip to the West Bank will require a movement permit from the Civil Administration. It is difficult for residents to obtain these permits, and they are revoked whenever a comprehensive closure is imposed on the Occupied Territories. Furthermore, past experience shows that Israel exploits restrictions on Palestinian movement also to advance improper goals, based on extraneous considerations, and not only on security concerns.²⁸

The residents' fear of expulsion from their homes recently increased following a wave of arrests in the village by Border Police officers, and particularly after Kahana made his comments that Israel intends the area to be resident-free following construction of the separation barrier. On 1 July, around 5:00 P.M., a Border Police jeep with six police officers entered the village. After searching a few houses, the officers arrested six residents who were in their homes. They were taken to a Border Police facility at Checkpoint 300, which is located at the entrance to Bethlehem, and were released around 11:00 P.M. Radi 'Atiya, who was among the detainees, told B'Tselem what followed:

23. In a letter of 29 June 2003, the Ministry of Defense acknowledged receipt of the letter, and requested “patience until handling of the request is completed.”

24. Uzi Benziman, “The Hudna came Early,” *Ha'aretz*, 19 June 2003.

25. Requisition Order 49/03/n. See “Planned Barrier” in the aerial photo following page 17 above.

26. “Eastern Section of Jerusalem Envelope Approved,” *Ha'aretz*, 22 August 2003.

27. “*Hakol Diburim*” [“It's All Talk”], radio talk show hosted by Carmit Guy and Haim Zisovich, 27 July 2003.

28. B'Tselem, *Civilians under Siege: Restrictions on Freedom of Movement as Collective Punishment*, January 2001, p. 30.

Around 10:15 P.M., two men in civilian dress came into the room. One of them said nothing. The other one spoke with us in Arabic. He told us that the village lies within the borders of the Jerusalem Municipality, and that we had to obtain permits to enter the village. I told him that we have documents proving that we own the land, and that we don't need permits to enter the village. He replied that we needed permits. He then asked me all kinds of questions: how long I have lived in Nu'man, when I moved into my house, when I got married, and how many children I have. He asked my father, uncles, and cousins the same questions. We answered his questions.

The conversation lasted about forty-five minutes. Then he asked us to sign some papers in Hebrew. I asked him what they were, but he did not want to answer. He again demanded that we sign, adding that if we didn't, they would not release us. We signed the papers, even though we did not understand what was written in them. Then they gave us back our ID cards and told us to go home.²⁹

In response to B'Tselem's inquiry, the Border Police spokesperson indicated that the six residents "were stopped on suspicion of illegal stay in Israel, were questioned, and released after they signed a personal bond."³⁰ Similar arrests occurred on five other occasions, the last on 20 August 2003. In each case, police

officers came at night or before dawn, arrested ten to twenty residents, took them to the Border Police facility at Checkpoint 300, and released them a few hours later, after they were told that they were not allowed to return to their homes unless they had a movement permit issued by the Civil Administration.

Following the wave of arrests, the residents petitioned the High Court of Justice to order the Police to cease the arrests and attempts to expel them from the village. The residents also requested the High Court to direct the state to recognize them as permanent residents of Israel or, alternatively, to transfer the village to Palestinian Authority control. In a response filed with the court, the state agreed to stop the arrests and to refrain from expelling the residents until the court reached a decision in the matter. The state did not relate to the demand that the residents be given permanent-resident status in Israel. The state reserved the right to return to court, prior to a final decision being reached, in specific cases "where the particular circumstances so dictate."³¹

Building a barrier east of Nu'man will limit the movement of the villagers even more, and thus further infringe their right to freedom of movement and other related rights, as described above.³² The UN Human Rights Committee recently held that the restrictions placed by Israel on freedom of movement as a result of construction of the separation barrier are inconsistent with Article 12 of the Covenant. If the state follows through on its threat to expel

29. The testimony was given to Suha Zeyd on 10 July 2003.

30. Letter of 16 July 2003 from Superintendent Liat Pearl.

31. HCJ 7218/03, *Ahmad al-Dir'awi et al. v. Minister of the Interior et al.* The State Attorney's Office filed its response on 25 August 2003.

32. *Concluding Observations of the Human Rights Committee: Israel 5/8/023*, par. 14.

the residents from their houses on the grounds that they were staying in Israel illegally, Israel would breach Article 49 of the Fourth Geneva

Convention, which prohibits the occupying state from evacuating civilians from their place of residence.³³



Houses in Nu'man; in the background, al-Khas Village
Photo credit: Ofir Feuerstein

33. Under this article, evacuation is allowed only for imperative military reasons and only temporarily. In the present case, Israel has not contended that this proviso applies.

Conclusions

Israel's policy regarding Nu'man severely infringes a number of its residents' basic human rights. The root of the problem is the refusal of the Ministry of the Interior to recognize the villagers as residents of Jerusalem, even though the village lies within the city's jurisdictional area. Since 1993, when Israel demanded that every Palestinian wanting to enter Israel obtain a special permit for that purpose, the villagers' living conditions have become intolerable, and they have been fighting an unceasing battle against the Israeli bureaucracy.

The villagers' freedom of movement has been significantly impaired over the past decade, primarily since the outbreak of the al-Aqsa intifida. These restrictions are part of Israel's comprehensive policy in the Occupied Territories, which has critically impaired the living conditions in the Occupied Territories and led to an increase in poverty and unemployment. The small size of Nu'man makes the residents rely on nearby villages for vital services and thus increases the detrimental effect of the movement restrictions on their daily lives.

The village's proximity to Jerusalem harms the residents twice: once, by the checkpoints and roadblocks that Israel has set up to enforce the closure and to prevent Palestinians from entering Israel, and the second time, by the checkpoints and roadblocks intended to prevent

free movement between Palestinian towns and villages.

The separation barrier in the Jerusalem area, whose section along the southern border of the city has recently been completed, further aggravates the residents' problems. The barrier as it presently stands separates the village from Beit Sahur. Israel also plans to build a barrier east of the village that will likely sever Nu'man from the rest of the West Bank. Apparently, this plan is the reason for the decision to expel the residents from their homes. Even if Israel ultimately refrains from expelling the residents, the residents will have to cope with the almost total isolation forced on them. In these circumstances, it is likely that, sooner or later, the residents will be left no option but to leave the village.

The failure of the Ministry of the Interior and the Jerusalem Municipality to recognize the residents of Nu'man as residents of Jerusalem is part of the policy of all Israeli governments since 1967. The policy's goal is to maintain the "demographic balance" in Jerusalem, meaning that the percentage of Palestinians in the city must not be allowed to exceed a certain ceiling – formerly set at twenty-five percent and now thirty percent.³⁴ To attain this goal, Israeli authorities have instituted a variety of measures intended to encourage Palestinians to leave the city, such as limiting the possibilities to build

34. *A Policy of Discrimination*, pp. 44-47. Regarding the expression of this goal by the Steering Committee on the New Outline Plan for Jerusalem, see Akiva Eldar, "Propaganda: Where did One Hundred Thousand Arabs Disappear from Olmert's Outline Plan," *Ha'aretz*, 11 February 2003.

and freezing the family-unification process.³⁵ It appears that in the case of Nu'man, this policy is being implemented in absolutely clear terms: by attempting to expel the residents by force.

In light of this situation, B'Tselem demands that the Ministry of the Interior grant the residents of Nu'man permanent-resident status in Israel so that they can continue to live in their homes. B'Tselem further demands that

the defense establishment remove the physical roadblocks that it erected between the village and other parts of Jerusalem; that the villagers be recognized as residents of Jerusalem and allowed access to Jerusalem; and that the Jerusalem Municipality provide the residents all municipal services, including an outline plan for the village, in return for the payment of municipal taxes.

35. See, for example, *A Policy of Discrimination* and *The Quiet Transfer*.

Response of the Israel Police Force, Jerusalem District*

Israel Police Force

Jerusalem	District	Headquarters
Office	of the	Commander
Telephone		02 - 5391205
Facsimile		02 - 5391190
31	A u g u s t	2003

Mr. Yehezkel Lein
B'Tselem

Re: **Police response to claims of residents of Khirbet Mazmuria**

In response to the petition to the High Court of Justice, the State Attorney's Office and the Police stated that the Police undertake to the court to refrain from delaying the illegal residents of Mazmuria and from removing them from their houses on grounds of illegal stay in Israel.

Sincerely,

[signed]

Shmulik Ben Ruby
Chief Superintendent
Spokesperson, Jerusalem District

* Translated by B'Tselem

Response of the Ministry of the Interior *

Ministry of the Interior

*Office of the Spokesperson
and Public Relations Officer*

8 September 2003

Mr. Yehezkel Lein
B'Tselem
8 Hata'asiya Street
Jerusalem

Dear Mr. Lein:

Re: **Response of Ministry of the Interior to B'Tselem's report**

Ref: Your letter of 26 August 2003, S.M. 10433

Villagers of Mazmuria have recently filed a petition with the court in the matter.

The Ministry of the Interior will respond, as is customary, directly to the court, and its response will be open to the public for review.

Sincerely,

[signed]

Tova Ellinson
Spokesperson and Public Relations Officer

* Translated by B'Tselem

Response of the Jerusalem Municipality *

Municipality of Jerusalem

Director General

Jerusalem, 7 September 2003
Director General 3885

Mr. Yehezkel Lein
B'Tselem
8 Hata'asiya Street
Jerusalem

Dear Mr. Lein:

Re: **Khirbet Mazmuria/Khallet Nu'man – Response to B'Tselem's report**

Ref: Your letter of 26 August 2003

Background/preface

1. B'Tselem – The Israeli Center for Human Rights in the Occupied Territories was established to combat human rights violations *in the territories under Israeli occupation*, and focused its efforts on the attempt to change Israeli government policy in the territories that it occupied, to make the government aware of its obligation to protect the human rights of all the residents and to strictly comply with its obligations under international law. B'Tselem performs its activities in the belief that respect for human rights *is not inconsistent with Israel's security...* (profile of the organization and its goals, as appears in B'Tselem publications).
2. Following the Six Day War, the State of Israel indeed annexed territory by expanding the area of jurisdiction of the Jerusalem Municipality, and applied Israeli law in all that territory.

B'Tselem supports the position and starts from the assumption that, under international law, the State of Israel is forbidden to annex unilaterally territory that was occupied in war; therefore, according to international law, the annexation of this territory into Jerusalem (and into the State of Israel) is invalid according to law, and the status of the said territory is no different from that of other parts of the “West Bank.”

* Translated by B'Tselem

3. *Unlike B'Tselem's basic assumption, the Municipality of Jerusalem is committed to the State of Israel, its laws, and the directives of the governments of Israel, and it acts accordingly within its municipal borders. We regret that B'Tselem is among those who challenge the unification of Jerusalem under Israeli sovereignty.*
4. The question of the *personal status* of the individuals living in Khirbet Mazmuria/Khallet Nu'man is indeed of central importance to their lives in Jerusalem. However, it should be noted that, contrary to what appears from the report, *the Jerusalem Municipality does not determine the personal status – citizen, permanent resident, temporary resident, tourist, and so forth – of persons staying within its domain.* The body officially charged to do this, and to which the matter is given for handling and determination, is indeed the *Ministry of the Interior / Population Administration.* The determination made by the Ministry of the Interior affects the municipal authority in all matters related, for example, to receiving government budget allocations, such as in the areas of education and welfare. The failure to recognize the status of a person prevents the municipality from supplying such services and indirectly places an additional burden on its budget.
5. Indeed, the security “separation fence” is currently being built. This action *is the result of the need to provide protection against Palestinian terrorism aimed at residents of Jerusalem.* Over the past three years, this terrorism has resulted in the killing of 149 and the wounding of 1,500 residents of the city (most of the attacks were committed by suicide terrorists who were not residents of the city).

The route of the “separation fence” was set by the defense establishment following examination of diverse factors. Unfortunately, because of the protective measures and the desire to save and prevent the loss of life, the measures taken cause some discomfort and hindrance in the daily routine of people, which we seek to limit and prevent as much as possible.

The situation in Khirbet Mazmuria/Khallet Nu'man and treatment by the authorities

6. Khirbet Mazmuria/Khallet Nu'man is indeed located within the municipal borders of the city of Jerusalem, a few hundred meters north of Beit Sahur. *Most of the persons living there hold West Bank/Palestinian Authority identity cards, and a minority hold Israeli identity cards (an example being Ms. Hilwah Dir'awi – mentioned in the report – who was born in Umm Tuba/Jerusalem, and upon marrying, “followed her husband” to Khirbet Mazmuria/Khallet Nu'man, and her children received the status of Jerusalem residents, and are thus entitled to study in the municipal school system, in this case in Umm Tuba / Tsur Baher – the reported address).*

7. To the best of our understanding and information, most of the villagers hold West Bank/ Palestinian Authority identity cards not because of a mistake in the 1967 census, as contended in the report, but for the reason implied by comments in the report itself, whereby *the individuals are members of the "T'amreh tribe" ('Ashirit a-Shawawreh –Dir'awi clan) that settled in the Judean Desert east of Beit Sahur; and indeed grazed their flock and wandered from place to place in that pursuit, while their permanent core settlement (and the location of the house of the mukhtar) was Umm al-Tal'a.*
8. It is common knowledge that a small wing – the 'Abdallah family of the Dir'awi clan of this tribe – turned Khirbet Mazmuria/Khallet Nu'man into a place of residence which developed for the most part after 1967 (as stated also in the B'Tselem report). Clearly, therefore, these family members were recorded in the 1967 census as having a place of residence / main residence in Umm Tal'a/Arab al-T'amreh, and thus their personal status. The most detailed information on this issue is presented in the research of Avshalom Shmuely, *Beduin Settlement of the Judean Desert* (Goma Publications, Tel-Aviv, 1960).
9. As stated in B'Tselem's report, the Ministry of the Interior indeed allows Palestinians who did not obtain Israeli identity cards and claim they are entitled to them because they lived in territory that was annexed into the city in 1967 to submit requests to exchange identity cards and alter their status to permanent residents of Jerusalem. They are indeed required to supply proof, such as aerial photos and various documents. The B'Tselem report's contention that it is difficult to meet this requirement, including the costs entailed in doing so, should be checked and require supporting evidence, especially at a time that we are aware of cases of ordinary people who met the demands of the Ministry of the Interior, proved their claims, and obtained a change in status. This is accomplished at times with the help of many non-governmental organizations – local and foreign, as well as "volunteer" lawyers and the like who are appointed by various entities whose entire work is aimed at "providing assistance" in these areas (for example, St. Yves Society, which is mentioned in the report).

B'Tselem's report, and the resources made available for that purpose – including funds to obtain aerial photos – indicate the feasibility and readiness to assist these persons, and the ability of B'Tselem researchers to thoroughly examine the question of whether all the residents of Khirbet Mazmuria/Khallet Nu'man have lived continuously on the site since 1967, or have relatives of the first degree (as required by the Ministry of the Interior). If such an examination had been made, it would have resolved disputes and provided assistance in the matters before the Ministry of the Interior, and assisted in accurately clarifying the situation.

10. The report and data of B'Tselem indicate that, in 1967, there were eleven houses on the site, while *over the course of thirty-five years*, fourteen houses (built illegally – without permits) were added. Clearly, if this is the case, there was natural growth along with migration onto the site by members of the same family / clan, and settlement in permanent structures slowly over the years in conformity with the nature and behavior of this society. The Jerusalem Municipality erected a sewage system in the southern part of the city in the large Tsur Baher neighborhood, which contains close to 15,000 residents, and is now completing a sewage system in places where there are none, and are taking initial steps to set up a sewage system for Umm Tuba. The demand/expectation to establish a sewage system for twenty-five houses in Khallet Nu'man that were built there over the years is unrealistic in light of the municipality's order of priorities, in comparison with other needs, and with the knowledge that, as stated, the persons involved are not, according to the position held by the State of Israel/Ministry of the Interior, residents of the city, but have ties to Bethlehem, and in recognition of the building features in Beduin society (again, see the research of Avshalom Shmueli, chapter 5, page 71). On a separate point, you should know that implementing projects to establish connections to water and sewage systems, build sidewalks, roads, and the like also entail payments of fees and levies to the municipal authority.

11. Regarding municipal property taxes, the municipality indeed does not demand payment from these individuals, who are not residents of Jerusalem, whose ties are to Bethlehem District / 'Arab T'amreh (in the same way that municipal property taxes are not demanded and enforced in the 'Ein Jose neighborhood in Wallaje and in the Bir'onah neighborhood). Furthermore, together and in cooperation with inspectors of the Ministry of the Interior, several warnings against building illegally were given in the 1990s to persons residing/ staying there, and as stated in the B'Tselem report, suits were filed against some of them.

(Even where a town building plan is lacking, it is possible to request a building permit, pursuant to Section 77/8 of the Planning and Building Law, 1965, but they did not act in this manner.) Therefore, there is no basis for the contention that the authorities disregarded them and gave "tacit consent" to the matters described on page 6 [11 in this report] of the B'Tselem report. Certainly not! Persons residing there found it comfortable to live there in accordance with their life style and with their ties to Bethlehem, the central area of their tribe, along with the possibility of free entry into Jerusalem (although they are residents of the West Bank), disregarding the obligations imposed on residents – fees and levies and taxes to the municipal authority and state authorities.

Conclusion

12. For the avoidance of doubt, despite the above comments and contrary to our remarks regarding the B'Tselem report, the Jerusalem Municipality has no intention and/or plan to expel the residents of Khallet Nu'man, and it is not threatening them in this regard. We welcome resolution of the question of their personal status, so that we can recognize as permanent residents of the city those persons who are so entitled, grant them municipal services, and impose their obligations upon them. We also welcome any action taken by the defense establishment to increase the level of security in the city against the threats of terrorism and its effects, which have scarred the city over the past three years.

Sincerely,

[signed]

Eitan Meir
Director General

cc: Mr. Uri Lupolianski – Mayor
Mr. Eli Zituk – Municipal Treasurer
Attorney Havelio – Municipal Legal Advisor
Mr. Shalom Goldstein – Advisor to the Mayor on Arab Affairs
Mr. Mica Ben Nun - Director, Licensing and Supervision Department
Mr. Gidi Schmerling – Advisor to the Mayor on Communications