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**Human rights situation in Palestine and other
occupied Arab territories**

Joint written statement* submitted by the Cairo Institute for Human Rights Studies, Al-Haq, Law in the Service of Man, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 May 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Israel uses “allegiance” to forcibly displace Palestinians from Jerusalem

As part of a 49-year long occupation, Israel is intensifying policies aimed at forcibly transferring Palestinians from occupied East Jerusalem. Since 2006 Israel has used residency revocation as a punitive measure against Palestinians struggling for self-determination and basic rights. In a dangerous precedent, the Israeli Minister of Interior revoked the residencies of at least 13 Palestinians on the basis of “breach of allegiance to the state of Israel”.¹ Requiring Palestinians to have loyalty towards the occupying power is a blatant violation of International Humanitarian Law which prohibits the imposition of swearing allegiance to the hostile power.²

Upon the illegal annexation of East Jerusalem in 1967, Israel extended its jurisdiction over the newly declared administrative borders; where Palestinians within acquired the status of permanent residents.³

This residency status makes the 300.200 Palestinians in Jerusalem⁴ immigrants in their own country for who entry into Jerusalem and residency in Jerusalem is a revocable privilege, instead of an inherent right. Under Israeli Law, the Minister of Interior has discretionary powers to revoke residency of Palestinian Jerusalemites.⁵ Until today, the Ministry of Interior has reported having revoked the residencies of at least 14,565 Palestinians from Jerusalem.⁶

During the past forty-nine years, Israel’s Minister of Interior and Israel’s Supreme Court have tightened the criteria that must be met, gradually increasing the grounds upon which Palestinians could face revocation of residency.⁷

The initial general policy provided that a resident would lose his/ her status by “settling outside Israel” for a period of seven years or by receiving the status of resident or citizen in another country. In 1995 Israel suddenly started revoking residencies of Jerusalemites who were residing abroad for less than seven years and had not obtained a residency status or citizenship of a foreign country, but where “their center of life” was abroad. Later on, Israel started to consider other

¹More information can be found in: Punitive Residency Revocation, CAC, 2015, <http://www.cac.alquds.edu/images/pdf/recommended-studies/punitivereport.pdf>

² Article 45 Hague Regulations ;Article 68, 3 Fourth Geneva Convention.

³B’Tselem, Background on East Jerusalem, May 11, 2015, <http://www.btselem.org/jerusalem>; UN OCHA, East Jerusalem Key Humanitarian Concerns, March 24, 2011, http://www.ochaopt.org/documents/ocha_opt_jerusalem_report_2011_03_23_web_english.pdf; Ben-Hillel, The legal status of East Jerusalem, 2013, http://www.nrc.no/arch/_img/9199028.pdf.

⁴Israel Central Bureau of Statistics, Sources of population growth, by type of locality, population group and religion, Statistical Abstract of Israel 2014, August 24, 2015, http://www.cbs.gov.il/shnat06/st02_14.pdf; The Association for Civil Rights in Israel, East Jerusalem: Facts and figures, May 12, 2015, <http://www.acri.org.il/en/2015/05/12/ej2015/>.

⁵Article 11(a)(2) Entry into Israel Law, 5712-1952, Published in Sefer Ha-Chukkim No. 111 of the 15th Elul, 5712 (5th September, 1952), p. 354, 1952.

⁶B’Tselem, Statistics on Revocation of Residency in East Jerusalem, May 27, 2015, http://www.btselem.org/jerusalem/revocation_statistics; Hamoked, Revocation of permanent residency status of Jerusalem residents in 2015, February 28, 2016, http://www.hamoked.org/files/2016/1160430_eng.pdf.

⁷Tsemel, Continuing Exodus - The Ongoing Expulsion of Palestinians from Jerusalem”, 44; HaMoked, B’Tselem, and Stein, The Quiet Deportation Continues: Revocation of Residency and Denial of Social Rights of East Jerusalem Residents, 1998, 8; Quigley, “Jerusalem: The Illegality of Israel’s Encroachment”, *Palestine Yearbook of International Law*, 1996-1997, 34; The Civic Coalition for Palestinian Rights in Jerusalem, 43 Years of Occupation: The Jerusalem File, 2nd ed., 2011, 17, <http://www.civiccoalition-jerusalem.org/human-rights-resources/publications/reports/43-years-occupation-jerusalem-file-second-edition>.

areas within the occupied Palestinian territory, as “abroad Israel”.⁸ This criterion of “center of life” requirement introduced in 1995 has led so far to the revocation of more than 11,000 residencies.⁹

This policy among other policies and practices taking place in East Jerusalem amount to forcible transfer of protected persons from their communities, which constitutes a serious violation of international human rights law and humanitarian law. The Israeli government is implementing policies that ensure Israel’s domination by working to guarantee a Jewish majority through colonization and “silent transfer” of Palestinians.¹⁰ Israel articulated a clear government policy that sought to maintain a demographic balance of 60% Jewish to 40% “Arabs” within the declared boundaries of the Jerusalem municipality. Israel has used a variety of methods to reduce the Palestinian population of Jerusalem. Along with the “centre of life” requirement to maintain residency, the severe restrictions on family unification, obstacles to child registration, as well as land expropriation and building permit denial, are essentially demographic policies aimed at ensuring, by illegal means, a Jewish majority in the occupied city.

In 2006, a number of human rights organizations petitioned the Israeli Supreme Court in an attempt to cancel yet another policy of forced displacement: punitive residency revocation. The petition challenges the authority of the Minister of Interior to revoke the residency of East Jerusalem Palestinians based on the criterion of breach of allegiance, in the absence of an explicit authorization under section 11 (a) (2) of the Entry into Israel Law.

The case has been pending before the Supreme Court for 10 years now. Should the Supreme Court approve this measure, Israeli authorities will be equipped with a new pretext for forced displacement, which may open the door to the displacement of thousands of Palestinians from Jerusalem.

The recent outbreak of violence in the OPT in 2015 provided Israel a pretext to intensify its punitive policies. The Israeli “Security Cabinet” stated it will take punitive measures against Palestinians who are allegedly responsible of violent acts against Israel.¹¹ Firstly, the Cabinet allows for the demolition of the home of alleged attackers and provides that no new construction will be permitted at the site where a home has been demolished”. Furthermore, the property of alleged perpetrators is to be confiscated. Moreover, the Cabinet decided that the permanent residency rights of alleged attacker will be revoked.

In January 2016, the Ministry of Interior has revoked the residency rights of four Palestinians suspected of committing violent acts against Israeli citizens.

The family of the main suspect, Abed Dwayat, was deported from their home in Jerusalem following the sealing of their house as a form of collective punishment against his family members”.¹² Under article 5 of the Fourth Geneva Convention, even persons under “definite suspicion of activity hostile to the security of the Occupying Power” retain their status as protected persons.

⁸ Al Haq, Deportation of Palestinian Family Members of Accused, October 31, 2015, <http://www.alhaq.org/advocacy/topics/population-transfer-and-residency-right/981-deportation-of-palestinian-family-members-of-accused>

⁹ B’Tselem, Statistics on Revocation of Residency in East Jerusalem; Hamoked, Revocation of permanent residency status of Jerusalem residents in 2015.

¹⁰ Tsemel, “Continuing Exodus - The Ongoing Expulsion of Palestinians from Jerusalem”; HaMoked, B’Tselem, and Stein, The Quiet Deportation Continues: Revocation of Residency and Denial of Social Rights of East Jerusalem Residents; Quigley, “Jerusalem: The Illegality of Israel’s Encroachment”; The Civic Coalition for Palestinian Rights in Jerusalem, “43 Years of Occupation: The Jerusalem File”; Al Haq, Deportation of Palestinian Family Members of Accused.

¹¹ Israeli Prime Minister’s Office press release, Security Cabinet Approves Series of Additional Measures to Deal with the Wave of Terrorism, 14/10/2015 <http://www.pmo.gov.il/English/MediaCenter/Spokesman/Pages/spokecabinet141015.aspx>

¹² Hamoked Center for the Defense of Individual, The HCJ approved a punitive home demolition in one petition and issued an order nisi in two others, 20/04/2016 <http://www.hamoked.org/Document.aspx?dID=Updates1715>.

Palestinians from Jerusalem who are deported, lose their Identity cards, their access to their city, to their home, to their family, to their social insurance, their social life, work and many other basic rights. Thus, revoking residency rights results in the denial of basic human rights such as the rights to family, health, education, work, and many other civil, political, social, economic and cultural rights.

Article 12 (4) of the International Covenant on Civil and Political Rights (ICCPR) provides that: "No one shall be arbitrarily deprived of the right to enter his own country." Article 13(1) of the Universal Declaration on Human Rights provides that "everyone has the right to freedom of movement and residence within the borders of each state" while paragraph 2 of the same article provides again for the basic right of everyone to be able to return to his country. The forced removal of Palestinians from their place of residence, including to other parts of the Occupied Territory is strictly prohibited by article 49 of the 4th Geneva Convention, and may amount to a war crime as an act of illegal deportation in the sense of Rome Statute of 1998¹³.

The Israeli judicial system allows for unlawful policies and practices to take place with impunity and complete disregard to international law. Accordingly, it is imperative for the international community to address Israeli violations. In light of Israel's illegal forcible policies, we urge the council to live up to its obligations under International Law, by:

- Exerting pressure on the government of Israel, by all legitimate means under international law, to cease all current procedures of punitive residency revocation and to put an end to the illegal demand of allegiance imposed on Palestinians from occupied East Jerusalem in order to keep their residency;
- Prosecuting those responsible for, planning and executing the forcible transfer and deportation of Palestinians from East Jerusalem, using universal jurisdiction mechanisms.

the Community Action Center- Al Quds University, Al-Quds Human Rights Clinic, Society of St. Yves – Catholic Center for Human Rights, Jerusalem Center for Legal Aid and Human Rights, Civic Coalition for Jerusalem, Refugee Rights NGO(s) without consultative status, also share the views expressed in this statement.

¹³ Article 8 of the Statute of the International Criminal Court