

Punitive Residency Revocation: The most recent tool of forcible transfer



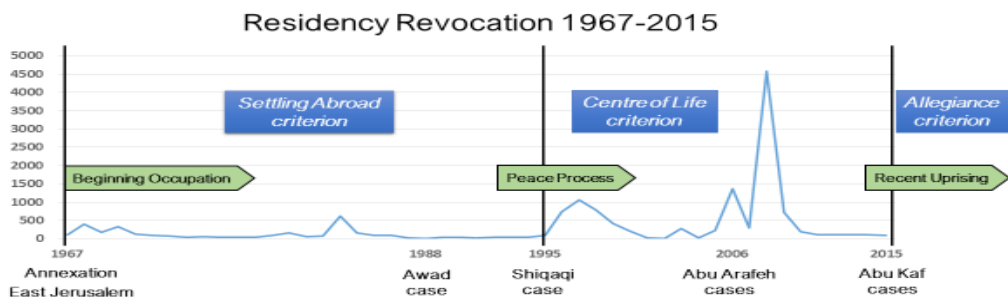
As part of a 49-year-long occupation, Israel has taken advantage of a wave of violence in Jerusalem over the past six months to implement policies and practices aiming at forcibly transferring Palestinians from the City. In a dangerous precedent, the Israeli Minister of Interior has punitively revoked the residencies of at least 13 Palestinians on the basis of “breach of allegiance to the state of Israel”. Requiring Palestinians to have loyalty towards the occupying power is a blatant violation of International Humanitarian Law. If the criterion of allegiance is not suppressed before it is cemented in Israeli law, this opens the door for the displacement of thousands of Palestinians from East Jerusalem as a form of collective punishment.

East Jerusalem is considered occupied territory under international law following the illegal annexation by the Israeli occupying power in 1967. The Israeli government is implementing policies that ensure Israel’s domination by working to guarantee a Jewish demographic majority through colonization and “silent transfer” of Palestinians. Israel articulated a clear government policy that sought to maintain a demographic balance of 60% Jews to 40% “Arabs”¹ within the Israeli declared boundaries of the Jerusalem municipality - which it unilaterally declared as the unified capital of Israel in 1980. Israel has used a variety of methods to reduce the Palestinian population of the city:

- Revoking residency status of East Jerusalem Palestinians
- Expropriating land and property, denying building permits, and demolishing houses of Palestinian in a systematically discriminatory manner
- Severely restricting family (re)unification and child registration of East Jerusalem Palestinians
- Physically isolating East Jerusalem from the rest of the West Bank, in part by building the Annexation Wall

¹ Demographic target for 2020 of 60% Jews and 40% Arabs set by the municipal authorities of Jerusalem in 2009: “Master plan 2000”, local master plan for Jerusalem deposited by the district commission. This target has also been adopted by the district master plan.

By granting Palestinians a “permanent” residency status to live in Jerusalem, Israel treats around 300,200 Palestinians like immigrants, whose entry into Jerusalem and residency in Jerusalem is a revocable privilege, instead of an inherent right. The Israeli Minister of Interior has discretionary powers to revoke a residency status. Revocation of permanent residency status is the most direct tool used to forcibly transfer Palestinians from East Jerusalem. This policy which was used by Israel more than **14,565²** times between 1967 and 2015 is illegal under international law.



The policy of Palestinian transfer from Jerusalem through revocation of residency was developed in three main phases:

1967-1995: An East Jerusalem Palestinian can lose his residency status by: “*settling outside Israel*” for a period of 7 years or by receiving the status of resident or citizen in another country.

→ ± **3150** residencies revoked in 28 years

1995-ongoing: The aforementioned criteria were suddenly broadened: an East Jerusalem Palestinian now loses his residency status by moving his “*centre of life*” outside Israel even if he was residing abroad for less than 7 years and did not obtain a residency status or citizenship of a foreign country. Israel now considers moving to the West Bank and Gaza as residing abroad.

→ > **11300** residencies revoked in 19 years

² Figures based on B’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.

2006-ongoing: In addition to the centre of life policy, the Israeli Minister of Interior now also punitively revokes the residency status of East Jerusalem Palestinians who “*breached their duty of allegiance to the state of Israel*”. Consequently, East Jerusalem Palestinians who have never left Jerusalem become liable to residency revocation.

→ ≥ **13** punitive residency revocations so far

PUNITIVE RESIDENCY REVOCATION is the most recent policy aiming at forcibly displacing Palestinians from East Jerusalem.

So far, it is unclear how many Palestinians have had their residency status punitively revoked on the grounds of “*breach of allegiance to the state of Israel*”, here are some cases:

- June 2006: the residencies of **three elected members of the Palestinian legislative council and the Minister for Jerusalem Affairs** were revoked. A petition (HCJ 7803/06, Abu Arafah et al.) which challenges the authority of the Minister of Interior to revoke a permanent residency status based on this new ground is still pending before the Supreme Court.
- January 2016: without awaiting the judgment of the Supreme Court, the Minister of Interior revoked the residencies of **four East Jerusalem Palestinians who are suspected of committing criminal offences**.

Israeli political analyst Zvi Bar'el: “*Hardly a peep of opposition to the revocation of their residency was heard then (after the punitive residency revocations in 2006), too. That's how it works when rights are trampled. You start small, get the people used to it, and then you can move on to the mass phase.*”

THE ILLEGALITY OF RESIDENCY REVOCATION and PUNITIVE RESIDENCY REVOCATION

Both the general policy of residency revocation and the new criterion of allegiance to Israel, flagrantly violate international humanitarian law:

- **The forced displacement of Palestinians** from Occupied East Jerusalem is considered a war crime (art. 8 ICC-Statute) and a serious breach of the Fourth Geneva Convention (art. 49 & 147 GC IV). As the revocation of residency policy forms part of a widespread and systematic forcible transfer policy directed against a civilian population, it may even amount to a crime against humanity (art. 7 ICC-Statute).
- **The criterion of allegiance is illegal** because international humanitarian law explicitly forbids the treatment of an occupied population as if it had a duty of allegiance to the occupying power (art. 45 Hague Regulations and art. 68, 3 GC IV).
- The revocation of residency violates the basic right of Palestinians to **leave and return to their own country** (art. 12 ICCPR): “no one shall be arbitrarily deprived of the right to enter his own country”.
- The revocation of residency results in the forcible transfer of the Palestinian civilian population thus **denying Jerusalemites basic human rights**: rights to family life, health, education, work, and many other civil, political, social, economic and cultural rights.
- The revocation of residency rights in East Jerusalem violates international humanitarian law which stipulates that the occupying power may **not act as a sovereign legislator** or extend its own legislation over the occupied territory (art. 43 Hague Regulations and art. 64, 2 GC IV).
- The policy of status revocation exclusively targets the Palestinian civilian population of Jerusalem, and thereby clearly **violates the principle of non-discrimination** (art. 26 ICCPR).

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.

We thus urge the representatives of third States in the oPt to:

- Exert 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 Jerusalem in order to keep their residency.
- Formally condemn Israeli policies aiming at forcibly transferring Palestinians from Jerusalem.

Live up to their obligations under the Geneva Conventions by:

- Enacting the legislation necessary to provide effective penal sanctions for those responsible for the forcible transfer and deportation of Palestinians from East Jerusalem
- Prosecuting the current and the previous ministers of Interior of Israel, and all those who are responsible for planning and executing the forcible transfer and deportation of Palestinians from East Jerusalem, before their own national courts
- Encouraging an escalated process towards investigation at the ICC of Israeli officials for unlawful policies and practices.