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**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

### **Joint written statement\* submitted by Al-Haq, Law in the Service of Man, Palestinian Centre for Human Rights, 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.

[23 May 2022]

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\* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.



## **Israel's Escalated Residence and Entry Policies Further Entrench its System of Apartheid over Palestinians**

In its continued efforts to establish an Israeli-Jewish demographic majority on both sides of the Green Line and maintain its apartheid over the Palestinian people, Israel's new entrance regulation is its latest tool to further fragment, dominate, surveil, control the movement, and displace the Palestinian people. Israel's new ordinance of February 2022, entitled: "Procedure for Entry and Residence for Foreigners in Judea and Samaria Area" implements expansive entry requirements into the Occupied Palestinian Territory (OPT) on foreigners, including Palestinian refugees and exiles, who hold foreign passports. By utilizing language that refers to the OPT as "Judea and Samaria" or the "Area," Israel's intention to illegally maintain an indefinite occupation of Palestinian territory by entrenching its de facto annexation in the OPT is further exposed.

### **Controlling Palestinians via Entry Requirements**

While millions of Palestinian refugees continue to be denied their right to return under Israel's discriminatory laws, the new entry ordinance requires Palestinian refugees and exiles, who hold a foreign passport, to provide on their visa pre-approval application the names and ID numbers of first-degree relatives with whom they will stay or visit, as well as to disclose if they own property or will inherit property in the OPT. Explanation as to why this information is necessary for entry is not provided, though given Israel's expanding settlement enterprise, this information may be used to further appropriate Palestinian property.

Additionally, the entry restrictions actively control Palestinian academic independence and freedom by setting an annual quota of 100 foreign teachers and 150 students, who seek to study and teach in Palestinian universities and colleges in the OPT, including East Jerusalem.<sup>1</sup> The ordinance provides arbitrary power to the Israeli occupying authorities to approve the qualifications of students and teachers before entry, as well as the field of study they seek to pursue.<sup>2</sup> Extended stays are only allowed for those Israel deems to be "distinguished" and capable of "contribut[ing] significantly to academic learning, [. . .] or to advancing regional cooperation and peace."<sup>3</sup> While obstructing the educational process of Palestinian academic institutions, Israel's apartheid system seeks to control academic diversity and determine the educational voices and disciplines students are allowed to access. Thus, seriously hindering academic freedoms, the right to education of Palestinians, and the sovereignty of a Palestinian educational system.

The new entry requirements restrict all foreign employees recruited by Palestinian organisations, and will have far-reaching consequences across all sectors of its society, impacting the staffing of hospitals, human rights organisations, educational institutions, and commercial entities among others, in denial of the Palestinian right to economic self-determination and development.

### **Residency Revocation**

The new entry restrictions are part of the racial discrimination policies and practices Israel uses to further its de facto annexation of the OPT and entrench its colonial system of apartheid. Since its occupation of East Jerusalem in 1967, Israel has used its system of permanent residency, which grants a second-class residency status to Palestinians residing in East Jerusalem, as a policy to displace them and appropriate their land, entailing violations of their rights to movement and family life, and subjecting them to perpetual fear and uncertainty.

Since 1967, the Israeli authorities revoked the residencies of over 14,500 Palestinians living in East Jerusalem. As permanent residency provides the holder with social benefits and the right to vote in local elections, its revocation strips Palestinians living in Jerusalem of their political, social and economic rights and renders them stateless, in violation of international law.<sup>4</sup> Residency revocations against Palestinians, including punitive revocations, trigger

forcible transfer, constituting a grave breach of the Fourth Geneva Convention, as well as a war crime under the Rome Statute.<sup>5</sup>

Israel's criteria for the maintenance of the permanent residency status requires the holder to prove that Jerusalem is their "center of life," through their physical presence in the city and the provision of documentary evidence. In this context, Palestinians in Jerusalem are forced to continuously live within the borders of Jerusalem to preserve their permanent residency status.<sup>6</sup> This prospect actively inhibits the basic rights and freedoms of Jerusalem-based Palestinians, such as traveling abroad for study or work,<sup>7</sup> marrying Palestinians from the rest of the OPT,<sup>8</sup> and moving to the occupied West Bank.<sup>9</sup> These restrictions do not apply to Israeli settlers in East Jerusalem, who illegally reside in the occupied territory.<sup>10</sup>

### **Suppression of Political Freedom of Expression**

The revocation of permanent Jerusalem residency is at the complete discretion of Israel, against an ever-expanding and discriminatory criterion that is arbitrarily applied. One vague reason Israel has created for this revocation is a "breach of allegiance" to Israel, the interpretation of which is left to the discretion of the Minister of the Interior and whose widespread application could be applied to any Palestinian from Jerusalem active in opposing Israeli human rights violations. While international humanitarian law stipulates that Palestinians do not have a duty of allegiance to the occupying power,<sup>11</sup> this criterion has been used to forcibly transfer the protected Palestinian population. The recent revocation of Palestinian-French human rights defender Salah Hammouri for a "breach of violation", signals Israel's dangerous precedent intending to target and forcibly transfer human rights defenders and others who speak up against the injustices committed under the Israeli system of apartheid.<sup>12</sup>

### **Conclusion and Recommendations**

Israel's continued efforts to forcibly transfer Palestinian's out of Jerusalem and prevent Palestinians with foreign passports from entering the OPT, entrenches its system of apartheid that seeks to segregate, subjugate, and ultimately displace Palestinians.

Accordingly, we call on Member States of the Human Rights Council to:

- I. Urge Israel to immediately cease all practices and policies intended to intimidate and silence human rights defenders, in violation of their right to freedom of expression, including through arbitrary detention, torture and other ill-treatment, institutionalised hate speech and incitement, residency revocation, deportations, and other coercive or punitive measures;
- II. Demand Israel to repeal its "Procedure for Entry and Residence for Foreigners in Judea and Samaria Area" Ordinance;
- III. Demand Israel to reverse its decision to revoke the permanent Jerusalem residency status of Salah Hammouri and to unconditionally and immediately release him from administrative detention;
- IV. Call on Israel to immediately repeal its Entry into Israel Law (1952), which has been used to further the Israeli policy of population transfer in violation of Palestinians' fundamental rights, including their right to freedom of movement and residence, and the right to leave their country and to return; and
- V. Call for international justice and accountability, including at the International Criminal Court, for Israel's widespread and systematic human rights violations, and alleged international crimes, including the crime of population transfer, and the crime of apartheid, which constitutes a crime against humanity.

The Civic Coalition for Palestinian Rights in Jerusalem Addameer Prisoner Support and Human Rights Association, NGO(s) without consultative status, also share the views expressed in this statement.

1. Birzeit University, 'Call to Action Birzeit University Rejects Israeli Measures Against Academic Freedom' (12 March 2022) <https://www.birzeit.edu/en/news/call-action-birzeit-university-rejects-israeli-measures-against-academic-freedom>
2. Ibid.
3. Coordination of Government Activities in the Territories Operations Department, 'Procedure for entry and residence of foreigners in the Judea and Samaria area' (February 2022) 36.
4. Article 15 of the Universal Declaration of Human Rights affirms "1) Everyone has the right to a nationality; 2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality." Universal Declaration of Human Rights, 10 December 1948, 217 A (III) (hereafter "UDHR"). See also articles. 7 and 8, Convention Relating to the Status of Stateless Persons, (6 June 1954) 360 U.N.T.S. 117,
5. See Articles 49 and 147, Geneva Convention Relative to the Protection of Civilian Persons in Time of War, (12 August 1949) 75 UNTS 287 (Fourth Geneva Convention). See also Articles 7(d) and 8(vii) of the Rome Statute of the International Criminal Court. Rome Statute of the International Criminal Court, U.N. Doc. 2187 U.N.T.S. 90, 17 July 1998, (Rome Statute).
6. HaMoked and B'Tselem, 'The Quiet Deportation: Revocation of Residency of East Jerusalem Palestinians' (April 1997) [https://www.btselem.org/sites/default/files/publications/199704\\_quiet\\_deportation\\_eng.pdf](https://www.btselem.org/sites/default/files/publications/199704_quiet_deportation_eng.pdf)
7. Article 13.2 of the UDHR assures the right of persons to leave and return to their country. Articles 12.2 and 12.4, International Covenant on Civil and Political Rights (16 December 1966) 999 UNTS 171 (hereafter the "ICCPR").
8. Article 27 of the Fourth Geneva Convention safeguards protected persons' family rights in all circumstances.
9. Article 12.1 of the ICCPR states that everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.
10. UN Security Resolution (UNSC) 2334 of 2016 affirmed "that the establishment by Israel of settlements in the Palestinian territory occupied since 1967, including East Jerusalem, has no legal validity and constitutes a flagrant violation under international law." UNSC Resolution 2334 (23 December 2016), UN Doc. S/RES/2334 (2016).
11. Article 45, the Hague Regulations annexed to the Hague Convention IV Respecting the Law and Customs in War on Land (18 October 1907); Article 68(3), Fourth Geneva Convention.
12. Al-Haq, 'Al-Haq Sends Joint Urgent Appeal to UN Special Procedures on the Arbitrary Arrest and Detention of Human Rights Defender and Lawyer, Salah Hammouri' (28 March 2022) <https://www.alhaq.org/advocacy/19778.html>