

New Israeli Law 'to empty East Jerusalem of Palestinians'



Allowing for the Revocation of Permanent Residency Status from Palestinians in Jerusalem for 'Breach of Allegiance'

On Wednesday the 7th of March 2018, the Knesset passed a law that permits the Minister of Interior to revoke the residency of Jerusalemites for a number of reasons. **The first reason is based on a Jerusalemite's demonstrated 'breach of loyalty' to Israel, the second reason covers Jerusalemite's whom supposedly obtained their residency permit through 'false information,' and the final reason applies to Jerusalemites whom have committed a criminal act according to the Ministry of Interior.**¹

The Amendment 30 to the Entry into Israel Law bill passed by the Knesset contravenes international law, and the provisions of a number of human rights treaties ratified by Israel. Even though the 'breach of loyalty' condition was defined to cover 'committing, or participating, or incitement to commit a terrorist act, or belonging to a terrorist organisation as well as committing acts of treason specified in the Israeli Penal Code 1977, the definition's deliberate vagueness allows it to be stretched and applied to many Palestinians.

Revoking residency based on a breach of loyalty to Israel is in direct contravention of Israel's obligations under humanitarian law and human rights law. **Article 45 of the Hague Regulations** indicates that 'it is forbidden to compel the inhabitants of occupied territory to swear allegiance to the hostile power,'² consequently a residency revocation law based on allegiance is unfounded and limits Palestinians right to resist the occupation of East Jerusalem. Moreover, the bill contravenes Israel's obligations under the International Covenant on Civil and Political Rights, which it had ratified on 3 October 1991 to respect freedom of thought, speech and assembly. **Most notably, the new law is in breach of Article 12 of the ICCPR**, which reads '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.'³ It also disregards its obligations on freedom from inhuman and degrading treatment (Article 7), equality before the law (Article 14), protection from retroactive adjudication (Article 15), and recognition as a person before the law (Article 16), and protection of families (Article 23).⁴

Furthermore, the selective applicability of the law to Palestinian residents only, is a testament of its discriminatory nature, which means Israel, is in violation of the customary international law on non-discrimination. Finally, the forcible transfer that would inevitably occur to a Jerusalemite following his residency revocation constitutes a violation of the Fourth Geneva Convention Article 49: 'individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying power or to that of any other country, occupied or not, are prohibited, regardless of their motive.'⁵ Also, forcible transfer is classified as a war crime under the Rome Statute of the International Criminal Court.⁶

Most importantly, such powers to revoke residency so easily reaffirm the Israeli apartheid regime and its quest to 'depalestinise' and 'Judaize' Jerusalem entirely. The Minister of Interior, Aryeh Deri, who also happens to be the leader of the ultra-Orthodox political party Shas, can utilise this bill to strip the residency documents of any Palestinian recognised as a threat. It is very likely, that the number of Palestinians found by the Ministry of Interior to display disloyalty to Israel, hold residency permits based on 'false information' and have committed a criminal act will be much more than a few. Revoking Palestinians' residency is but one of a myriad of measures carried out by Israel to draw closer the dangerous de-Palestinisation and consequent Judaisation of Jerusalem. Other measures include house demolitions, house evictions, and imposition of restrictions to the registration of newborns.⁷

To date, there have been 14,500 Jerusalemites whom have had their residency permits revoked.⁸ Thus it is of utmost importance for the international community to respond effectively to put a halt to the 'loyalty law' on residency revocation as it is an **flagrant discriminatory human rights violation, which infringes on Palestinians' legal status, perpetuates the apartheid regime, and increases the number of Palestinians expelled from their homeland ever since 1948.**

(Endnotes)

- ¹ "Israel passes law to strip residency of Jerusalemers ...," Al Jazeera, March 7, 2018, accessed March 9, 2018, <https://www.aljazeera.com/news/2018/03/israel-passes-law-strip-residency-jerusalem-palestinians-180307153033538.html>
- ² International Conferences (The Hague), Hague Convention (IV) Respecting the Laws and Customs of War on Land and Its Annex: Regulations Concerning the Laws and Customs of War on Land, 18 October 1907, available at: <http://www.refworld.org/docid/4374cae64.html> [accessed 9 March 2018]
- ³ UN General Assembly, International Covenant on Civil and Political Rights, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, available at: <http://www.refworld.org/docid/3ae6b3aa0.html> [accessed 9 March 2018]
- ⁴ Tamara Tamimi, "Revocation of Residency of Palestinians in Jerusalem: Prospects for Accountability," Jerusalem Quarterly, no. 72 (December 2017): accessed March 9, 2018, <http://www.palestine-studies.org/sites/default/files/jq-articles/Pages%20from%20JQ%2072%20-%20Tamimi.pdf>
- ⁵ International Committee of the Red Cross (ICRC), Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), 12 August 1949, 75 UNTS 287, available at: <http://www.refworld.org/docid/3ae6b36d2.html> [accessed 9 March 2018]
- ⁶ UN General Assembly, Rome Statute of the International Criminal Court (last amended 2010), 17 July 1998, ISBN No. 92-9227-227-6, available at: <http://www.refworld.org/docid/3ae6b3a84.html> [accessed 9 March 2018]
- ⁷ Tamara Tamimi, "Revocation of Residency of Palestinians in Jerusalem: Prospects for Accountability," Jerusalem Quarterly, no. 72 (December 2017): accessed March 9, 2018, <http://www.palestine-studies.org/sites/default/files/jq-articles/Pages%20from%20JQ%2072%20-%20Tamimi.pdf>
- ⁸ Refer to infographic available at: <http://www.alhaq.org/publications/papers/VP-ResidencyRevocation-FINAL-20170612.pdf>



مركز العودة الفلسطيني

PALESTINIAN RETURN CENTRE

Organisation in consultative status with the Economic and Social Council since 2015