



# General Assembly

Distr.: General  
24 February 2017

English only

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## Human Rights Council

### Thirty-fourth session

Agenda item 7

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

### **Written statement\* submitted by the Al-Haq, Law in the Service of Man, a non-governmental organization 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.

[15 February 2017]

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



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## Collective Punishment Measures against Women and Children in Occupied East Jerusalem leading to Forcible Transfer

Following Israel's occupation in 1967, and its illegal annexation of East Jerusalem, the Israeli government has implemented clear policies aimed at forcibly transferring Palestinians from East Jerusalem and ensuring a Jewish demographic majority. Israel has used a variety of methods to reduce the protected Palestinian population by revoking their residency status, severely restricting family (re)unification and child registration, expropriating Palestinian land and property, and implementing other policies and practices which create a coercive environment.

Through imposing a “permanent” residency status on Palestinian Jerusalemites, Israel effectively transformed Palestinians’ inherent right to reside in and enter Jerusalem into a revocable privilege. The revocation of permanent residency status is Israel’s most direct tool used to forcibly transfer Palestinians, where the Israeli Minister of Interior has discretionary powers to revoke residencies. Between 1967 and 2015, more than 14,565<sup>1</sup> Palestinian residencies were revoked. Israel also uses the family unification procedure<sup>2</sup> and sets burdensome criteria to revoke residency permits.<sup>3</sup> Between January 2000 and July 2013, 43 percent of the total of family unification applications were rejected; while 20 percent of the rejections were based on security reasons, 13 percent were based on lack of proof of center of life. Out of a total of 12,284 family unification applications, 5,629 applications were approved while 4,249 were rejected. Israel completely banned family unification with individuals coming from the Gaza Strip in 2008.

Since October 2015, Israel has escalated the use of collective punishment measures and forcible transfer measures against Palestinians based on “security” pretexts. Israeli officials have stated a clear policy<sup>4</sup> aimed at imposing collective punishment measures specifically on the families of Palestinians accused of allegedly carrying out attacks. In January 2017, a bill was reintroduced at the Knesset to grant the Minister of Interior authority to revoke the permanent residency of persons who committed or are suspected of committing an attack against Israel, or of their family members (spouses, parents or children).<sup>5</sup>

On 25 January 2017, the Israeli Minister of Interior officially revoked the permanent residency of 61-year-old Manwa Al-Qanbar.<sup>6</sup> On 8 January 2017, Manwa’s son carried out an attack in the illegal settlement of Armon Hanatziv. Manwa has been living in East Jerusalem for the last 21 years, but lives today at risk of being forcibly transferred, pending an Israeli court’s decision. This case is a very worrying escalation in punitive residency revocation Israel has punitively revoked the residency of a family member of an alleged attacker. In the aftermath of the incident, Israel imposed a series of collective punishment measures on the family, including: revoking permits and temporary residencies obtained through family unification procedures of 12 other members of Fadi’s extended family (including minors<sup>7</sup>); arresting

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<sup>1</sup>Figures from B’Tselem, (2015) <[http://www.btselem.org/jerusalem/revocation\\_statistics](http://www.btselem.org/jerusalem/revocation_statistics)> ; HaMoked,(2016) <[http://www.hamoked.org/files/2016/1160430\\_eng.pdf](http://www.hamoked.org/files/2016/1160430_eng.pdf)>

<sup>2</sup>According to the Israeli Minister of Interior there are 12,500 Palestinians live in Israel by virtue of family unification processes, See HaMoked, (2016) <<http://www.hamoked.org/Document.aspx?dID=Documents3199>>

<sup>3</sup>See Society of St. Yves, ‘Palestinian Families under Threat: 10 years of Family Unification Freeze in Jerusalem’ (2013) available at: <[http://www.saintyves.org/uploads/files/10\\_years\\_freeze\\_of\\_family\\_unification\\_in\\_jerusalem.pdf](http://www.saintyves.org/uploads/files/10_years_freeze_of_family_unification_in_jerusalem.pdf)>

<sup>4</sup>The Israeli Interior Minister, Arye Deri, clearly stated that Israel will be escalating collective punishment measures against Palestinians in Jerusalem. See Nir Hasson and Ilan Lior, *Israel Seeking to Strip Residency of 12 Relatives of Jerusalem Truck Attack Assailant*, Haaretz, (2017) available at: <<http://www.haaretz.com/israel-news/.premium-1.764202>>

<sup>5</sup>HaMoked, (2017) <<http://www.hamoked.org/Document.aspx?dID=Updates1825>>

<sup>6</sup>Israel claims that Manwa’s residency was revoked based on providing false statements about her husband’s bigamous marriage. See HaMoked, (2017) <<http://www.hamoked.org/Document.aspx?dID=Updates1826>>

<sup>7</sup>On 25 January 2017, Israeli Minister of Interior Arye Deri announced that he revoked the status of 11 family members. On 26 January, the Appeals tribunal issued temporary orders suspending the Minister of Interior’s decision for the time being and the state was given seven days to respond. See HaMoked, (2017) <<http://www.hamoked.org/Document.aspx?dID=Updates1834>>

family members; conducting home raids; and, delivering demolition orders to family members and residents of the Jabal Al-Mukabir neighborhood.<sup>8</sup>

Also as part of these measures, on 17 January 2017, Israeli authorities forcibly transferred Nadia Abu Jamal from East Jerusalem,<sup>9</sup> resulting in the disruption of her life and the lives of her three children. The children never left Jerusalem and to-date continue to live with their grandparents in Jabal al Mukabir. Nadia's forcible transfer comes against the backdrop of other collective punishment measures imposed against the family after Nadia's husband allegedly committed an attack in West Jerusalem on 18 November 2014. After the attack, Nadia's permit to live in Jerusalem was revoked.<sup>10</sup> The Israeli National Insurance Institute also punitively revoked the health insurance and other benefits from Nadia's children, two of whom suffer from chronic medical conditions requiring regular medical attention.<sup>11</sup> On 22 July 2015, the Israeli High Court of Justice confirmed the Israeli Interior Minister's decision to forcibly transfer Nadia.<sup>12</sup> On 6 October 2015, Israel punitively demolished Nadia's home, displacing her and her children.

The aforementioned examples provide a clear picture of Israel's overarching policy toward East Jerusalem: the forcible transfer of Palestinians, whether through the actual revocation of residency and property rights, or through the creation of a coercive environment that forces Palestinians to leave. Notably, Israel continues to use house demolitions and sealing as collective punishment measures against families of alleged attackers. From July 2014 to January 18, 2017 Israel punitively demolished six homes in occupied East Jerusalem, sealed four homes and two homes are currently targeted for demolition. The forcible transfer of the protected Palestinian population is prohibited under Article 49 of the Fourth Geneva Convention, a grave breach of the Convention, and a war crime under the Rome Statute of the International Criminal Court.<sup>13</sup> Israel's punitive measures in East Jerusalem also amount to collective punishment. The collective punishment of protected persons is absolutely prohibited under Article 33 of the Fourth Geneva Convention. Israel's collective punishment measures also violate several provisions of international human rights law, including the right of residence and freedom of movement,<sup>14</sup> and the protection of the family as a "natural and fundamental group unit of society."<sup>15</sup> The Human Rights Committee has noted that the prohibition against collective punishment is non-derogable, even in states of emergency.<sup>16</sup>

Accordingly, we:

- Call upon third party states and regional bodies, UN bodies and agencies, to pressure Israel to immediately end collective punishment and other practices that lead to forcible transfer, particularly in East Jerusalem as well as the rest of the Occupied Palestinian Territory (OPT);
- Call on the United Nations and third states to implement sanctions against Israel until it ends its nearly 50-year occupation and practices that amount to internationally recognized crimes, including forcible transfer and pillage, amongst others;
- Urge High Contracting Parties of the Geneva Conventions to ensure respect for their obligations by activating universal jurisdiction mechanisms to provide effective penal sanctions, including prosecuting current and

<sup>8</sup> Al-Haq, (2017) <<http://www.alhaq.org/documentation/weekly-focuses/1097-field-report-collective-punishment-in-jabal-al-mukabir>>

<sup>9</sup> Official Israeli records refer to the forcible transfer of Nadia as a "deportation," but pursuant to international humanitarian law her removal from occupied East Jerusalem to another part of occupied Palestinian territory constitutes forcible transfer. See Al-Haq, (2015) <<http://www.alhaq.org/advocacy/topics/population-transfer-and-residency-right/981-deportation-of-palestinian-family-members-of-accused>>

<sup>10</sup>In 2002, Nadia, a non-East Jerusalem resident, married Ghassan Abu Jamal, an East Jerusalem resident and applied for family unification permit, which she only received in 2010, to live in Jerusalem.

<sup>11</sup> The National Insurance Institute claimed that the children's center of life was not Jerusalem and thus stopped their health insurance and national insurance rights.

<sup>12</sup>HaMoked, (2015) <<http://www.hamoked.org/Document.aspx?dID=Updates1523>>

<sup>13</sup>Article 147, Fourth Geneva Convention (1949); Articles 7(1)(d) of the Rome Statute of the International Court.

<sup>14</sup>Article 12 of the ICCPR.

<sup>15</sup>Article 10 of the ICESCR.

<sup>16</sup>General Comment 29 on Article 4 of ICCPR, Human Rights Committee.

previous Ministers of Interior of Israel, and all others responsible for international crimes in the OPT before their own national courts; and,

- Cooperate with the International Criminal Court in its preliminary examination of the situation in Palestine.
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