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SIMON REYNOLDS, LEGAL ADVOCACY COORDINATOR FOR THE BADIL RESOURCE CENTER: Sorry for the slight delay in getting started. My name is Simon Reynolds. I’m the Legal Advocacy Coordinator for the Badil Resource Center. We’re based in Bethlehem in the occupied West Bank. This panel discussion is intended to give an overview of the subject of forcible transfer, which is of extreme importance; it’s under the Israel-Palestine context. I’ll give a little bit more of an explanation of why that’s so in just a bit.

First I’ll give an introduction to my colleagues. To my left we have Marina Nattirolo from Diakonia. We have—excuse me—Munir Nuseibah from the Al-Quds Human Rights Clinic, and to my right we have Brona Higgins from the Norwegian Refugee Council.

So the reason why we’ve looked to focus on forcible transfer as part of this panel discussion—it’s extremely instructive from a contemporary perspective, so it helps us gain a better understanding of what is happening currently within the occupied Palestinian territory, consisting of the Gaza Strip and the West Bank, including East Jerusalem, but it also sheds light on the historical question of the Israel-Palestine conflict, or call it what you will.

Forced displacement has long been a central tenet of the Israel-Palestine question. If you look back to 1948 and the vast mass forced displacement which originated from the Nakba with the creation of the Israeli state, roughly three quarters of a million Palestinians were forcibly removed from their villages, homes, and communities during that time. And that sowed the seeds for what is now a contemporary Palestinian refugee population numbering almost into 8 million persons according to Badil’s latest statistics collected towards the end of last year.

So if we want to understand the Israel-Palestine question then we really have to understand the refugee issue. We have to understand the forced displacement. In terms of the forcible transfer, forcible transfer is a specific offense which is a type of forced displacement. It’s Badil’s position that when we can find evidence that fits forcible transfer in the very specific legal framework of forcible transfer, then this is the language that we need to use. And the importance of that legal framework will become more apparent when my colleague Marina begins to work through that shortly.

If we look to—just to give an overview of the recent kind of developments in terms of forcible transfer in oPt, at this time last year I came to Geneva and we gave a similar panel discussion. I talked about forced population transfer of Palestinian Bedouin communities. We’re pleased to announce the recognition of forcible transfer amongst UN agencies, UN bodies, has improved significantly in the past 12 months, although sadly this is partly due to the acceleration of such plans on the ground. So it’s very much an issue of extreme contemporary importance. It is also from a historical perspective extremely important also.

So what I’d like to do now is hand over to Marina Nattirolo from Diakonia, who will give an overview of the legal framework of forcible transfer and help us understand precisely what we’re talking about when we use that term.

Thank you.

MARINA NATTIROLO, DIAKONIA IHL RESOURCE CENTER: Thank you, Simon, and good morning, everyone. So first of all, I think I will give you a brief overview of the latest development in terms of forcible transfer but other related—also other related measures that are also triggering factors of forcible transfers, and then I will really focus and try to provide a legal analysis on the specific effect of forcible transfer under international humanitarian law and also a little bit under international human rights law. And then we’ll see a little bit what are actually the implications in the long term of forcible transfer on the Israeli-Palestinian conflict.

So first of all to give you a few numbers, since the beginning of 2016 we have witnessed a sharp increase in the destruction and confiscation of Palestinian structures, specifically in Area C of the West Bank by Israeli forces, and these incidents also include the destruction of donor-funded structures that were delivered as humanitarian assistance and in totally compliance with international humanitarian law.

So as a result, the first two—after the first two months of 2016, more than 500 Palestinians have been displaced, and many more have lost structures that were essential for their source of income or livelihood. So house demolitions being one of the primary triggering factors of forcible transfer, of course this sharp increase in the past few months is really concerning. But apart from this, of course we also have some recent measures that place some Palestinian communities in the West Bank, including East Jerusalem, at risk of imminent forcible transfer after the adoption by Israeli forces of relocation plans where they actually—I mean somehow force this community to be relocated in different parts of the West Bank. And this of course also goes in parallel of the continued expansion of Israeli settlements, both in the West Bank, including East Jerusalem.

And so just to give you an example, in January 2016 the Israeli planning authorities have authorized the construction of 153 new apartments for settlements in the West Bank.

So it’s important, I think, to not consider these different policies on a—not to consider them separately but to see them as a part of a big picture and of a big plan of aiming somehow at dispossessing Palestinians and trying to exercise permanent control over the territories Israel has occupied in 1967.

But let’s move now to the legal analysis. So just to—as a background, as you all know, the West Bank, including East Jerusalem and the Gaza Strip, are considered as occupied territories under international law. And the legal framework applicable in the occupied territories are the Law of Occupation, which is a part of international humanitarian law, and specifically The Hague Regulations and the Geneva Convention IV, and of course also human rights law applies to the occupied territories and is complementary and mutually reinforcing with international humanitarian law.

But to go to the specific offense of forcible transfer, so the law is quite clear. As you can see, Article 49 of the Geneva Convention IV prohibits, regardless of their motives, any kind of transfer or deportation of individuals or masses of the protected population out—inside or outside of the occupied territory. So individual or mass forcible transfer are prohibited and without any exception. This type of offense is also considered as a grave breach of the Geneva Conventions and is listed as a war crime and a crime against humanity in the Rome Statute of the International Criminal Court. So the law is quite clear.

But let’s now try to understand what we mean when we talk about forcible transfer. So what are the constitutive elements of this offense? So first of all, the first requirement is that the victim or the victims must be a protected person, meaning must be Palestinian or person that are living in an occupied territory. So in this case, Palestinians living in the oPt.

Then the second requirement is that these protected persons have been forcibly removed from their place of residence to another place which is outside this area. So the question of the distance of the displacement is not really important for this second requirement. Thanks to the jurisprudence of the ICTY, we know that it’s not actually the distance—whether it’s like 50 meters or one kilometer or 100 kilometers, but it’s the fact that the person—there needs to be an element of movement, but even in absence of this element of movement, I mean it’s essential to prove that the person has been deprived of his right to stay in his community and in his home and that he’s been deprived of the right not to be deprived of its own property. So the question of distance is really not relevant.

And then the third requirement is that this removal, this forcible removal, is not somehow justified under the exceptions provided by international humanitarian law, which permits the temporary evacuation of the protected population, but in very specific cases that we will look in more detail in the next slide.

But these are the requirements. So it has to be a person who is a protected person, meaning a Palestinian living in the occupied territory; there needs to be forcible removal from his place of residence to some other place; and this removal is not justified under international humanitarian law.

So let’s move now and try to see what are the arguments that could be used by Israel or entities in country in order to somehow justify some forms of forcible transfers in the oPt.

So first of all, the mere term forcibly or forcible transfer. Israel or—normally argues that if there is no physical force used in order to transfer the population, meaning like, literally, putting like a protected person in a truck and transferring them somewhere else, then we cannot talk about forcible transfer. But this is not true because the forcibility of the transfer is not restricted to physical force, meaning that there are some situations where the occupying power, by acts or by omission, might create the situation of coercive environment that might leave no other choice to the protected population but to leave. And this situation might not entail physical—or the use of physical force in order to transfer the protected population.

So in the specific case of the oPt, some elements that might create a situation of coercive environment are, for example, house demolitions or, for example, the construction of the wall and related measures that might infringe upon the freedom of movement of the protected population, but also settlers’ violence, of course. So the fear of violence from settlers and specifically the lack of accountability for these acts of violence, might create a situation of fear which people—I mean, a protected person might be somehow forced to leave because of the situation. But also, for example, restriction on access of basic service like water or land, for example.

So all these elements might create and do create a situation of coercive environment where people somehow are forcibly, because they have no other choice, even without the use of actual physical force to transfer them.

And then another argument that is often used is that those protected person decided to move willingly. They consent—they were moved and they moved with consent. But again, if we look at the jurisprudence of the ICTY, we can understand a little bit better what do we mean with genuine consent.

So in some situations, the fact that the protected population has provided consent or has agreed to a relocation plan, for example, might be rendered absolutely valueless by, again, the situation of—by a situation of coercive environment, and thus this genuine consent has to be assessed—take into account all relevant circumstances, and then also on a case-by-case basis, meaning that, for example, military commanders or community leaders that might sign agreements on behalf of the protected population agreeing to relocation plans. Those kind of agreements have no legal validity because it’s actually important to assess whether there’s the genuine consent of the individual to be transferred in order to say that there’s no forcible transfer.

And so the third argument that is used is sometimes saying that forcible transfer is necessary for imperative military reasons. But let’s try to understand what is this exception to the illegality of removal of the population that is provided by international humanitarian law.

So as we said before, I mean, international humanitarian law does not permit forcible transfer. It just allows for the temporary evacuation of the population in a specific situation where the security of the protected population is at stake and for imperative military reasons. This is very important. And this kind of situation suggests a situation of ongoing hostilities and of military operations, which is definitely not the case, neither in the West Bank right now nor in East Jerusalem. So this exception does not apply to the kind of forcible transfer that we witness nowadays in the West Bank and in East Jerusalem. So this argument cannot be taken into consideration.

So to be very quick, I just wanted to point out some of the policy aspects of forcible transfer and related policies in the oPt. So first of all, it is quite obvious that this is a widespread policy, so at the large scale if we think about the fact that between 2008 and 2014 more than 5,000 Palestinians have been displaced as a result of house demolition or evictions in the West Bank. And it’s also widespread in terms of geographicalism, meaning that it does not focus only on one part of the West Bank but it is in East Jerusalem, in Area C of the West Bank, which is really—I mean, widespread also geographically.

And also, this policy is systematic, meaning that it’s organized by the state and sponsored also by the state. And, for example, as we say, the creation of this planning and zoning regime by Israel in Area C that is the main cause of the rejection of Palestinian building permits is, of course, state-sponsored and is one of the main driving factors of forcible transfer because if Palestinians cannot build structures or homes of course they will have to move somewhere else.

And also the settlement’s expansion, which is also policy—a state-sponsored policy, this also is one of the main triggering factors of forcible transfer. So we can see that it’s not—there are not isolated incidents, but it’s a policy that is widespread and also systematic.

And just to give a look at the—what might be the implications, long-term implication, of forcible transfer in the oPt, so first of all we can say that these kind of policies not only violates international humanitarian law, as we said before, but it also negatively impacts on humanitarian needs and on human rights laws. For example, we run into violation of the right to adequate housing, the right to freedom of movement, and the right to family life, for example.

But also these policies have also long-term implications. So, for example, progressively removing Palestinian presence from Area C of the West Bank—and let me just remind you that Area C represents 62% of the West Bank. So this is one of the consequences. Or also to irreversibly alter the demographic composition of the oPt, which is a grave violation of international humanitarian law because it’s always important to remember that occupation is supposed to be a temporary regime that does not lead to annexation or any kind of acquisition of land. It must be a temporary regime and the occupying power is supposed to only administer the occupied territory. So any policy that will somehow lead to an altering of the demographic composition of the occupied territory is totally unlawful.

And of course one of the other consequences is the fragmentation of the occupied territory and so the threat of the—that this brings to the territorial contiguity of the West Bank, and of course of the possible creation of a Palestinian—viable Palestinian state, which would—which renders—I mean, the peaceful resolution of the conflict even more difficult to somehow to recognize and accept.

So this is basically a brief overview of forcible transfer under international humanitarian law and human—international law in general.

And I think I can now leave the floor to our colleagues for more specific examples and concrete examples of these kind of policies.

Thank you for your attention.

SIMON REYNOLDS: Thank you, Marina. What we’ll now do with the other speakers that we have on the panel is to marry the legal framework that Marina’s just provided with its practical application on the ground. So we understand what forcible transit is as a concept, but what does it look like in practice?

And so with that in mind, I’ll hand over to my colleague Brona Higgins from Norwegian Refugee Council. Thank you.

BRONA HIGGINS, NORWEGIAN REFUGEE COUNCIL: Hello. As Simon pointed out, I’m representing the Norwegian Refugee Council, or NRC, which is mandated to provide assistance to IDPs, which are internally displaced persons and refugees. And our work in Palestine provides assistance for internally displaced persons, those who are affected by it, or at risk of being affected by internal displacement and displacement in Palestine.

So I just want to start by saying that despite the grim substance of this discussion that we’re having, I wouldn’t be fulfilling my duties as an Irish person if I didn’t wish you all a happy Saint Patrick’s Day. And on that note I’m very cognizant of the fact that as an Irish citizen I am guaranteed certain entitlements by virtue of that citizenship, and today I am talking about those who are less fortunate not having title to citizenship but rather a lesser system called permanent residency and what that entails for them.

So in a very short space of time I’ll try to brief you a little on policies of something of a process called silent transfer in East Jerusalem, and just to remind you that the occupied Palestinians territories encompass the Gaza Strip and the West Bank, including East Jerusalem. So our activities are conducted throughout the territories.

As Marina’s highlighted, forcible transfer and displacement’s occurring throughout the territories, and so this is just a very niche discussion I’ll give briefly on silent transfer in East Jerusalem.

So silent transfer, or quiet deportation, as it’s also known, refers to a system of revocation of residency rights of Palestinian residents of East Jerusalem. Now I need to clarify from the start that although that’s the general agreement that it falls under, holistically in East Jerusalem, displacement is occasioned through a myriad of policies, including revocation of residency rights, severe impediments to family unification whereby a permanent resident of East Jerusalem, when they marry somebody from, let’s say, the West Bank or the Gaza Strip, their spouse is not entitled to permanent residency in order to live with them. In certain cases, they may be granted entry permits in order to live with them, but these can be dismissed. Their applications can be dismissed for a very—often undisclosed reasons.

Alongside this you have vast land exploit and land expropriations based on Israeli laws, expropriating vast tracks of Palestinian land in East Jerusalem; administrative and punitive home demolitions, which means—administrative home demolitions. Due to the discriminatory planning regime applied in East Jerusalem throughout the zoning process, it’s quite negligible. The land that is zoned for Palestinian development is significantly smaller than that dedicated to the zoning for Israeli settlement infrastructure.

So given the discriminatory planning regime, if houses are built by Palestinians to cater for their development needs, oftentimes they will be built without permits and under Israeli law they can be then demolished. And punitive home demolitions refer to demolitions of homes by those that have been accused of terrorism, but of course this affects not just the accused in question; it also affects the whole family. So this amounts to a form of collective punishment as well, which is a violation of international law.

There are other things, other policies such as the absentee property law, and the construction of the wall and settler takeover and settlement expansion.

So all of these policies create the coercive environment that Marina spoke of before, which leads to forcible transfer. So given the enormous political and legal complexities at play in East Jerusalem, and it’s quite hard to formulate an understanding of the situation, so bear with me.

I need to outline from the beginning as well that it is Israel’s explicit aim to retain an Israeli-Jewish demographic majority in Jerusalem and to minimize Palestinian presence. In the Jerusalem Local Outline Plan 2000, the Jerusalem municipality outlined its desire to achieve demographic balance of 70 to 30, which is 70 Israeli Jews to 30 Palestinians. This has since been suggested to be amended to 60/40, but still, let me just let that sink in for a while.

And so to kind of understand the various complexities of it, obviously this also always has to go back to international law and the situation in force, as per international law, in East Jerusalem. So East Jerusalem came under occupation 1967 alongside the rest of the West Bank, Gaza Strip, and the occupied Golan Heights, and as such, international humanitarian law and international human rights law apply to East Jerusalem as was acknowledged by the International Court of Justice in 2004.

So among other obligations, this means that Israel, as the occupying power, must provide for the well-being of the protected Palestinian population and ensure public order and safety, and importantly while respecting—unless absolutely necessary—the laws already in force. So this means that Israel must abstain from extending its own domestic laws over the occupied territory and from making amendments to the laws already in force, and this is extremely important.

On top of the occupation, following occupation in 1967, Israel continued with a unilateral annexation of vast tracts of West Bank land to encompass it within the Jerusalem municipality boundaries. Of course, under the UN Charter, the territorial annexation—acquisition of territory and sovereignty through the use of force is prohibited, but despite this the annexation of about 70,000 dunams—which is about 17,000 acres—of land was annexed to the boundaries of West Jerusalem. So this is what’s known as East Jerusalem today.

Alongside the annexation in 1967 of what is now known as East Jerusalem, a census was conducted among the Palestinian residents of this territory, which, let’s remember, was not East Jerusalem before 1967 occupation/annexation. So the residents of this territory that were already living there are now bestowed with a new status known as permanent residency. The vast majority of East Jerusalemite Palestinians today are not Israeli citizens; they are permanent residents. And this came about when Israel began implementing its own laws over East Jerusalem, which as I mentioned before is a violation of international law in itself. And permanent residency as a status is typically granted to immigrants, and it bestows significantly inferior protections and entitlements on the holder than that of citizenship, which is the residency status granted to Israelis. And also Israelis living in East Jerusalem as well. So it’s not attached to the territory, and this is important.

So how is—some certain issues of how permanent residency differs from citizenship includes that permanent residents do not receive a passport. They have a laissez-faire travel document. They’re entitled to vote in local elections, but not in the Knesset government elections or to run for election. And vitally, it is lost after seven years abroad. You lose your status, your residency status, after seven years abroad, rendering you stateless. It is also lost if you receive the status of permanent resident or citizen of a foreign country, and this foreign country is extended to the West Bank and Gaza. So Israel understands foreign country to be the West Bank and Gaza. If you receive residency for the West Bank and Gaza, you lose your East Jerusalem permanent residency.

However—which this may not come as a shock to you—Israeli settlers residing in the West Bank, which, as they’ve said is a foreign country, do not lose their citizenship. Israeli citizens living in East Jerusalem do not lose their citizenship. They’re not granted permanent residency. So you can see how this is a very discriminatory process.

It’s also a clear violation of international human rights law, which provides that everyone has the right to leave any country, including his own, and to return to his country. After seven years abroad, again—I must remind you—after seven years elsewhere they lose their permanent residency. They lose their right to return. So permanent residency is not fixed, it’s easily revoked, and it puts the holders of permanent residency at a constant risk of displacement.

So it amounts to a highly inferior and insecure status bestowed upon one group of people despite, and as a result of, an unlawful annexation of a territory on which they were already present, with the result that they are treated as immigrants and second-class citizens in their own home.

Despite this being the general overview of permanent residency as it is, more recent developments came into play in the mid-90s, making it even harder to retain your permanent residency. So policy—the “center of life” policy as it’s known—began to be implemented in force in 1995. December 1995. So this places an onus on the holder of a permanent residency to prove that their center of life is in East Jerusalem, otherwise their status may be revoked.

They go through a rigorous process to prove this, so certain things that you will need to show to prove that your center of life is in Jerusalem are school exam grades, electricity, water bills. I’ve heard examples of Israeli authorities coming into a house and checking the fridge to make sure that the milk wasn’t gone off to prove that their center of life was there. And so if they fail to prove this high threshold proof standard, their status may be revoked and thus rendered stateless. So Israel regularly employs these and other policies to revoke the residency of Palestinian residents in East Jerusalem.

And I just want to put in for statistics sake, in 2014 the residency of 107 Palestinian residents were revoked, and that since 1967 up until 2014, which are the latest figures, 14,416 Palestinian residents of East Jerusalem have had their residency revoked, 14,416.

And just to bring this up to kind of segue into my colleague here, there have been some very alarming recent developments, which I really, really need to bring to your attention. There’s an ongoing case at the minute of four Palestinian East Jerusalemite youths between 18 and 24 years of age who are having their residency revoked for punitive measures. They haven’t been found guilty yet in a court of law. The process is still ongoing, but they’re in the process of having their residency revoked because of acts deemed to be of a terrorist nature.

Now while there is certain provisions in the Israeli citizenship law, which applies to citizens, that you may lose your citizenship due to a breach of allegiance, this does not apply in the permanent residency laws. So in the citizenship laws you may not have your citizenship revoked if there’s no chance of having a permanent residency. You must always have something to fall back on. When you have your permanent residency revoked, you have nothing to fall back on. There is no clause in the laws stating that a breach of allegiance is a justifiable means for revoking residency. So that’s something that my colleague Munir will talk about.

And I just want to bring to your attention another issue that came about in November of last year, where it hasn’t been implemented yet, and it may not be. But just the fact that it was brought up and that is a consideration is terrifying is that Netanyahu mentioned the potential mass revocation of residency rights of Palestinian East Jerusalemites residing on the other side of the wall. So where the wall is built cuts off some East Jerusalem neighborhoods from the ones on the other side of the wall, but it’s still within the Jerusalem municipality boundary areas. It is being discussed that those people living on the other side of the wall may lose their permanent residency status as a mass procedure, which could affect up to 100,000 Palestinians.

So I’ll just let that sit with you for a minute, the gravity of that situation, the urgency of it, and I will pass you on to my colleague who will go more in depth into the legal analysis of punitive revocation.

Thank you.

SIMON REYNOLDS: Thank you, Brona. We will now shortly be… Yes, we will now be hearing from Munir Nuseibah from the Al-Quds Human Rights Clinic, who will be giving us a more in-depth understanding of the inaction of punitive residency revocations within East Jerusalem.

MUNIR NUSEIBAH, AL-QUDS HUMAN RIGHTS CLINIC: Good afternoon, everyone. It’s good to be with you today. And I will be following more deeper and further on the issues that my previous colleagues have spoken about. Most importantly, and in more detail, I will get you a little bit of more detail about the technicalities concerning residency revocations in Jerusalem in general, and a very scary new development of residency revocations with a new measure that is known now among the human rights organizations as punitive residency revocations that Brona has briefly mentioned. I’m also using a PowerPoint, so I will maybe draw your attention to that whenever it is relevant, because I am here and it is there.

So what I wanted to start with is a little bit of a descriptive thing to share with you in order to share a dangerous idea. What the Palestinian uprisings, I’m sure many of you here have heard of the First Palestinian Intifada, the Second Palestinian Intifada, the 2015 uprising that took place and still goes on today. I see these uprisings as somehow like waves. They come and go. Palestinians get angry at a certain point. They express their anger in different ways. Some of them are legitimate and some of them are not that legitimate, but Palestinians do express their anger in different ways.

And what we, what the Israeli authorities would usually—would usually be trying to tell us is that they would like to stop these waves. They are trying to resist these waves, to end these waves. But what my research, as well as a lot of the work of different human rights organizations, including the ones that I’m involved with, my observation has been that what Israel is trying to do is more to ride these waves, to—how do you call the sport? Surfing—to surf these waves, to take advantage of the waves, of these anger waves, in order to introduce new discriminatory policies.

And today I’m going to go into more depth discussing the residency revocations, and discussing how the Israeli authorities have taken advantage of the different Palestinian Intifadas and different security concerns in order to reduce the number of Palestinians in Jerusalem and to restrict the number of Palestinians who could become Jerusalemites as well.

So I’m going to maybe speak very briefly about the slide here about the residency status, because Brona has actually talked about it earlier. Jerusalem, when it was occupied in 1967, Jerusalemites were given only residency status. Israel annexed the land, but it did not annex the people. It did not give citizenship to the Palestinians. And I’ve heard arguments from maybe different academics or other individuals saying Palestinians refused to take citizenship, but this actually—there was no offer at any day of such a citizenship. It was just that the Israeli authorities—I’m not telling you that Palestinians want to have a citizenship. Some of them do, some of them don’t. That’s not the point. What I’m trying to say here is that there was no such offer to give the citizenship to Palestinians.

The status that was given to them automatically were the conscious decision from the Israel government after the occupation was residency. And of course the fact that it’s a residency means that it can be easily revoked. According to Section 11(a) of the Entry into Israel Law, the Minister of the Interior may, at his discretion, cancel any permit of residence granted under this law. So the Israeli Minister of Interior, according to the Israeli law, has discretionary power to revoke a residency from a Jerusalemite as well as any other resident. But the Jerusalemite is the native of Jerusalem, right? His or her status should not be at risk of being revoked. And this has been discussed in the Israeli Supreme Court, as I will be mentioning later.

In 1985, Israel introduced new three ways for permanent—for the revocation of permanent residency. According to that, a Palestinian can—would lose his or her residency, or a resident in general, but of course this affects the Palestinians mainly, if one of the three conditions are fulfilled: the first one is if a person leaves the country for a duration of several—spanning seven years; the second one is if this Palestinian acquires a residency, a permanent residency approval; and the third condition is if the Palestinian gains citizenship status abroad. Any one of three—if any of the three conditions are fulfilled, the Palestinian Jerusalemite will lose the right of living in Jerusalem and will not obviously be able to pass this right to others as well, children, to family, et cetera, forever. The person will be—the residency status will be revoked.

And then I want to draw your attention and focus maybe on two cases that passed the Israeli Supreme Court, which created and developed the residency status and how the residency status can be revoked. It developed these conditions further. The first case is the case of Dr. Mubarak Awad. Dr. Mubarak Awad is a Palestinian academic who lives currently in the United States. He went to the United States in 1970 in order to get his PhD, and he continued living there for a while after that. He married an American and got a residency status, and later got a citizenship of the United States and stayed there. I am putting his picture here with this bucket of dirt/sand because he is an activist. Dr. Mubarak Awad is a peace activist. He is a nonviolent resistance activist. And during 1988 he returned to Palestine and went to the Ministry of Interior and applied for renewing his own ID card, just the card that allows you to move and to—within the occupied territory. And then he was surprised with—that learning that his residency status had been revoked, and hence he could not renew his ID card anymore.

He went for a petition in the Israeli Supreme Court, and this is the number of the petition. The translation of this petition is available on the website of HaMoked, an Israeli human rights organization based in Jerusalem, which has a website that’s quite informative and useful.

So when he applied for the Israeli—when he went for the petition, his lawyers argued that he is a Jerusalemite. He is not a foreigner. He was born in 1942 in Jerusalem. He grew up in Jerusalem. Israel came to East Jerusalem in 1967, gave him a residency status, because this is their decision to give him a residency status. He went abroad; he should have the right to return. He cannot be stripped the right of returning to his home. And then for his counsel, his lawyers, argued that Awad and all the other Jerusalemites, should be considered as people who have maybe something like a constitutional residency status, something that is not revocable.

Unfortunately, this case was rejected—this petition was rejected by the Israeli Supreme Court, and the Israeli Supreme Court decided and cited also that he was a security threat since he was already one of the leaders of the First Intifada, at least from a theoretical point of view; he was advocating for nonviolent resistance, et cetera. But it did not base its decision on his political activism and human rights activism. It rather—the judge, whose name is Aharon Barak, wrote in his decision, “Indeed, a permit of permanent residency as opposed to the act of naturalization is a hybrid. On one hand, it has a constituting nature, creating the right to permanent residency. On the other hand, it is of a declarative nature, expressing the reality of permanent residency. Once this reality disappears, the permit no longer has anything to which to attach, and, therefore, is revoked of itself without any need for a formal act of revocation.”

So basically if you are not residing in the occupied territory any more, in Jerusalem anymore, your residency will revoke itself by itself automatically. The government does not even need to go for an act of revocation. It is revoked. It’s expired. It’s true that it’s permanent, but it expires also automatically because you are not anymore a resident. You’re not anymore living in Jerusalem.

Then I thought of another quote that I would share with you from the Awad’s case saying, “This new reality reveals that the petitioner uprooted himself from the country,” that means Israel, “and rooted himself in the USA. His center of life is no longer the country but the USA.” So here the judge is saying that it is him, it is Awad who uprooted himself and rooted himself elsewhere, and that’s why he lost is residency status.

Then we had another dangerous and very important case, pivotal case known as the Shaqaqi case. This picture is not a picture of the person that I want to share. This is Fathi Shaqaqi. He is the husband of Fathaya Shaqaqi. Fathi Shaqaqi is the leader of—he used to be; he passed away—the leader of the Islamic Jihad Movement. And he was deported to Lebanon, ended up in Syria, and his wife followed him to Syria, and they lived with him. She returned in order to renew her residency status, register her newborn children in Jerusalem six years after she left. Why did she come back after six years? Of course she calculated. She learned the law. She knows that the Israeli Minister of Interior will revoke your residency only seven years after your absence. So she came six years. She wanted to obey the law. She had written law that she wanted to abide with. She went to renew her ID card and register her children, and that application was denied by the Minister of Interior. She went for a petition and said, obviously argued what, this is the law. I have abided with the law, so I should get my residency status.

Also, the government, the Supreme Court did not really mention anything related to her—to her husband or—they discussed a little bit about her husband, but they did not base the decision on how dangerous her husband was to the security of the State of Israel, but they based the decision on something else. But I think that the choice of Fathaya Shaqaqi as somebody who maybe not many people would sympathize with because of her husband, I think was a careful decision. I cannot know how they think, but that’s my prediction.

But then the Supreme Court said, “It cannot be said that only where one of the enumerated facts apply can settlement in a foreign country under Regulation 11(c) be proved. Settling in a foreign country can also be found in ways other than those enumerated in Article 11(a) of the aforementioned regulations. The appearance of a new reality, changing the reality of permanent residency in Israel, is clearly indicated by circumstances other than those mentioned in Regulation 11(a) of the said regulations.”

So basically what we learned from this decision, which came out in 1995, is that residency can be revoked even if the person has not stayed abroad. This is when the center of life became the criterion for residence revocation. You don’t to be—to fulfill any of the conditions. You need to keep your center of life in Israel in order to be able to keep your residence status.

After this decision, the rate of residency revocations for normal people who are not wives of Islamic Jihad leader or anybody else, went up. Of the 14,000 persons—14,481 persons whose residencies were revoked until 2014, more than 11,000 were revoked after 1995, after implementing, after Fathaya Shaqaqi’s case, when the “center of life” policy started becoming the policy. And that was also combined with not only considering the person who is totally abroad as someone whose life is not in Israel, but also someone who lives in the West Bank or Gaza, even the suburbs of Jerusalem as someone who’s living outside of Israel. This is when they started checking the milk in your fridge to make sure that you are actually living in this house, and checking the closet of your clothes and other private things in your life in order to make sure that you actually live in Jerusalem.

Now I want to share with you with the less than two minutes that I have, or maybe if I can be given another minute, the new development that was introduced, which scares us a lot. The new development is—was introduced in 2006. In 2006, there were Palestinian parliamentary elections, the Legislative Council elections, in Jerusalem, where there were a number of people who were elected from the—basically from Hamas at the end of the day. So—and after they were elected in the Legislative Council, Israel decided to revoke their residencies. Three people were parliament members. One of them was the Minister for Jerusalem Affairs, and all of their residencies were revoked in 2006.

According to the Israeli government and the Israeli Minister of Interior, their residency was revoked because they lacked the minimal obligation of loyalty to the State of Israel. So now we’re not talking anymore about the center of life. We’re talking about a new term that was introduced in 2006, the term of loyalty. These people are serving in another—it’s like a foreign parliament—which I’m not sure how much we can consider the Palestinian Legislative Council as another state anyway, but now these people needed to prove their loyalty suddenly to the State of Israel in order to continue living in Jerusalem.

Of course you may think that this was—you know—these are important, scary people. Maybe some of you might think that and, therefore, this is why they chose this for people. But what is more scary is that this policy is developing. In 2015, just last year, we learned about four new cases of Palestinians whose residencies were revoked according to breach of allegiance.

When the new uprising started, the Israeli Security Cabinet came out and made a long decision with three different elements. One of them is to revoke the residencies of those who are accused of terrorism. The other one is to—that their property would be confiscated, and that their homes will be demolished, and they will not be allowed to rebuild the demolished house, the families. So in addition to the collective punishment that the families will be facing and to the forced transfer that the family itself, which was not involved in whatever act the Minister of Interior—that the Israel government is trying to stop, regardless of these things, the person who’s accused of terrorist act would be—his residency would be revoked.

So in 2015 we have had the case of four Palestinians, three of them are Palestinians from Sur Baher, are currently being interrogated, and there’s a criminal procedure against them with the accusation of throwing a stone at a vehicle, which allegedly resulted in death, a case of death of somebody dying out of this throwing stones.

In the decision—and the decision that came out of the Minister of Interior, the Minister of Interior mentioned that it was revoking the residencies of those individuals, because there was a blatant breach of allegiance to the state of Israel. So now Palestinians who threw stones at the—at the vehicle, will lose their residency because of the blatant breach of allegiance. And this is what is scaring us as a human rights organization. And this is why we are here today to speak to you about it.

If allegiance is going to become a criterion for living in Jerusalem, this means that all of the Jerusalemite community will be at danger. If the criterion of center of life when it was added, it’s rocketed—if that’s a word in English; I’m not sure—the number of residency revocations for Palestinians in Jerusalem, if the criterion of allegiance becomes cemented in the Israeli legal system just like the center of life has been cemented, all of Jerusalemites, Palestinian Jerusalemites will be in danger. Who has allegiance to the State of Israel among the Jerusalemites? I would argue none because Jerusalemites are occupied. They are not expected to pledge allegiance. International law forbids Israel to force them to pledge allegiance to the State of Israel. International humanitarian law. So we’re talking about a very dangerous development.

The case of—the case of these four persons has been—there has been a petition since 2006 on the four politicians that I mentioned earlier in the Israeli Supreme Court, and then there has also been another—some other cases. Now we know of 13 cases, but we don’t know the exact number, because they are not available. We don’t know how many people have lost their residency status based on the allegiance criteria. But the Israeli Supreme Court is still considering the case of allegiance as a criterion for residency revocation.

The Israeli Supreme Court has in the past passed and allowed center of life to be a criterion to revocation. We are very scared, and by we here I’m saying the human rights community, which includes Palestinian, Israeli, and international human rights organizations. We are very scared that the criterion of allegiance will also be passed by the Israeli Supreme Court. And we feel that it is very important to raise this issue in the international forum, including this place, in order to stop the new criterion becoming cemented like the criterion of the center of life.

Thank you very much.

UNKNOWN SPEAKER: Munir, sorry, you have to change your place. Yeah.

SIMON REYNOLDS: Thank you, Munir. We are now joined by Emad Hamdan, who is the Director of the Hebron Rehabilitation Committee. Emad will be giving a presentation on the current situation within the Old City of Hebron and the coercive environment which exists there. Thank you.

EMAD HAMDAN, DIRECTOR OF HEBRON REHABILITATION COMMITTEE: [speaks off mic]

SIMON REYNOLDS: I think just while we’re getting the PowerPoint set up, I think one thing that’s worth remembering is that a lot of the issues that we’ve heard about today come from the application of Israeli law in the oPt. It is important to remember from a legal perspective that such an extension of Israeli law brought by an occupying power of their own legislation into the occupied territory is prohibited unless it benefits the occupied population. So as we’re hearing about legislation that negatively affects Palestinians that is implemented by the Israeli occupying power, we have to consider whether such legislation can be reasonably assumed to be benefiting the occupied population.

And I’ll now hand over to my colleague.

EMAD HAMDAN: All right. Thank you. Good afternoon, everyone. And sorry for the delay. It was a little obstacle at the door. But anyway, my name is Emad Hamdan. I am the Director of the HRC, Hebron Rehabilitation Committee. We are in Hebron Old City, south of Palestine. We are trying to encourage people to get back to the Old City, and I’ll explain why afterwards.

So we are talking about Hebron as an example of many cities in the West Bank, in Palestine. And it shows probably a good example of the Palestinian-Israeli conflict, where within 1 square kilometer you might find the Israeli settlements, and you will find the closures, military orders, you will see tension, you will see all the Israeli aggression toward Palestinians. So that’s why Hebron was chosen here as an example.

And here I’ll be talking about Hebron first, that it is located south of the West Bank. It is about 25 kilometers south of Bethlehem. And I appreciate talking—looking to me, but as long as my PowerPoint is mainly has pictures, and it has—you have to focus over there. And I understand that you are not like ignoring me, but I want you to look for the presentation, please.

So here is just to give a background about Hebron. Hebron is famous for the Ibrahimi Mosque where is Prophet Ibrahim, his spirit, his sons and the wives of his sons were buried. And usually we say that Hebron is famous for the graves and for element [inaudible] and this industrial area, especially for the glass, and pottery, and stuff like that.

So what is special about Hebron? What is special about Hebron, it is unlike other Palestinian cities, mostly the Israeli settlements and colonies surrounding it, but there are settlements and settlers inside the city itself. In 1968, the first settlements were initiated, or the settlers came to Hebron, while in 1979 they initiated their first settlement inside the city. And after initiating the first settlement, another four settlements being initiated, so we are talking about five settlements inside the city, I mean between Palestinian houses, and residents, and neighborhoods, et cetera.

Number six over there is Kiryat Arba, the biggest settlement in the West Bank probably. And the idea is to connect these settlements from number one to five all together and connect them with the outer settlement of Kiryat Arba, including the Ibrahimi Mosque, which is the greener stuff over there. Those five settlements made from Hebron a special case in the Hebron—or in the Palestinian-Israeli conflict. According to the Oslo Agreement, the Israelis had to withdraw their forces from all Palestinian cities, including Hebron. So they did. Once they came to Hebron, they say that we would not leave our settlements under the Palestinian authority.

So what’s the solution? Take your 400 settlers out of the heart of Hebron, and everything will be settled. No? About four years of negotiation until we reached into agreement where—a temporary agreement—where Hebron was divided into two parts, H1 and H2, H1 80% of the area, H2 is 20%, where the Old City of Hebron, where are the settlers, is in H2. H2 under the Israeli control, while H1 under the Palestinian full control.

So an example of these settlements are here, temporary mobile caravans, and then we are talking about the biggest building or the highest building. Another example, we call it Daboya and they call it Beit Hadassah, is this building. While we see that—sure the street was open then, and these are Palestinians over there, while now this is the situation of the building. They converted into a settlement. They built next to it. Now Palestinians are forbidden in that area. All these people that you see are settlers, Israeli settlers. These are settlers’ cars, but Palestinians are not allowed anymore over there.

Another settlement is Beit Hadassah, or Beit Romano, they call it. We call it Osama Ben Munqez School. It was a school where my age learned in it. They occupied it. They built over it, as you see, and they are using it as term of the school nowadays.

The biggest settlement inside the city is the vegetable market settlement. We call it

Ecole Avraham Avinu. It used to be busy as you see here, and now it is totally empty. Again, a big share from how it used to be and how it’s been converted to be. And the fifth spot is in front of the Ibrahimi Mosque. This is a good center. It is a souvenir center.

What procedures did they combine their settlers as their settlements inside the city in order to evict Palestinians from that area and convert it into a Jewish, into a settlement area? All these areas that you see, there are 18, it used to be accesses to the Old City. It used to be open accesses leading to the Old City. They denied it. When I say they, I say the Israeli government or authority. By that they are encountering this area. Within this area, these streets that you see in the pink color, Palestinians are not allowed to get by their cars in, by the meaning we are talking about all the H2 area here that Palestinians cannot get by their cars.

Imagine the humanitarian life over there. Imagine if they want to go shopping? If they want to buy some furniture? If they want to move any—like bigger things? What about urgent things? What about delivery cases, that some ladies they give birth in the streets? Some people and some ladies, they’ve been carried by four men in a blanket for about 2 kilometers in order to get to a point where an ambulance can pick her up. And in such cases, in urgent cases, if we are talking about medical issues, or if we are talking about like fire that took—taking place in that area, the fire engine cannot get into that area. And it is a very hard life.

Again to this area, and some of these streets we are not allowed as Palestinians to walk on these streets anymore. So in order to cross the street from one point to another point, sometimes we have to circle the whole city. We are talking about busy streets. This is an old picture where you can see how busy these streets were. And after the Israeli’s walled it, these shops, how it has been converted into. All the shops, closed shops, there are soldiers who protect settlers who are walking freely over there. And imagine the life and—it is the income resources for all these shops’ owners. We are talking about more than 500, and the 12 shops’ owners that they lost their business. So shops are closed.

What about those residents over there that they are living there in the second floor? They cannot get into their homes. So what they might do, they don’t have back doors, they have to go up to the roof, from roof to roof in order to get down. So they give an example like moving from this point to this point, we used to come like within four or five minutes. We have now to encounter or to circle the whole street. I repeat, this used to be the main road. Now we have to circle the whole city. Instead of five minutes it might take more than an hour.

So back to this area again, within 1 square kilometer you will see all these parts where it might be closures like that. These are supposed to be an open archways, where now they are plugged in different ways. That is the internal, and this is the external. And getting where are certain accesses are open, people have to suffer moving in this way, in holiday occasions, in getting to the Ibrahimi Mosque, this is the situation.

So I summarize with this map here, that the availability of the settlers and the checkpoints and the closures within 1 square kilometer in Hebron, all that you see with different colors, they are not nicely dots over there. They are either checkpoints, or closures, or control posts. Okay, so in general we are talking about 121 checkpoints and the closure of the observation unit within 1 square kilometer.

So that leads to a very bad economic situation as well. Most of the shops, they are closed, either they are sealed and boarded as you see. This is what we used—what we called it the gold market. The gold market, it used to be full of gold shops, and usually new couples or engaged couples before getting married, they usually they go there to buy the gold for the wedding and stuff like that. Look how it became now. It became like a garbage area, or a garbage gathering area.

After five years of negotiation with the Israelis, we managed to enter one of the shops that we see here that they converted into a bedroom. And if you see, this used to be a gold shop. And you see next to it that they are—we discovered that they are trying to dig from shop to shop in order to open and to occupy more shops and properties in the area. So out of 18 to 29 shops in the area, 512 shops that they are sealed, and 11 54 that they are closed because there’s no business anymore, because whatever access is left to the Old City, usually it is—it’s been people they are built like that, especially young men. And that is the situation of the economical situation now in the Old City.

That affects the educational, also mission, and that affects the kids and the people over there, especially the kids ones, every day going back and forth to the school. They have to be checked. They have to be sorted like that. Sometimes we have the kids arresting, and you can see the psychological situation of this guy doing it on himself. So that was the official sign.

What about the settlers? Here we see the wire net up there that we fixed in order to protect the shoppers and to protect the people who are passing through from the stones and from the garbage from the settlers who are living up there at the second floors.

And what about the residents over there, that they have to live like in chicken boxes in order to be protected and in order to live the normal life as others? Because we are dealing with very extremist neighborhoods over—neighbors in that area where Israeli peace activists wouldn’t love to live next to them.

Here we see that they put some houses on fire, and they are physically attacking some. He is pouring her with wine, where it is against religion, against tradition in that area. Here we see that they are attacking whoever. And here we see that they are destroying the culture and heritage in order to save 12 seconds road. And like once we went to the court in trying to prevent them, look for this house that they prevented us to restore. Underneath is the—it used to be the archway. And up there is a bedroom where they converted the bedroom into a tunnel. And they claim that they are not demolishing this building. We are talking about 33 buildings that they wanted to demolish in order to save 12 seconds in order not to tour around.

Lately we are talking about the killing issue. It became more than just physical attack, or preventing attack, or whatever. Here we see that that’s in 1 square kilometer again, all these red dots. That means marchers being killed over there. And they are using extremist power in order to—this is the seat at the school of this small girl or young girl that’s been killed in the area.

And here you can see that—and I really hope that this video will work. I don’t know, because it’s not my computer. Some computers take it and some not. This is—I mean if it works, that’s fine. Otherwise we are talking about—what—if I’m finishing here, but what I want to say in the two videos that I couldn’t explain here, we can see two things. The first it was like even after shooting a person where he was totally at the street and cannot move, they kept shooting him more than once in order to—I don’t know in order to what, but it was like the extreme use of power. The second shows that the guy was bleeding, and the ambulance was there. He was prevented—he was about 5 meters far from him, and they prevented him to pick him up. They kept him bleeding until he passed away.

So that’s my presentation. And thanks for listening. Thank you.

SIMON REYNOLDS: Okay. I’d like to thank the panel for their contributions today. I’m going to exercise moderator’s privilege and take a few minutes just to provide a brief summary. Fortunately, we were hoping for a Q&A session, but we’ve overrun a little. So we may have to forego that.

Just from my own perspective, from Badil’s perspective, from the things that we’ve heard today, to me it says a number of things. As I suggested at the start, the contemporary situation within the oPt is continuation of Israeli policies of forced displacement of Palestinians. What we saw in the Nakba with the mass violence, which contributed to the forced displacement then has perhaps been, although violence is still very much present within the oPt. What we’re now seeing is more administrative needs of achieving the forced displacement of Palestinians. So just from the selected cases that we’ve heard today, we’ve heard about house demolitions, which are underpinned by a discriminatory planning and zoning policy. We see movement restrictions, punitive revocations of residency, loss of family unification; a whole host of factors which contribute to the coercive environment, which Marina was talking about as part of her legal analysis.

What we mean by the coercive environment is the deprivation of genuine choice from a decision to leave an area. This is what the jurisprudence of the NATO Criminal Tribunal tells us. So if we’re looking at these cases that we’ve heard today, whether it’s punitive residency revocations, whether it’s settler violence, harassment where there’s home demolitions, can we honestly say that the Palestinians who leave as a result of those actions have genuine choice in their decision to leave? My suggestion would be not, but I’d encourage you to—well, now that you’re hearing about Israeli policies that encourage Palestinians to leave, or Palestinians are voluntarily leaving the oPt, we need to consider whether that is indeed voluntary? What are the underpinning factors that have contributed to that decision to leave? And in many cases, whether it’s in Gaza, whether it’s in the West Bank, including East Jerusalem, often if we trace back the displacement and motives for displacement, we come to Israeli policies or violence. So those are kind of my concluding thoughts.

And again just to kind of reiterate again what the panel discussion has perhaps suggested to myself, is that we have a combination of not just the geographic spreads of this displacement. We’re not just looking at isolated cases. So we’ve heard today about Jerusalem. We’ve heard about Hebron, forced transfer, or forcible transfer in Gaza is vast; Badil is just about to release a publication on that. But throughout the oPt as a whole, we’re seeing forceful transfer as defined by international law. My second point is that the range of practices which contributed to that forceful transfer is significant.

And I’ll perhaps conclude by just referring back to my initial statements about how understanding of forcible transfer has progressed within the last 12 months, particularly within UN bodies, which is fantastic to see. So perhaps going back to this time last year, all conversations related to forcible transfer from UN bodies was very specific, and it focused on the Israeli relocation plan, the plan to move roughly 7,000 Palestinian Bedouic members from the Jerusalem periphery and from the West Bank generally to urban townships in the Jordan Valley.

This would obviously constitute forcible transfer. But what we’re now seeing is the UN analysis, which is moving far more in line with the overview that my colleague Marina gave, we don’t need a formal plan in order to demonstrate forcible transfer. So any policy or act by the occupying power which deprives genuine choice in the decision to move, can and should constitute forcible transfer. It doesn’t have to be a large number of people moved. It can be an individual. It may be hundreds, it may be thousands, but it can be an individual.

So what we’re now seeing with the UN is this movement away from an understanding of forcible transfer purely connected to formalized plans. And we also see a much more developed understanding of what constitutes a coercive environment. Again, what I was just saying about the range of variables or factors that we can trace back to Israeli policy, which serve to remove Palestinians from their land.

So I’d like to take this opportunity to thank the panelists for their contributions today, extremely valuable contributions. I’d like to thank you all for attending. And we’re about to get kicked out shortly, so we will have to forego the Q&A.

UNKNOWN SPEAKER: Five minutes.

SIMON REYNOLDS: Okay. We can take—okay, great. In that case we can perhaps open the floor up to any questions. If I could ask, if you have any questions, if you could give your name, your organization, and who you would direct the question to, that would be great. Thank you. That was easy. Okay. Ah, we have one.

ZAKARIA ODEH, THE CIVIC COALITION FOR PALESTINIAN RIGHTS IN JERUSALEM: Hello. Yes. My name is Zakaria. I’m from the Civic Coalition for Palestinian Rights in Occupied East Jerusalem. In fact, with all of what’s going on with all our friends here, the presentation about the continuous systematic policies of Israel during the last 48 years of occupation, where Israel have been really behaving as if with punitive, that they’re not taking in consideration not any international IHL or international human rights law or any UN treaties in consideration. Therefore, we would like—just I would like to stress several messages, that as a result of what’s going on and why it’s going on for all this—and a long time without nobody trying to stop Israel from what it’s doing, is the lack of effective domestic remedies of IHL and IHRL violations, condemnation of Israel Land Corporation [Israel Land Development Company]. Israel has been for the last years non-coveted with the international parties, like it has been preventing the various missions by the UN. Special reporter, the mission for the committee for investigation about the war in Gaza and what’s going on in the West Bank as well has been denied entry. And even the prosecutor of the ICJ/ICC has been denied entry these days. And I think this week or now they are in Jordan, because they were not allowed to access to the occupied territories to investigate whether there is a case to take into consideration by the ICC. So Israel has been really denying and not cooperating with the international community.

As well, we affirm—we want to affirm the international responsibility. I think the States, the States, the EU, the different states are responsive and they have obligation. It’s not only Israel which is accountable to all the relations that’s taking place. Is the Arabian state all the individual states, because they have obligation and they are signatory to the various treaties, which always deny or go against all these policies that are we have been seeing a failure by…

SIMON REYNOLDS: Sorry, Zakaria. Do you—is there a question? I’m just conscious of time.

ZAKARIA ODEH: Just one thing that the UN Security Council has failed to address the situation in the occupied territories, as well as our United Nations like the General Assembly and other UN parties, that they have failed to address. So we call upon the importance that there should be sanction imposed in Israel, businesses and trade shows should be stopped with Israel until Israel stops its violation of the human rights of the Palestinian states. Thank you.

SIMON REYNOLDS: And a question from the gentleman there.

ALA ABU DAKKA, DEPUTY DIRECTOR, GLOBAL NETWORK FOR RIGHTS AND DEVLOPMENT: Good afternoon. My name is Ala Abu Dakka. I am from The Global Network for Rights and Development in Brussels. My question is regarding Palestinians originally from Gaza that’s living in the West Bank, and without permits to stay in the West Bank that we know that they need a permit to stay from the Israeli forces in the West Bank. Do your organizations focus on this particular case as well? Because there are over thousands of Palestinians living, from Gaza, living in the West Bank but confined from fear to only Ramallah on two streets, if you have been to Ramallah, and, therefore, they cannot go into another cities in the West Bank, so they will be caught in the checkpoints that you mentioned, which is all over around Ramallah? Thank you very much.

BRONA HIGGINS: Hi. So we don’t deal specifically with the case example that you mentioned, but I would just like to highlight on that note that Israeli legislation in terms of family unification rights, Israeli legislation prohibits Gaza specifically, or people coming from Gaza specifically to gain family unification with East Jerusalemites. So I’d just like to add that on that note, but specifically we don’t protect these issues. But I just think you raised an important point. That’s a very important issue.

MUNIR NUSEIBAH: In addition to that, Israel has also frozen the Palestinian registry, the Palestinian Population Registry, since 2000, not allowing Palestinians from Gaza Strip to come and live in the West Bank with their family members or for any other reasons, even just to take a job in the West Bank, or other—or any other purpose.

They are more lenient about allowing Palestinians from the West Bank to go to Gaza, because they are more interested of less Palestinians in the West Bank, but less interested in Gaza. But the other way around, Palestinians coming from Gaza to the West Bank are not allowed to officially to register their address as being in the West Bank, although the Palestinian-Israeli Peace Agreement provides that—that this choice should not have—does not need a permit. But Israel suddenly started requiring permits from people whose addresses are registered as Gaza Strip to be able to live in the West Bank. Even not Jerusalem, even the rest of the West Bank, which is under the Palestinian authority rule. This is not something we work on, as we actually only work on Jerusalem issues, but I believe it is a very important issue.

Unfortunately, Israel tries to always discuss this as a political issue, that this is something between the Israeli authority and the Palestinian authority, and if ever it gives a permit for someone from Gaza to live in the West Bank this would be like a political gesture of friendship and a good gesture, which is—it’s a right. It’s not a gesture. It should be an inherent right for any Palestinian to choose whether they want to live in the West Bank or Gaza Strip. So this is a very important human rights issue related to also forced transfer.

SIMON REYNOLDS: I would also perhaps add to that as well. It’s kind of tying back into family unification. It’s another family unification. You often arrive at scenarios where Palestinians living in the West Bank will have—particularly in the situation you mentioned where their movement is so restricted, and to kind of link that back to family unification whereby for example a Palestinian living in East Jerusalem, if they meet a Palestinian with West Bank ID, they face a very difficult situation as to where they can live together as a couple. So a Palestinian with a West Bank ID will not be permitted to live within East Jerusalem. They will be deemed a security threat under law, under Israeli law. A Palestinian from East Jerusalem were they to go and live with the Palestinian with a West Bank ID in the West Bank, they would have their residency of East Jerusalem and all the attendant benefits revoked.

So the third solution that we arrive at, and this kind of ties back to the point that you made about the Gazans, Palestinians from Gaza being in the West Bank, is that the only kind of third option available is to leave, is to go and move somewhere else where they can enjoy the benefits or the rights that they’re entitled to under international law, that we’re all entitled to. Whether it’s residency revocation, or family unification for example, or restrictive movement, quite often the third choice, and one is tended to suggest, that the preferred choice that Israel would be pushing for is for Palestinians to leave the oPt entirely and seek residency in a third-party state.

I think we’ll conclude there. As a final reminder we have a side event on the 21st, which is the Monday to coincide with the Item 7. I’ll be focusing on accountability in the question of Israel and Palestine, and it’s from 2:00 until 4:00, in the same room as we’re currently in.

So thank you again. Thank you to panel members. Thank you.