

**Submission to the UN Human Rights Council “Commission of Inquiry” on Israel
created May 27, 2021 by resolution A/HRC/RES/S-30/1**

Organization: HARIF on behalf of the descendants of Jewish refugees from the Middle East and North Africa – victims of Arab and Iranian discrimination and repression on the basis of Jewish identity.

Biography: HARIF is a UK charity representing Jews from North Africa and the Middle East (UK no.1186454), and dedicated to promoting their history, culture and heritage. Over 2,000 years of history in the Middle East and North Africa came to an abrupt and tragic end just 50 years ago. Jews departed for Israel and the West, leaving an enormous cultural and economic void behind. In another 20 years, few Jews who were born in these countries will still be alive. A vital chapter of Jewish identity, history and culture – an entire civilisation – will be lost. HARIF is here to make sure it is not forgotten.

Issues to which our submission applies:

- (1) “Underlying root causes of recurrent tensions, instability and protraction of conflict in and between the Occupied Palestinian Territory, including East Jerusalem [*sic*], and Israel; as well as systematic discrimination and repression based on national, ethnic, racial or religious identity;”
- (2) “Facts and circumstances regarding alleged violations of international humanitarian law and alleged violations and abuses of international human rights law leading up to and since 13 April 2021;”
- (3) “Identification of those responsible;”

Submission: (This submission itself does not constitute an endorsement of the “Commission of Inquiry” or its mandate.)

Abuses of human rights

Why was this Tunisian Jew stripped of his nationality ?

23 March 2021

<https://www.jewishrefugees.org.uk/2021/03/why-was-this-tunisian-jew-stripped-of.html>

This is the Kafkaesque saga of a Tunisian Jew's attempt to renew his expired passport. Said Jew, let's call him Yaakov Cohen, had left his native city in the north of Tunisia some 40 years earlier for France.

As well as holding a Tunisian passport, he held French nationality by virtue of having married a Frenchwoman.

Unlike Iraq, where Jews were stripped of their nationality when they fled the country, or Egypt, where 40 percent of Jews were stateless anyway, Tunisia never confiscated passports from departing Jews.

As he was intending to travel to Tunisia to set up a heritage preservation project in Tunis, Yaakov was advised go the city hall in order to renew the passport. He handed it over and requested from the clerk a duplicate copy of his birth certificate. But the certificate came back to him with the box marked 'nationality' blank.

The same thing happened when he asked a clerk for copies of his parents' certificates of birth. And his grandparents'. In every case, the box marked 'nationality' was blank.

It was the same story at the town hall of his native city. Yaakov asked to see the clerk's superior, and was shown into a large and well-appointed office. The woman in charge went through his documents and with a snide grin said that Yaakov would need to put in a formal request to a local judge to issue a nationality certificate.

At that point Yaakov lost his rag. He had been born in Tunisia, as were his parents and grandparents – who were buried just a few hundred feet away.

He had to appoint a lawyer to find two witnesses who knew Yaakov's father. The lawyer thought it would be a simple matter. Four months went by. The lawyer responded to Yaakov's enquiries by sending him suras from the Koran.

The state could only strip a Tunisian of his nationality if he was serving a foreign power or if he had committed a crime. What was the motive in Yaakov's case? Was it antisemitism? Expulsion by stealth?

Yaakov has three theories. The first is that the authorities feared the real reason for Yaakov's preservation project might be to recover seized Jewish property. (This is said to be the reason why the authorities in Egypt do not allow Jews to access their communal records).

In Tunisia, Yaakov had heard of similar cases to his own, but lacked firm evidence. An order may have gone out not to re-issue passports to Jews who might want their abandoned property back.

The final explanation could be that when the authorities made the transition from paper to computer records, those who had not renewed their documents for years simply had their nationality omitted.

The question is, did this also happen to Tunisian Muslims who had long ago left the motherland?