

**Arab American University**

**Faculty of Graduate Studies**

**Department of Legal Sciences**

**Master Program in International Law and Diplomacy**



**Cancellation of the Residency Rights for Palestinian  
Jerusalemmites in Light of International Law Provisions**

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**This Thesis Was Submitted in Partial Fulfillment of the  
Requirements for the Master Degree in International Law  
and Diplomacy.**

**Palestine, July/ 2025**

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### **Thesis Approval**

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## **Declaration**

I declare that, except where explicit reference is made to the contribution of others, this thesis is substantially my own work and has not been submitted for any other degree at the Arab American University or any other institution.

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## **Dedication**

To the souls who fell defending dignity,  
To all those who planted the love of homeland in our hearts,  
To those who kept dreaming through the darkness —  
because dreaming was the only path to hope,  
and hope alone was enough to keep us moving forward.

To the soul of my grandfather, Hani —whom I will cherish and take pride in as long as I live.

To my brothers, Ibrahim and Amir — who were my strength at every step.

To Hunaida and Simon —a small homeland that never lets me down.

Yasmine Simon Ibrahim Awad

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# **Cancellation of the Residency Rights for Palestinian Jerusalemites in Light of International Law Provisions**

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## **Abstract**

The study aimed to explore the revocation of the residency rights of Palestinian Jerusalemites in light of the provisions of international law, and to shed light on the historical and legal realities of the city of Jerusalem. It also sought to closely examine the forms and dimensions of Israeli policies aimed at emptying the holy city of its indigenous population, as well as to analyze the internal legislation and laws enacted by the Israeli occupation authorities and the motives behind their implementation on Palestinian residents of Jerusalem. Additionally, the study reviewed international treaties and legal texts that affirm the right of individuals to reside in their homeland.

The study was structured around a preliminary chapter and five main chapters. The preliminary chapter addressed the spatial, demographic, historical, and legal dimensions of the city of Jerusalem, in addition to the identity of the Palestinian Jerusalemite resident. Chapter One discussed the legal status of Palestinian residents in Jerusalem. Chapter Two examined the status of the city in light of international law, including relevant resolutions of the UN Security Council and the General Assembly. Chapter Three focused on Israeli policies—geographical, demographic, and Judaization policies—aimed at undermining the legal status of Jerusalem. Chapter Four centered on Israeli policies and measures intended to revoke the residency rights of Palestinian Jerusalemites and their consequences. Chapter Five explored the mechanisms for implementing international law related to Jerusalem, the legal value of resolutions issued by the UN General Assembly and Security Council, and the international legal framework concerning the revocation of residency rights.

The study adopted the descriptive analytical method, along with the legal inductive approach, through a review of Israeli laws and legislations, as well as international legal texts related to the revocation of residency rights for Jerusalemites.

The study concluded that the Jerusalemite community, in all its segments, suffers from the repressive and displacement-oriented policies of the Israeli occupation, which directly impact the right to residency and the recognition of one's center of life, especially for families who relocated to Jerusalem's suburbs after the construction of the separation wall. The findings showed that Israeli authorities treat Palestinians as permanent residents rather than citizens, which renders their residency vulnerable to revocation under the Entry into Israel Law of 1952—an explicit violation of international humanitarian law, particularly the Fourth Geneva Convention. The study also highlighted the ongoing practices of ID revocations and the denial of child registration in family identity documents, all in the absence of international oversight. It recommended launching intensive legal media campaigns to confront these policies, enhancing legal and human

rights efforts at the international level to hold Israel accountable, ensuring the rights of Jerusalemites, and conducting further research on the implications of residency revocation for the Jerusalemite population.

Keywords: Residency revocation, Palestinian Jerusalemites, permanent resident, citizenship, Israeli policies and laws.

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## **Introduction**

The city of Jerusalem holds a prominent position as one of the most historically and religiously significant cities in the region, owing to its spiritual, cultural, and civilizational status. Throughout the ages, it has stood as a capital of history and civilization. It constitutes a core issue in the literature of international law, as it remains a city under occupation. The city garners wide attention within international law and United Nations resolutions, which emphasize the necessity of respecting its legal and historical status, and safeguarding the rights of its inhabitants, in accordance with relevant international conventions and treaties. These rights are guaranteed by all international laws, customs, and legal norms.

Over the past decades, the ideology of the Zionist establishment has clearly manifested itself as a colonial, settler, and expansionist movement aimed at uprooting the Palestinian people and replacing them with Jewish settlers. This ideology was founded on a false premise claiming that the Jews are "a people without a land," and that Palestine is "a land without a people"—a narrative that formed the ideological foundation of a project aimed at ethnically cleansing the land of its indigenous Palestinian population and settling Jews in their place, as part of a racist colonial enterprise.

The Zionist movement sought to implement its plans through the forcible displacement of Palestinians from their homeland and the depopulation of Palestinian territories of their native inhabitants, while bringing Jews from the diaspora and settling them in Palestine, with the aim of imposing a new reality based on the Judaization of the land and transforming it into a Jewish state. To achieve these objectives, successive Israeli governments adopted systematic policies and strategic plans to induce radical changes in the demographic and geographic structure of the land, employing tools of expulsion and forced displacement as means to achieve their aims. "Transfer" (forcible population displacement) was one of the most aggressive mechanisms used, whereby Palestinians were compelled to leave their lands under the threat of force—whether through expulsion

beyond the borders of historic Palestine or from major cities such as Jerusalem, which was intensely targeted by Judaization policies to consolidate settler control <sup>1</sup>.

Jerusalem today represents the core of the legal and historical conflict between the indigenous landowners and the policies of occupation. Since Israel occupied large parts of the city in 1948—followed by acts of forcible displacement—and its occupation of East Jerusalem in 1967, it has pursued expansionist policies aimed at altering the demographic and legal status of the city, in blatant defiance of international legitimacy and United Nations resolutions affirming that the city constitutes occupied territory.

Foremost among these policies has been the violation of the legal and civil rights of the indigenous Palestinian residents of Jerusalem, particularly through the revocation of their residency rights based on arbitrary justifications, such as residing outside the municipal boundaries of the city for a certain period, acquiring citizenship or residency in another country, or applying for family unification in cases where spouses reside in occupied Jerusalem. Israel designates them as "permanent residents" rather than citizens, rendering their right to reside in their own city conditional and subject to the discretion of the Israeli authorities. This has led to the displacement of thousands of Palestinians and the denial of their fundamental rights, in clear violation of the Fourth Geneva Convention of 1949 and the principles of international human rights law. These practices also directly contradict relevant United Nations resolutions, which reaffirm the civil and legal rights of Palestinians under occupation. Such Israeli measures aim to Judaize the city and alter its demographic structure by forcibly removing its indigenous population <sup>2</sup>.

While international resolutions, international law, and United Nations treaties affirm that the city of Jerusalem is an occupied territory subject to the provisions of the Fourth Geneva Convention of 1949—which prohibits forcible transfer and forbids the occupying power from making any demographic or legal changes in the occupied city—these conventions also obligate Israel, as the occupying power, not to violate or infringe upon the rights of the indigenous population. This includes their right to reside in their

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<sup>1</sup> Khamaisi, Rassem. "Demography in Jerusalem: Reality, Transformations, and Projections." *Siyasat Arabiya*, no. 39 (2019): 7–29.

<sup>2</sup> Al-Qadi, Mohammed. *Jerusalem in International Resolutions*. Published master's thesis, Hebron University, Hebron, Palestine, 2019.

city and prohibits any actions that would result in the revocation or forced withdrawal of residency rights.

The Israeli policy of revoking residency rights of Palestinian Jerusalemites constitutes a grave violation of the right to self-determination, which is enshrined in Article 1 of the International Covenant on Civil and Political Rights (1966), and a breach of the principles of non-discrimination and the protection of family unity—cornerstones of international human rights law. Furthermore, United Nations Security Council and General Assembly resolutions have unequivocally affirmed the illegality of Israeli measures in Jerusalem, declaring such actions null and void. These resolutions call for an immediate halt to all Israeli practices aimed at Judaizing the city and altering its demographic and legal character <sup>1</sup>.

The reality of Palestinian Jerusalemites differs significantly from that of other Palestinians due to their direct subjection to Israeli laws, constitutional provisions, legislation, and judicial systems, as they are legally bound by Israeli law. This distinction lies in their ambiguous national identity within Israeli society, where they are treated as residents rather than citizens, and are denied full citizenship rights. Although they hold the so-called “blue ID card,” which grants them limited freedoms such as the right to reside and move within Jerusalem, this form of identification is neither permanent nor secure. The Israeli government, particularly through its institutions such as the Ministry of Interior, pursues displacement policies aimed at reducing the number of Palestinian Jerusalemites by revoking their residency status. This often occurs when individuals move to live outside the artificially drawn municipal boundaries of Jerusalem, established after the occupation of both its western and eastern parts in 1967.

It becomes evident that the demographic factor constitutes a decisive element in the Israeli–Arab conflict. Accordingly, the Israeli authorities have adopted policies and enacted legislation as tools to expel and displace Palestinian residents as part of their demographic warfare—particularly in the city of Jerusalem. These measures are aimed at Judaizing the city and reducing the Palestinian presence to achieve a demographic majority in favor of the Jewish population. Among the most significant policies and legal

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<sup>1</sup> Karroud, Ahmad. *Some Aspects of Violations of International Humanitarian Law*. In *International Humanitarian Law: Prospects and Challenges*, vol. 3, 1st ed., Beirut: Al-Halabi Legal Publications, 2005.

instruments employed in this demographic campaign are residency and citizenship laws, which have become prominent mechanisms used by Israeli policymakers to expel, displace, and remove Palestinians from Jerusalem <sup>1</sup>.

The present study seeks to shed light on the historical significance of the city of Jerusalem and to address the painful and distressing reality it endures as a result of ongoing Israeli violations and practices against the rights of Palestinian residents in the city at large—particularly the issue of the revocation of residency rights for Palestinians in Jerusalem from a legal perspective. This practice constitutes a clear and explicit violation of international resolutions. Accordingly, this study will endeavor to highlight the legal importance of international resolutions pertaining to this fundamental right.

## **Problem Statement**

Since its occupation of Jerusalem in 1967, the Israeli occupation authorities have continuously pursued systematic policies aimed at the displacement of Palestinian residents in the city. These authorities have persisted in violating all the rights of Palestinian Jerusalemites, including their rights to citizenship and residency in the city of Jerusalem, in clear contravention of all international agreements, international humanitarian law, and the human rights to which every individual is entitled under international law.

Palestinian Jerusalemites face a systematic threat to their inherent right to reside in their historic city, manifested in organized Israeli policies aimed at uprooting them from Jerusalem, in blatant violation of international law and relevant international conventions. The overt Israeli practices—most notably the revocation of residency rights for Palestinian Jerusalemites—constitute a deliberate strategy intended to alter the demographic character of the city.

Although Israel presents itself as a state governed by the rule of law, is a member of the international community, and is a signatory to international treaties that guarantee the right to citizenship and residency for populations under occupation, this has not

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<sup>1</sup> Salaymeh, Khawla. *Identity and Citizenship of Palestinian Jerusalemite Women: Reality and Obstacles*. Unpublished master's thesis, Birzeit University, Birzeit, Palestine, 2013.

prevented it from enacting laws that contradict international human rights norms and fundamental principles of international law. The core issue lies in Israel's continued violation of the residency rights of Jerusalemite Palestinians through its internal legislation and administrative practices, in direct defiance of principles of justice and equality that international law is meant to uphold. These measures and violations reflect a systematic attempt to depopulate the city of its Palestinian inhabitants, raising fundamental questions about the effectiveness of the international legal system in holding the occupying power accountable and in safeguarding the rights of Palestinians to remain on their land.

This issue is further illustrated by the personal experience of the researcher herself, who was subjected to the revocation of her residency in Jerusalem, forcing her to live outside the city to which she is emotionally and historically attached. This measure constitutes a personal violation of her fundamental rights to reside and live freely in her place of birth, and serves as a direct reflection of Israeli policies aimed at the forced displacement of Jerusalemites from their city. This legal and administrative injustice places the researcher in a complex and deeply personal position, revealing the human and social dimensions of the problem. It has driven her to explore and examine the international legal aspects of this issue, in an attempt to understand the legal framework surrounding such violations and to interrogate the system that led to the loss of her legitimate right.

## **Significance of the Study**

The significance of this study stems from its engagement with the right of residency as a fundamental human right and from its effort to demonstrate the essential nature of this right by examining the provisions of relevant conventions, treaties, and legal instruments that explicitly guarantee it.

This study holds particular importance as it addresses a central issue concerning the rights of Palestinian Jerusalemites, who face the threat of forced exclusion from their city as a result of systematic Israeli policies aimed at altering the demographic character of Jerusalem. The study emerges as a pioneering legal contribution in deconstructing the foundations of these policies through analysis under the framework of international humanitarian law and international human rights law.

The study represents a serious attempt to expose the contradictions between these Israeli policies and the international legal obligations incumbent upon Israel as an occupying power, in accordance with the Geneva Conventions and United Nations resolutions. Furthermore, it highlights the legal and humanitarian dimensions of the issue, contributing to the enhancement of legal awareness regarding the urgent need to protect Palestinian rights.

The significance of this study extends beyond the academic realm to touch upon the tragic human and lived reality endured by thousands of Jerusalemite families in general—and by the researcher herself in particular. The researcher represents a living example of this suffering, having been subjected to the revocation of her residency in the city of Jerusalem, which forced her to live outside the city that forms the core of her historical and cultural identity. This personal reality lends the study a unique and deeply human dimension, reflecting the tangible challenges faced by Jerusalemites. It transforms the study into a legal and human rights outcry, one that aims not only to understand the legal framework surrounding these violations, but also to offer a practical vision for confronting them on both the local and international levels.

This study reflects the researcher's deep conviction in the necessity of confronting exclusionary policies by invoking the provisions of international law. As such, it represents a step toward achieving justice and protecting the legitimate rights of Palestinian Jerusalemites from systematic displacement and forced exclusion. The study is not merely a valuable academic contribution; it also aspires to provide a legal framework upon which policymakers and international actors may rely in addressing the challenges surrounding the future of the city of Jerusalem. In doing so, it seeks to strengthen the protection of Palestinian rights and uphold the city's legal status in accordance with the principles of international law.

## **Objectives of the Study**

The present study aims to provide an overview of the historical and legal status of the city of Jerusalem and to highlight the suffering of Palestinian Jerusalemites who have lost their right to reside in the city—examining the causes, motives, and consequences of this deprivation. It also seeks to closely examine the forms and dimensions of Israeli policies aimed at emptying the holy city of its indigenous population, and to analyze the

internal legislation and legal frameworks enacted by the occupying authorities and the rationale behind their application to Palestinian residents of Jerusalem. Additionally, the study intends to review the texts of international treaties and international law provisions that affirm the human right to reside in one's place of origin, and to demonstrate how Israeli practices conflict with international human rights law.

Moreover, the study seeks to shed light on the legal, social, economic, and psychological repercussions of these policies on Palestinian individuals and families in Jerusalem, as well as their demographic consequences in the context of broader plans to alter the city's demographic structure. Ultimately, the study aims to produce realistic legal findings and to provide actionable legal and diplomatic recommendations that contribute to supporting both local and international efforts to protect the rights of Palestinian Jerusalemites and to ensure international legal compliance in safeguarding them from the revocation of residency rights.

## **Research Questions**

### **Main Research Question**

To what extent are Israeli policies and practices related to the revocation of residency rights for Palestinian Jerusalemites consistent with the provisions of international law, and what legal and humanitarian challenges arise from these policies? This issue will be examined through the following dimensions: Israel's international obligations as an occupying power, the international legal frameworks concerning the protection of the rights of populations under occupation, and the humanitarian and social consequences of the revocation of residency.

### **Sub-Questions**

1. What is the historical and legal status of the city of Jerusalem in light of international law?
2. What forms do Israeli legal violations of the fundamental right to residency for Palestinian citizens in Jerusalem take?
3. What are Israel's legal obligations as an occupying power under international law toward Palestinian residents of Jerusalem?

4. To what extent are Israel's residency revocation policies consistent with the principles of international humanitarian law and international human rights law?
5. What are the primary legal and administrative mechanisms employed by Israel to justify the revocation of residency rights for Palestinian Jerusalemites?
6. How have residency revocation policies impacted the demographic and social composition of the population in Jerusalem?
7. What role do the international community and legal bodies play in confronting these violations?
8. How can international legal mechanisms be activated to ensure the protection of residency rights for Palestinian Jerusalemites?

## **Scope and Methodology of the Research**

The spatial scope of this study is confined to the city of Jerusalem, as it represents the central focus of Israeli policies aimed at altering the demographic composition of the Palestinian population through the revocation of residency rights. The temporal scope extends from the year 1967—the onset of Israel's occupation and its implementation of displacement policies targeting Jerusalemites—up to the year 2024, during which these policies continue and their impacts have intensified. The study aims to analyze these policies over the course of decades, with a particular focus on their legal and humanitarian consequences for the Palestinian population of Jerusalem.

The study is grounded in rigorous legal and analytical research methods. It includes an examination of Israeli legislative texts used as legal instruments to justify the revocation of residency rights, as well as an analysis of international treaties and legal norms that prohibit forced displacement and guarantee the right to reside in one's homeland. Additionally, the study draws upon reports issued by international and local human rights organizations, as well as relevant United Nations resolutions concerning Jerusalem and the rights of Palestinians, in order to provide a comprehensive legal framework.

The researcher will apply critical legal analysis to highlight the contradictions between Israeli domestic laws and the provisions of international law. Furthermore, the study incorporates qualitative research tools, including interviews, case studies, and

documented field data, to illustrate the real-life effects of these policies on Palestinian individuals and families residing in Jerusalem.

## **Methodology**

The researcher adopted a descriptive-analytical approach in addition to an inductive legal methodology, relying on the description and analysis of Israeli laws, legislations, and policies related to the revocation of residency rights for Palestinian Jerusalemites, and examining their legal and humanitarian implications. The study also presents relevant international legal texts to illustrate the extent of contradiction between Israeli laws and the provisions of international humanitarian law and international human rights law.

Furthermore, the study explores the social, economic, and demographic consequences of these policies, with the aim of understanding their comprehensive impact on the situation in Jerusalem. This methodological framework is intended to provide a thorough and in-depth understanding of the legal issues surrounding the case, while formulating practical recommendations to strengthen the legal protection of Palestinian Jerusalemites and support international efforts to hold the occupying authorities accountable for their violations.

## **Previous Literature**

Through her review of previous literature, the researcher identified a number of studies that addressed themes relevant to the present research. Among them is the study by Al-Qadi (2019), which aimed to examine the status of Jerusalem in international resolutions. The study employed several methodologies, including the descriptive-analytical, historical, and legal approaches. One of the key findings of Al-Qadi's research was that the occupation of Jerusalem constitutes a violation of UN Resolution 181, and that Resolution 194 was expected to affirm this and compel Israel to withdraw from Jerusalem, in addition to affirming the right of return for refugees.

The study also examined the varying interpretations of Resolution 303 concerning the internationalization of Jerusalem. Some views held that sovereignty over the city should belong to the entity entrusted with administering it under a regime of permanent internationalization, while others argued that sovereignty should remain suspended

pending the outcome of the will of the city's inhabitants at the end of any temporary internationalization arrangement <sup>1</sup>.

Ibrahim (2017) aimed to explore the policy of forced displacement and the revocation of Jerusalemite identity cards through the legal and administrative frameworks enacted by the Israeli occupation authorities. The study employed a descriptive and inductive methodology to examine laws, legislations, and policies. It focused on the grave impact of specific Israeli laws on Palestinians, such as the *Citizenship Law* and the *Entry into Israel Law*, both enacted in 1952, as well as the "Center of Life" policy, issued in 1988 and implemented beginning in 1995. The study also examined Decision No. 1813, which ostensibly addressed family unification requests for Palestinians, while in reality aiming to restrict them. Additionally, the study discussed the dangers associated with the issuance of the magnetic (biometric) ID card, introduced by the Israeli Ministry of Interior in 2013. The study concluded that the underlying objective of these legal and administrative measures was to combat what the state perceives as a "demographic threat" by reducing the number of Palestinians in Jerusalem to approximately 12% of the city's population by the year 2030 <sup>2</sup>.

In a separate study, Salaymeh (2013) sought to shed light on the conditions of Jerusalemite society under Israeli occupation in general, and on the struggles of Jerusalemite women in particular. These struggles included societal and familial pressures, as well as the challenges related to identity, citizenship, and family reunification requests. The study employed a descriptive-analytical methodology, using field interviews with Jerusalemite women, and adopted a comparative analytical approach to explain the concepts of citizenship and identity within both Palestinian and Israeli contexts. The study revealed the unique political hardships faced by women in Jerusalem, especially in relation to the family reunification process, and the numerous obstacles encountered therein. It recommended raising awareness among Jerusalemites about the

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<sup>1</sup> Al-Qadi, Mohammed. *Jerusalem in International Resolutions*. Published master's thesis, Hebron University, Palestine, 2019.

<sup>2</sup> Ibrahim, Jamal Muhammad. "The Policy of Forced Displacement and the Revocation of Jerusalemite IDs through the Laws and Regulations Issued by the Occupying Authorities." *Al-Quds Open University Journal for Human and Social Studies* 2, no. 38 (2017).

Citizenship Law and reunification procedures, as well as the social and political risks posed by Israeli policies. It further emphasized the need to empower and support Jerusalemite women in confronting the social, political, and economic challenges they face <sup>1</sup>.

Additionally, the paper by Al-Maghribi and Kaabneh (2007), titled *Stripping Jerusalemites of Citizenship: Steady Steps Toward Emptying and Judaizing Jerusalem*, used a descriptive-analytical approach to highlight the steps and forms of Israeli practices aimed at Judaizing the city and displacing its native population. The study addressed the consequences of diminishing Palestinian presence and the revocation of Jerusalemite IDs. Its findings indicated that the Israeli authorities are imposing a de facto reality to Judaize the city and present it to the world as a Zionist city and the capital of Israel. The authors recommended launching a strong media campaign to expose the denial of citizenship rights to Jerusalemites as a violation of international law and the Fourth Geneva Convention. They also called for providing economic support to the residents of Jerusalem and empowering them to pursue legal action before the competent courts to claim their legitimate rights <sup>2</sup>.

In a 2007 report issued by the Civic Coalition for Palestinian Rights in Jerusalem, titled *Silent Transfer: Revocation of Residency Rights from Palestinians in Jerusalem*, the report highlighted the tools used by the Israeli occupation authorities to implement a policy aimed at the displacement and depopulation of East Jerusalem, with the goal of replacing its native Palestinian residents with Jewish settlers. The report examined the various violations committed against Jerusalemite residents, particularly in relation to the revocation of their residency rights in the city. These practices constitute clear violations of international law, international humanitarian law, and universally recognized human rights conventions.

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<sup>1</sup> Salaymeh, Khawla. *Identity and Citizenship of Palestinian Jerusalemite Women: Reality and Obstacles*. Published master's thesis, Birzeit University, Palestine, 2013.

<sup>2</sup> Al-Maghribi, Abdul Rahman, and Mahmoud Kaabneh. *Stripping Jerusalemites of Citizenship: Steady Steps Toward Emptying and Judaizing the City of Jerusalem*. An-Najah National University, Nablus, Palestine, 2007.

The report included numerous interviews with individuals who were subjected to such revocations—actions deemed contrary to all international and humanitarian legal norms. It concluded by recommending that Israeli violations against the residents of Jerusalem be exposed both locally and globally, and that attention be drawn to the ongoing discriminatory policies imposed by the Israeli authorities, which run counter to all international agreements and human rights instruments. The report also emphasized the need to raise the issue of Palestinians who lost their right to residency in Jerusalem because they were absent from the city during the Israeli census conducted in 1967 <sup>1</sup>.

After reviewing the previous studies, it becomes evident that they intersect with the present study in their focus on Israeli policies aimed at reducing the Palestinian presence in Jerusalem, whether through identity revocation, residency restrictions, or the imposition of legal and administrative regimes designed to create a coerced demographic change. Most of these studies—such as Ibrahim (2017), Al-Maghrebi and Kaabneh (2007), and the Civic Coalition Report (2007)—have contributed to analyzing the gravity of Israeli legislation related to the “Center of Life,” citizenship, family reunification, and residency revocation, as systematic tools targeting the depopulation of the city from its indigenous inhabitants. These studies also resemble the present research in relying on the provisions and jurisprudence of international law, particularly the rules of international humanitarian law and the Fourth Geneva Convention, which prohibit the forcible transfer of populations and affirm the illegality of Israeli measures in Jerusalem. This similarity appears clearly in the use of both the descriptive-analytical method and the legal method to uncover the legal and humanitarian consequences of these policies on the city’s residents.

The present study distinguishes itself from previous studies through its direct focus on the revocation of residency rights as a legal and humanitarian issue with a sovereign dimension that affects the legal existence of Palestinian Jerusalemites. In contrast, some earlier studies addressed broader issues, such as the status of Jerusalem within international resolutions (Al-Qadi, 2019), the suffering of Jerusalemite women within the context of citizenship and family reunification (Salaimeh, 2013), or forcible displacement as part of the occupation’s general policies (Ibrahim, 2017). The present study is further

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<sup>1</sup> Al-Zughair, Hanadi. *Silent Transfer: Revocation of Palestinian Residency from Jerusalem*. Civic Coalition for Palestinian Rights in Jerusalem, 2007.

characterized by integrating a comparative analytical approach between international legal texts on the one hand and Israeli administrative directives related to residency on the other, with the aim of assessing the extent to which these measures comply with the rules of international humanitarian law and human rights law.

The present study is also distinguished from previous research in that it is—according to the researcher’s knowledge—among the earliest studies to examine the revocation of residency rights of Palestinian Jerusalemites in light of the provisions of international law.

## **Preliminary Chapter**

### **Section One: Jerusalem – Spatial, Demographic, Historical, and Legal Dimensions**

#### **Subsection One: The Spatial and Demographic Dimension of the City of Jerusalem**

Jerusalem is an Arab and global city with an authentic Palestinian identity, deriving its pride and honor from its rich history and profound historical, civilizational, and spiritual significance. Jerusalem is the cradle of the Abrahamic religions and is classified as one of the oldest cities in the world, having been founded by the Jebusites—an Arab Canaanite people—around 3000 BCE. Throughout history, it has been a focal point of interest for nations and civilizations. Despite being subjected to invasions and sieges no fewer than twenty-five times, Jerusalem has remained steadfast and dignified in the face of all attempts to erase its features and distort its cultural and historical identity.

The Jerusalem Governorate is located at the heart of the West Bank, lying between longitudes 35° 4' 0" and 35° 30' 0" E, and latitudes 31° 43' 0" and 31° 53' 0" N. The total area of the governorate is approximately 345 km<sup>2</sup>, representing 6.1% of the area of the West Bank and 5.7% of the total area of Palestine. The governorate comprises approximately 50 population centers <sup>1</sup>.

The region is characterized by diverse topography. The highest point in the governorate is located in the Al-Tur area, reaching an elevation of 826 meters above sea level. The lowest point is in the 'Ayn al-Louza area in the Silwan neighborhood, at 610 meters above sea level. Within the Holy City, one of the most prominent historical elevations is the Citadel of David, which stands at 778 meters above sea level, while the lowest point in that sacred area is at 622 meters above sea level <sup>2</sup>.

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<sup>1</sup> Palestinian Central Bureau of Statistics. *Population, Housing and Establishments Census 2017: Housing Report – Final Results – Jerusalem Governorate*. Ramallah – Palestine, 2019.

<sup>2</sup> Palestinian Central Bureau of Statistics. *Jerusalem Statistical Yearbook 2023*, No. 26. Ramallah – Palestine, 2023.

The estimated population of the Jerusalem Governorate reached 492,340 individuals by mid-2023, representing approximately 9% of the total population of Palestine and 15.1% of the population of the West Bank <sup>1</sup>.

| Region/ Governorate | Population (Mid-2023) |
|---------------------|-----------------------|
| <b>Palestine</b>    | <b>5,483,450</b>      |
| West Bank           | 3,256,906             |
| Gaza Strip          | 2,226,544             |
| <b>Jerusalem</b>    | <b>492,340</b>        |

*Data includes the Jerusalem Governorate.*

## **Subsection Two: The Historical Dimension of the City of Jerusalem**

Jerusalem is historically considered one of the oldest continuously inhabited cities in the world. It holds exceptional civilizational, religious, and historical significance for the three monotheistic religions, which has made it a central point of regional and international conflict throughout the ages. Since 1976, the city of Jerusalem has undergone profound political and administrative transformations that have directly impacted its Palestinian residents, especially in the eastern part of the city. Following Israel’s occupation of East Jerusalem in 1967, the Israeli authorities unilaterally annexed the area and imposed Israeli law, jurisdiction, and administration over it—despite broad international rejection of such actions .

By the mid-1970s, Israeli authorities began implementing policies aimed at altering the city’s demographic character, chiefly by expanding settlements and reducing the number of Palestinian residents while increasing the presence of Israeli settlers. Consequently, Palestinians residing in Jerusalem were granted the legal status of "permanent residents" rather than full citizens, thereby establishing a fragile legal foundation for their presence in the city.

Since 1976, the revocation—or “cancellation”—of residency has become a legal and administrative tool employed by Israeli authorities against thousands of Jerusalemites, often justified by claims of changing their "center of life," or based on

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<sup>1</sup> Palestinian Central Bureau of Statistics. *Jerusalem Statistical Yearbook 2024*, No. 26. Ramallah – Palestine, 2024.

political or security-related criteria. These practices have been widely condemned by international human rights organizations and legal bodies as violations of the rights of indigenous inhabitants and as breaches of Israel's obligations as an occupying power under the Fourth Geneva Convention and international humanitarian law.

Throughout history, Jerusalem has been known by several names, reflecting its deep cultural and religious heritage:

1. **Fortress of Jebus** – after the Jebusites
2. **Jebus** – named after the Jebusites
3. **Yerushalem** – from "Shalem," the Canaanite god of peace
4. **Uru-Salim** – a Canaanite name meaning peace
5. **Salem** – Canaanite, meaning peace
6. **Shalim** – Canaanite, meaning peace
7. **City of David** – attributed to the Prophet David
8. **City of God**
9. **Shalem** – referenced during the time of Jesus in the Bible
10. **Yarushalem** – found in ancient Canaanite inscriptions
11. **Jerusalem** – Western adaptation of "Yarushalem"
12. **Ya-Beti** – an Egyptian version of the Canaanite name, used in hieroglyphics
13. **Aelia Capitolina** – named by Roman Emperor Hadrian in 135 CE
14. **Bayt al-Maqdis**
15. **Al-Quds al-Sharif** (The Noble Jerusalem)<sup>1</sup>

### **Subsection Three: The Legal Dimension of the City of Jerusalem**

Some cities are created by history and shaped by those who pass through them. Others create history and distinguish themselves through it—Jerusalem belongs to the latter <sup>2</sup>. It has consistently preserved its sacredness throughout changing historical periods, and this sanctity has become an inseparable part of its identity.

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<sup>1</sup> Palestinian Central Bureau of Statistics. *Jerusalem Statistical Yearbook 2024*, No. 2

<sup>2</sup> Al-Rifa'i, Badr. "Jerusalem." *Al-Fikr Journal*, no. 9, issue 4 (2010). Kuwait

The legal status of Jerusalem, as with Palestine more broadly, is among the most complex in the world due to the succession of ruling powers throughout history. Each ruling authority has imposed its own legal system and institutions, leading to a multilayered legal structure. These complexities have been exacerbated under Israeli occupation, which since 1967 has implemented a specific legal regime aimed at solidifying Israeli control over the city.

Israeli authorities have utilized domestic law as a tool to legitimize expansionist policies, disregarding the city's special status under international law, which views Jerusalem as part of the occupied Palestinian territories. The intersection of Israeli domestic legislation and international legal norms makes the study of Jerusalem's legal status under occupation essential to understanding the nature and implications of the broader legal and political conflict <sup>1</sup>.

Soon after the occupation of East Jerusalem, on June 11, 1967, Israel made the decision to annex the city. The government assigned a ministerial committee the task of drafting legal solutions for the judicial and administrative consequences of the annexation. The committee submitted three draft laws that were subsequently passed by the Israeli Knesset:

- The Law to Amend the Law and Administration Ordinance
- The Law to Amend the Municipalities Ordinance
- The Law for the Protection of Holy Places

The annexation decree was issued on June 28, 1967. Although the decree did not explicitly mention Jerusalem, it defined the area to which Israeli law, jurisdiction, and administration would apply <sup>2</sup>.

The amendment to the Israeli Municipalities Law was intended to give the Minister of the Interior authority to expand the boundaries of the Jerusalem Municipality by annexing new areas. On June 26, 1967, the Israeli Ministry of the Interior conducted a

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<sup>1</sup> Dweik, Waqas. *The Right to Housing in Jerusalem in the Context of Planning and Construction Regulations*. Published master's thesis, Al-Quds University, Palestine, 2021.

<sup>2</sup> Halabi, Osama. *The Legal Status of the City of Jerusalem and Its Arab Citizens*. Institute for Palestine Studies, Beirut, Lebanon, 1997.

census of Jerusalem's residents, following which identity cards were issued to those present. These identity cards designated Palestinians as "residents" rather than citizens<sup>1</sup>. Although Israel allowed Palestinians to apply for citizenship, it did not impose it upon them<sup>2</sup>.

On July 30, 1980, the Israeli Knesset passed the "Basic Law: Jerusalem, Capital of Israel," whose first article declared that "Jerusalem, complete and united, is the capital of Israel."<sup>3</sup> In response, the United Nations Security Council adopted Resolution 478 on August 20, 1980, declaring the Israeli action null and void and in violation of international law<sup>4</sup>.

During the unilateral redrawing of municipal boundaries, Israeli authorities annexed over 700,000 dunums of land, on which numerous settlements were built, while simultaneously excluding Palestinian neighborhoods from the city's jurisdiction to reduce the Arab population within Jerusalem. The Israeli government has continued to confiscate Palestinian land to construct settlements for Jewish residents, while failing to approve adequate urban planning for the Palestinian population—resulting in severe housing shortages and pressuring residents to leave the city<sup>5</sup>.

Although Israel presented religious and historical justifications for the occupation of Jerusalem, official documents from the 1967 War indicate that the motive was military and political, aimed at achieving strategic control over Jerusalem rather than being based solely on religious narratives. The United Nations Special Committee on Palestine affirmed that historical claims do not establish legal sovereignty.

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<sup>1</sup> Dweik, Mousa. *Jerusalem and International Law: A Study of the City's Legal Status and Israeli Human Rights Violations*. Dar Al-Maaref, Alexandria, 2002.

<sup>2</sup> Haidar, Aziz. "Israeli Policy on the Future of Jerusalem." *Journal of Palestine Studies*, no. 17 (1997).

<sup>3</sup> Halabi, Osama. "Where is Jerusalem Heading? In Light of the Separation Wall and the Policy of Ethnic Cleansing." Paper presented at the Conference *Jerusalem: Where To?*, 2006.

<sup>4</sup> Dweik, Mousa. *Jerusalem and International Law: A Study of the City's Legal Status and Israeli Violations of Human Rights*. Alexandria: Dar Al-Maaref, 2002.

<sup>5</sup> Al-Zughair, Hanadi. *Silent Transfer: Revocation of Palestinian Residency from Jerusalem*. Civic Coalition for Palestinian Rights in Jerusalem, 2007

## **Section Two: The Jerusalemite Identity**

### **Subsection One: The Identity of the Palestinian Jerusalemite Resident**

The Palestinian Jerusalemite lives under the constant threat of losing their right to residency, while facing systematic discriminatory policies aimed at undermining their presence in the city. Under Israeli laws and policies, they are legally designated as "permanent residents"—a term that exemplifies the repressive legal and political framework imposed to weaken the Palestinian presence in Jerusalem. This legal status, which Israel applied to Palestinian residents after its occupation of the city in 1967, provides no real legal guarantees and instead serves as a legal and administrative tool to justify forced displacement and institutionalized discrimination. This has rendered Jerusalemites as "guests" in their own city, where their residency rights can be revoked at any moment under vague pretexts, such as "proof of center of life" or residing outside the municipal boundaries of Jerusalem for a certain period.

More than 56 years after Israel's occupation and unilateral annexation of East Jerusalem—through which it forcibly extended sovereignty over the land but imposed only conditional "permanent residency"<sup>1</sup> on the people—the situation remains intentionally unstable. The separation between land status and citizen status was neither procedural nor incidental; rather, it was a calculated political and ideological decision rooted in geopolitical and demographic strategy<sup>2</sup>. The use of time as a political tool seeks to entrench a colonial-settler<sup>3</sup> reality through state power that becomes increasingly difficult to reverse. At the same time, the Palestinian Jerusalemite is left in a prolonged state of waiting—awaiting the end of the occupation and the restoration of their rights and resources in the city<sup>4</sup>.

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<sup>1</sup> Government of Israel. *Entry into Israel Law, 1952*. Accessed April 21, 2025. [https://www.gov.il/BlobFolder/generalpage/ru\\_submission\\_ofan\\_appeal\\_under\\_the\\_entry\\_into\\_israel\\_law/he/KenisaLeisrael\\_0.pdf](https://www.gov.il/BlobFolder/generalpage/ru_submission_ofan_appeal_under_the_entry_into_israel_law/he/KenisaLeisrael_0.pdf)

<sup>2</sup> Goodin, Robert E., James Mahmud Rice, Antti Parpo, and Lina Eriksson. *Discretionary Time: A New Measure of Freedom*. Cambridge: Cambridge University Press, 2008.

<sup>3</sup> Samman, Maha. "The Production of Colonial Temporal Patterns in East Jerusalem." *Journal of Holy Land and Palestine Studies* 17, no. 1 (2018): 59–74.

<sup>4</sup> Samman, Maha. *Trans-Colonial Urban Space in Palestine: Politics and Development*. London: Routledge, 2013.

This state of temporal uncertainty has shaped power relations and obstructed Palestinians from exercising their rights to the city, while Israel imposes policies that entrench its colonial-settlement character and aim to alter the city's identity. As a result, Palestinian Jerusalemites—both individually and collectively—have postponed many aspects of development, clinging instead to a state of survival. This "enforced postponement," whether implicit or explicit, has fueled resistance to Israeli aggression through a discourse and praxis of *sumud* (steadfastness), the struggle for survival, and the rejection of normalization or partnership with the occupier, including in areas such as urban spatial planning, since any participation might be perceived as acquiescence to the colonial project.

This asymmetrical temporality reflects a paradox: while Palestinians view the Israeli occupation as temporary and destined to end, the Israeli state treats Palestinians as temporary residents—administering their lives without granting them long-term rights, and gradually conditioning them to accept a de facto, evolving reality of fixed Israeli sovereignty reinforced through official planning and legal systems. This coercive adaptation is enforced through a sophisticated matrix of control, while deferring any political or geopolitical resolution and maintaining the separation of Palestinian Jerusalemites from their natural national and civic space <sup>1</sup>.

Under the Entry into Israel Law of 1952, the imposition of "permanent residency" on Palestinians following the 1967 occupation entrenched their legal temporariness. Originally intended for foreign laborers, this status disregards the indigenous nature of Palestinian residents<sup>2</sup>. Though this residency grants voting rights in municipal elections, it does not permit participation in national (Knesset) elections. Thus, despite their physical and economic presence in the city, Palestinian Jerusalemites are politically absent. Most refuse to vote in Israeli municipal or national elections—either voluntarily or under social pressure—as part of their national rejection of normalization. Consequently, their ability to influence political decisions and access municipal budgets

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<sup>1</sup> Bimkom – Planners for Planning Rights. *Trapped in the Web of Planning Policies: Urban Planning and Development in Palestinian Neighborhoods in East Jerusalem*. Jerusalem: Bimkom, 2015.

<sup>2</sup> Israeli State Comptroller. *Report on Citizenship and Family Unification Applications in East Jerusalem (2008–2017)*. Jerusalem, 2019. (Based on data presented in your note about 20,000 applications and approval rates.)

is weakened. Nevertheless, their adherence to national Palestinian identity and international legal frameworks leads many to prioritize long-term rights over potentially short-term material gains.

In turn, Israeli authorities exploit the political abstention of Jerusalemites to blame them for the lack of services and development in their neighborhoods, effectively punishing them for not participating in a system that structurally discriminates against them. The status of "permanent residency" thus denies them a basic right—stable citizenship—and underpins broader patterns of discrimination in the administration of their daily individual and collective lives <sup>1</sup>.

This state of imposed temporariness has shaped the sociopolitical and cultural behavior of the majority of Palestinian Jerusalemites. It reflects the broader goals of the Palestinian national project, which aspires toward liberation and the establishment of an independent Palestinian state with East Jerusalem as its capital. As a result, Jerusalemites are torn between their civil and municipal rights, and their national and political identity. Meanwhile, Israeli authorities—including the Jerusalem Municipality—continue to treat them as individual residents rather than as a national group with collective political interests. This policy framing dictates how public budgets are allocated and justifies discriminatory underinvestment in Palestinian neighborhoods.

Under the "permanent residency" system, Jerusalemites face the ongoing threat of identity revocation and forced displacement, along with severe travel restrictions. One of the most tangible examples of this threat is Israel's construction of the separation wall post-2002, which fragmented Palestinian neighborhoods and left approximately 50,000 Jerusalemites—despite holding Israeli identity cards—outside the city's boundaries <sup>2</sup>.

The threat escalated significantly following Israel's implementation of the "Center of Life" policy in 1995. Under this policy, every Palestinian Jerusalemite must prove that their center of life is in Jerusalem—that is, they must demonstrate residence and

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<sup>1</sup> Khamaise, Rassem. "Demographobia in Jerusalem: Reality, Transformations, and Projections." *Arab Politics Journal (Siyāsāt 'Arabīyah)*, no. 39 (2019): 8–29.

<sup>2</sup> Dajani, Muna, Daniela DeLeo, and Nura AlKhalili. "Planned Informality as a Byproduct of the Occupation: The Case of Kufr Aqab Neighborhood in Jerusalem North." *Planum: The Journal of Urbanism* 1, no. 26 (2013): 2–10

employment in the city for the past seven years. Failure to meet this condition may lead to revocation of residency and confiscation of identity cards. In such cases, the person's property may be declared "absentee property" and seized by the state for its own purposes. As a result of this policy, 14,595 Palestinian Jerusalemites lost their residency and identity cards between 1967 and 2016 <sup>1</sup>.

Palestinians living in East Jerusalem and within Israel who have had their residency revoked or were never officially registered find themselves in a complex legal position, somewhere between statelessness and refugee status, yet without the full protections of either category. According to the 1954 Convention Relating to the Status of Stateless Persons, a stateless individual is defined as "a person who is not considered as a national by any State under the operation of its law" (Article 1)<sup>2</sup>. Many Palestinians in Jerusalem whose residencies have been revoked and who hold no other citizenship fall precisely within this definition.

Simultaneously, many of these individuals—particularly descendants of those forcibly displaced in 1948 or 1967—fall under the definition of a refugee in the 1951 Convention Relating to the Status of Refugees <sup>3</sup>. However, this Convention excludes Palestinians who receive assistance from UNRWA (Article 1D). Still, this exclusion is lifted if UNRWA assistance ceases or becomes unavailable, which applies to many Jerusalemites who live beyond UNRWA's operational mandate <sup>4</sup>.

This dual exclusion results in a serious legal vacuum, where stateless Palestinians are denied the protections afforded by either convention. They are deprived of fundamental rights such as freedom of movement, civil registration, access to education

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<sup>1</sup> Human Rights Watch. "Israel: Jerusalem Palestinians Stripped of Status." *Human Rights Watch*, August 8, 2017. <https://www.hrw.org/news/2017/08/08/israel-jerusalem-palestinians-stripped-status>.

<sup>2</sup> UNHCR, *Convention Relating to the Status of Stateless Persons*, 1954, [https://www.unhcr.org/ibelong/wp-content/uploads/1954-Convention-relating-to-the-Status-of-Stateless-Persons\\_ENG.pdf](https://www.unhcr.org/ibelong/wp-content/uploads/1954-Convention-relating-to-the-Status-of-Stateless-Persons_ENG.pdf).

<sup>3</sup> UNHCR, *Convention Relating to the Status of Refugees*, 1951, <https://www.unhcr.org/1951-refugee-convention.html>.

<sup>4</sup> Susan M. Akram, "Palestinian Refugees and Their Legal Status: Rights, Politics, and Implications for a Just Solution," *Journal of Palestine Studies* 31, no. 3 (2002): 36–51, <https://doi.org/10.1525/jps.2002.31.3.36>

and healthcare, in clear violation of Article 15 of the Universal Declaration of Human Rights, which states: "Everyone has the right to a nationality" and "No one shall be arbitrarily deprived of his nationality."<sup>1</sup>

Accordingly, Palestinian Jerusalemites who have had their residencies revoked and have not acquired any other nationality fall into a composite category between statelessness and refugee status. This legal ambiguity demands that the international community and institutions of international humanitarian law re-evaluate their protective mechanisms and develop more inclusive standards to ensure that these individuals can fully enjoy their human rights, beyond narrow legal classifications <sup>2</sup>.

The researcher concludes that the overarching aim of the Israeli colonial project is the displacement of the indigenous Palestinian population and the replacement of this population with Israeli Jews. This process of displacement and substitution is ultimately designed to establish a state with a Jewish demographic majority. The settlement practices implemented in Jerusalem provide undeniable evidence that the Israeli occupation employs targeted strategies and policies to erase Palestinian presence and Judaize the city <sup>3</sup>. To maintain a demographic advantage, Israel has enacted racially discriminatory laws that severely restrict the lives of Jerusalemites, thereby pressuring them to leave the city<sup>4</sup>.

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<sup>1</sup> United Nations, *Universal Declaration of Human Rights*, 1948, art. 15, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

<sup>2</sup> BADIL Resource Center for Palestinian Residency and Refugee Rights, *Survey of Palestinian Refugees and Internally Displaced Persons 2016–2018* (Bethlehem: BADIL, 2019), <https://www.badil.org>.

<sup>3</sup> Human Rights Watch, "Israel: Jerusalem Palestinians Stripped of Status," August 8, 2017, <https://www.hrw.org/news/2017/08/08/israel-jerusalem-palestinians-stripped-status>

<sup>4</sup> Nadera Shalhoub-Kevorkian, *Security Theology, Surveillance and the Politics of Fear* (Cambridge: Cambridge University Press, 2015)

## Chapter One: The Status of Palestinian Jerusalemites in Jerusalem

### Section One: The Legal Status of Palestinians in Jerusalem

Following the 1967 occupation of East Jerusalem, Israeli forces expelled the Jordanian army and established full military control over the city, justifying this move through ideological claims of historic and religious entitlement to the land and asserting that the city was *terra nullius*—without sovereignty. These assertions were then used to legitimize Israel’s policies toward the occupied Palestinian territories, including East Jerusalem <sup>1</sup>.

The Israeli government sought to alter the legal status, demographic reality, and political identity of the city through legislation, military orders, and control over all legislative, executive, and judicial authorities in the territories previously under Jordanian civil administration. On June 25, 1967, the Israeli government submitted three proposed laws concerning Jerusalem:

1. An amendment to the Law and Administration Ordinance (1967), enabling its application in any area considered part of “the Land of Israel.”
2. An amendment to the Municipalities Ordinance, placing East Jerusalem under the authority of the West Jerusalem Municipality.
3. The Law for the Protection of Holy Places, bringing them under Israeli jurisdiction<sup>2</sup>.

These legal measures facilitated Israel’s control over Jerusalem and implemented its Zionist strategy of gradually displacing the Palestinian population. The Israeli authorities imposed a curfew and conducted a population census the day after the occupation began. Residency rights were granted only to those physically present during the census. Those who were absent—even temporarily—were denied the right to return. As a result, Palestinians were granted only permanent residency and were regarded as Jordanian nationals allowed to retain their Jordanian passports. Israel maintained the

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<sup>1</sup> Osama Halabi, *The Legal Status of the City of Jerusalem and Its Arab Citizens* (Beirut: Institute for Palestine Studies, 1997)

<sup>2</sup> BADIL Resource Center, *Survey of Palestinian Refugees and Internally Displaced Persons 2016–2018* (Bethlehem: BADIL, 2019), <https://www.badil.org>.

Jordanian Shari'a court for registering marriages and renewing Jordanian passports, while clearly pursuing a policy of *land annexation without population inclusion*, creating a Jewish demographic majority <sup>1</sup>.

The Knesset later passed a series of legislative amendments subjecting Palestinians to Israeli civil law, including the application of Israeli courts to all legal matters, mandatory compliance with Israeli tax regulations, and the issuance of blue identity cards based on the Entry into Israel Law of 1952<sup>2</sup>. Although some civil rights were nominally extended—such as access to health care, education, and the ability to work in official institutions—these were conditional and accompanied by strict requirements.

Among these requirements was the need to prove that Jerusalem was the applicant's "center of life", typically by presenting utility bills, lease agreements, and employment documentation. Land confiscations and home demolitions also intensified, aimed at expanding Israeli settlements at the expense of Palestinian neighborhoods—despite the extension of Israeli law, Palestinians were neither granted full citizenship nor required to take loyalty oaths, which are a prerequisite for naturalization under Israeli law<sup>3</sup>. While Palestinians were allowed to apply for citizenship voluntarily and to vote in municipal elections, they were excluded from national elections. The majority of Jerusalemites rejected participation as an expression of refusal to legitimize the occupation and Israel's claim to the city.

Israeli authorities have met this resistance with aggressive suppression tactics—including mass arrests, home demolitions, property confiscation, curfews, and displacement—all with the goal of annexing maximum land with a minimal Arab population in order to maintain a Jewish demographic majority in the city<sup>4</sup>.

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<sup>1</sup> Hanadi Al-Zughair, *Silent Transfer: Revocation of Palestinian Residency from Jerusalem* (Jerusalem: Civic Coalition for Palestinian Rights, 2007).

<sup>2</sup> Government of Israel, *Entry into Israel Law, 1952*, [https://www.gov.il/BlobFolder/generalpage/ru\\_submission\\_ofan\\_appeal\\_under\\_the\\_entry\\_into\\_israel\\_law/he/KenisaLeisrael\\_0.pdf](https://www.gov.il/BlobFolder/generalpage/ru_submission_ofan_appeal_under_the_entry_into_israel_law/he/KenisaLeisrael_0.pdf)

<sup>3</sup> Human Rights Watch, "Israel: Jerusalem Palestinians Stripped of Status," *HRW*, August 8, 2017, <https://www.hrw.org/news/2017/08/08/israel-jerusalem-palestinians-stripped-status>.

<sup>4</sup> Maha Samman, *Trans-Colonial Urban Space in Palestine: Politics and Development* (London: Routledge, 2013)

After the occupation of East Jerusalem, Israel imposed its legal system on the city and denied its Palestinian inhabitants their historical and legal rights. Rather than granting citizenship, Israel classified them as “permanent residents” following a detailed door-to-door census. Only those physically present were registered; anyone absent due to war or personal circumstances was excluded. This approach rendered many lifelong residents as *absentees*, stripping them of legal and social rights and severing familial and geographic ties—constituting a deliberate strategy to depopulate the city of Palestinians<sup>1</sup>.

While Israeli citizenship grants full political rights, healthcare, and social benefits—including unconditional return from abroad—permanent residency is contingent on continuous presence and proof of life in the city. Palestinians must provide documentation like utility bills and school records for children in order to renew basic services like ID cards or access health insurance. This institutionalized inequality clearly reveals a structure of systemic discrimination<sup>2</sup>.

Whereas Jews benefit from the Law of Return, Palestinians in East Jerusalem are governed by the Entry into Israel Law (1952), which gives the Israeli Minister of Interior broad powers to revoke residency. Residency may be stripped if a person resides outside Israel for more than seven years, obtains permanent residency elsewhere, or acquires foreign citizenship. This law has become a key instrument in reducing the Palestinian population in Jerusalem<sup>3</sup>.

Israeli policies reach far beyond residency laws. Individuals who move to West Bank suburbs, study or work abroad, or acquire another nationality are all subject to revocation. Between 1967 and the end of 2018, 14,643 Palestinians lost their residency status. In 2019 alone, 19 additional identity cards were revoked<sup>4</sup>.

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<sup>1</sup> Bimkom, *Trapped in the Web of Planning Policies: Urban Planning and Development in Palestinian Neighborhoods in East Jerusalem* (Jerusalem: Bimkom, 2015)

<sup>2</sup> Susan M. Akram, “Palestinian Refugees and Their Legal Status,” *Journal of Palestine Studies* 31, no. 3 (2002): 36–51.

<sup>3</sup> Rassem Khamaise, “Demographobia in Jerusalem: Reality, Transformations, and Projections,” *Arab Politics Journal* 39 (2019): 8–29

<sup>4</sup> Israeli State Comptroller, *Report on Citizenship and Family Unification Applications in East Jerusalem (2008–2017)* (Jerusalem, 2019)

These are not isolated administrative acts, but rather part of a broader demographic and geographic strategy aimed at reshaping Jerusalem. The withdrawal of residency rights, unequal legal standards, and repeated demands for proof of residency all function as tools of displacement, working in concert to Judaize the city and eliminate its Palestinian identity. These practices reflect the core of a colonial-settler project—one that targets the indigenous population for erasure, and seeks to dominate both space and narrative.

## **Section Two: Historical Foundations of Israeli Laws Treating Jerusalemite Palestinians as Residents, Not Citizens**

Two years after the 1948 occupation of Palestine, the Israeli authorities began enacting legal frameworks aimed at displacing the indigenous Palestinian population of Jerusalem in order to achieve demographic superiority for Jewish settlers. On 5 July 1950, the Israeli Knesset enacted the Law of Return, which granted every Jew, regardless of their origin or nationality, the automatic right to immigrate to historic Palestine and obtain Israeli citizenship. The law further extended these rights to include the children, grandchildren, spouses, and spouses of the grandchildren of Jewish immigrants <sup>1</sup>.

By contrast, the Law of Return granted no parallel right to Palestinians—even those born in historic Palestine <sup>2</sup>.

Subsequently, on 1 April 1952, the Knesset passed the Citizenship Law, which granted automatic citizenship to Jewish immigrants upon their arrival. Article 3 of the law explicitly excluded Palestinians who had resided in Palestine before 1948 from acquiring citizenship or residency rights in Jerusalem <sup>3</sup>. This legal framework laid the foundation for the revocation of residency rights of Palestinian Jerusalemites—a practice that persisted until at least 1988—and aimed to solidify a Jewish demographic majority in the city. Amendments introduced in 2008 and 2011 authorized Israeli courts to revoke citizenship from individuals convicted of espionage, treason, or assistance to enemy

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<sup>1</sup> State of Israel, Law of Return, 5710-1950, Official Gazette No. 51, 5 July 195

<sup>2</sup> Shehadeh, Nadim. "The Legal Framework of Second-Class Citizenship in Israel." *Journal of the Right of Return* 5, no. 3 (2013): 1–10

<sup>3</sup> State of Israel, Citizenship Law, 5712-1952, Official Gazette No. 95, 1 April 1952, art. 3.

entities during wartime. These amendments further empowered Israeli authorities to revoke citizenship from Palestinians under broad and vague security pretexts <sup>1</sup>.

Also in 1952, the Knesset enacted the Entry into Israel Law, which classified Palestinian residents of Jerusalem as "permanent residents" rather than citizens<sup>2</sup>. Under this law, Palestinians were treated akin to foreign nationals who were allowed to work and reside in Israel under restrictive immigration conditions. Their legal rights were thus rendered contingent, temporary, and revocable, comparable to those of migrant workers rather than native inhabitants.

This legal status excluded Palestinians from the protections and entitlements afforded to full Israeli citizens, creating a tiered legal regime that institutionalized discrimination. The Ministry of Interior has continued to rely on this law in its dealings with Palestinian residents of Jerusalem. Under its provisions, any Palestinian applying for family reunification must submit detailed declarations affirming continuous residence in Jerusalem and renouncing any affiliation—whether direct or indirect—with groups deemed hostile to Israel. Applicants are also required to declare they have no criminal record, have not been indicted or deported, and are not subject to any expulsion order.

The law has been invoked in numerous cases, including the 2014 revocation of the family reunification application of Nadia Abu Jamal, the widow of Ghassan Abu Jamal. Her residency rights were stripped, placing her and her children at risk of displacement if they left for the West Bank<sup>3</sup>. This reflects the strategic use of the law by Israeli authorities to target Palestinians' family life as a means of indirect expulsion.

Over seventy years since its passage, the Entry into Israel Law remains a key instrument of Israel's broader policy to engineer the demographic composition of

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<sup>1</sup> Amnon Rubinstein and Barak Medina, *The Constitutional Law of the State of Israel*, 6th ed. (Jerusalem: Schocken, 2005), 236–240.

<sup>2</sup> State of Israel, Entry into Israel Law, 5712-1952, available at: [https://www.gov.il/BlobFolder/generalpage/ru\\_submission\\_ofan\\_appeal\\_under\\_the\\_entry\\_into\\_israel\\_law/he/KenisaLeisrael\\_0.pdf](https://www.gov.il/BlobFolder/generalpage/ru_submission_ofan_appeal_under_the_entry_into_israel_law/he/KenisaLeisrael_0.pdf)

<sup>3</sup> Human Rights Watch, "Israel: Jerusalem Palestinians Stripped of Status," August 8, 2017, <https://www.hrw.org/news/2017/08/08/israel-jerusalem-palestinians-stripped-status>.

Jerusalem<sup>1</sup>. It continues to function as a legal tool for the forced displacement and dispossession of Palestinian Jerusalemites<sup>2</sup>.

Attorney Manal Al-Hazzan Abu Sunaina, legal director of the Saint Yves Center for Human Rights, explained that Palestinians holding Jerusalem identity cards are not recognized as Israeli citizens. Instead, the Israeli Ministry of Interior holds discretionary authority to revoke their residency status at any time—even if the individual has lived and worked in Jerusalem for decades<sup>3</sup>. Al-Hazzan clarified that the Interior Minister may withdraw the "permanent residency card" from any individual deemed a "security threat" to the State of Israel. These broad powers have been used to revoke the residency of individuals born in the West Bank or outside Palestine altogether, thereby reinforcing a discriminatory system that denies Palestinian Jerusalemites equal legal standing with their Jewish counterparts.

This framework, wherein Palestinians are granted only a precarious residency rather than citizenship, reinforces a legal structure of demographic engineering aimed at reducing the Palestinian presence in the city.

Following the 1967 Six-Day War, Israel implemented a strategic plan to consolidate its control over East Jerusalem by encouraging mass Jewish settlement. Former Prime Minister David Ben-Gurion famously declared, "We must bring Jews to East Jerusalem at any cost and settle many of them there... in a short time."

In line with this agenda, Israeli military commander Uzi Narkiss issued Military Order No. 2<sup>4</sup>, which dissolved the Jordanian civil administration and imposed Israeli law on Jerusalem as of 26 July 1967. The Israeli government dissolved Palestinian and Jordanian municipal institutions and brought the city under direct Israeli control<sup>5</sup>.

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<sup>1</sup> **Al-Suhaili, Nabil.** "The Demographic Struggle between Arabs and Jews in the City of Jerusalem Since the Basel Conference of 1897." *Justice and Charity Group*, June 7, 2007

<sup>2</sup> **Zughair, Hanadi.** *Silent Transfer: Revocation of Palestinian Residency in Jerusalem*. Jerusalem: Civic Coalition for Palestinian Rights in Jerusalem, 2007.

<sup>3</sup> Interview with Manal Al-Hazzan Abu Sunaina, Saint Yves Center for Human Rights, cited in Haaretz.

<sup>4</sup> Military Order No. 2 and Military Order No. 5, Israeli Defense Forces (1967)

<sup>5</sup> **Abdul Rahman, Asaad.** "Jerusalemite Identity: The Massacre of ID Card Revocations." *Al-Ittihad (UAE)*, April 6, 2012

Military Order No. 5, issued later that year, imposed severe restrictions on Palestinian movement within Israel and the West Bank. Entry into or exit from these areas required special permits—a regime that lasted until 1971 when Israel introduced a general entry permit. This permit was later suspended during periods of political tension, including the 1991 Gulf War, when the permit regime was replaced by individual permits. By March 1993, restrictions tightened further, effectively besieging Palestinian movement into Jerusalem.

As a result, Palestinians holding green identity cards were barred from entering Jerusalem or other areas of historic Palestine (Israel proper) without prior authorization. This intensified the regime of mobility control and created an apartheid-like system of access to the city.

Among the most significant mechanisms of legal exclusion following the 1967 occupation was the reclassification of Palestinian residents of East Jerusalem as "permanent residents" rather than citizens. While citizenship entails inalienable rights and protections, permanent residency may be revoked by the Interior Minister at any time. This has left thousands of Palestinians vulnerable to displacement.

Residency was only granted to individuals physically present in the city during the 1967 Israeli census. Those absent—even temporarily—were denied residency and, consequently, all legal claims to remain in the city. Over time, Israel conditioned continued residency on proof of uninterrupted presence in Jerusalem, effectively excluding those who relocated elsewhere—even within the West Bank.

In 2002, the Israeli government issued Decision No. 1813, which aimed to address the status of "illegal residents" and regulate family unification procedures. The Knesset later codified this decision in the 2003 Citizenship and Entry into Israel Law <sup>1</sup>. The law imposed sweeping restrictions on family unification, particularly for couples in which one partner was a Palestinian from the West Bank or Gaza Strip.

Previously, in 2000, Interior Minister Eli Yishai of the Shas party had already ordered a freeze on processing all new applications for family unification. Though

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<sup>1</sup> Citizenship and Entry into Israel Law (Temporary Order), 5763-2003

initially temporary, this freeze was extended indefinitely, culminating in a legal framework that divided Palestinian families based on their legal classification and area of residence.

The 2003 law delegated sweeping powers to the Interior Ministry, including the ability to grant or revoke status based on security assessments. In practice, this created a system of collective punishment, where the background of an applicant's family members (including parents and siblings) could be grounds for denial. Additional amendments in 2005 imposed age restrictions—men had to be at least 35 years old, and women at least 25—to qualify for family unification, deepening the discriminatory impact.

In the same year as the 1813 decision, Israel launched the construction of the separation barrier (or wall), including a 168-kilometer segment encircling Jerusalem. Reports by the National Bureau for Land Defense in Palestine indicated that the barrier was deliberately routed to exclude densely populated Palestinian neighborhoods from Jerusalem's municipal boundaries. The stated objective was to reduce the number of Palestinians eligible for residency rights in the city.

Consequently, approximately 59% of Palestinian residents were compelled to move back into areas within the barrier to avoid the risk of losing their residency. The barrier severed Jerusalem from the West Bank and isolated several of its historic neighborhoods, while incorporating tens of thousands of Israeli settlers.

Israeli officials, including Yakir Segev, head of the East Jerusalem file in the Jerusalem municipality, stated that Palestinians living beyond the wall were no longer considered residents of the city. This demographic reengineering strategy was further reinforced by political rhetoric suggesting that areas outside the barrier could be transferred to the Palestinian Authority as part of future negotiations.

After the wall's construction, Israel began aggressively enforcing this residency policy. Legal scholar Hasan Jabarin noted that Israel employed checkpoints, revoked IDs during Ministry of Interior visits, and even removed individuals from population registries without due process. These actions served to economically and socially isolate East Jerusalem, strangling its development.

Furthermore, border crossings into Jerusalem were transformed into quasi-international checkpoints, similar to those along Israel's borders with Jordan and Egypt. This was part of former Prime Minister Ariel Sharon's 2005 plan, which had two major objectives: to implement a permit regime for West Bank access into Jerusalem and to activate the Absentee Property Law<sup>1</sup>.

Under this law, Palestinians residing outside the barrier—including those in the West Bank—could be deemed "absentees," allowing the Israeli state to seize their property. This legal and physical infrastructure serves as a multilayered apparatus of dispossession, forcing Palestinians out of the city and providing grounds for revoking their residency.

### **Section Three: The Status of Palestinian Jerusalemites under International Law**

The issue of Palestinian Jerusalemites represents one of the most complex and critical legal and humanitarian challenges in the context of the Israeli-Palestinian conflict. It encapsulates the intersection of historical dispute and the daily suffering of Palestinians under Israeli occupation. The residents of East Jerusalem endure systemic violations of their basic rights while Israel enacts policies designed to reshape the demographic and geographic structure of the city. These colonial measures manifest through the forced displacement of Palestinians, demolition of homes, and land confiscation, turning the lives of Palestinian Jerusalemites into an ongoing struggle to preserve their presence and identity<sup>2</sup>.

Under international law, the forcible transfer of Palestinians from occupied East Jerusalem constitutes a war crime. The revocation of residency rights is a central tool in Israel's broader strategy of forced displacement and population transfer. This policy, when systematic and widespread, amounts to a crime against humanity under Articles 7 and 8 of the Rome Statute of the International Criminal Court<sup>3</sup>. The practice further violates Articles 49 and 147 of the Fourth Geneva Convention, which strictly prohibit the deportation or transfer of protected persons.<sup>3</sup>

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<sup>1</sup> Absentee Property Law, 5710-1950, Official Gazette No. 37, 14 March 1950

<sup>2</sup> ???

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International humanitarian law also prohibits occupying powers from imposing loyalty obligations on protected populations. Article 45 of the 1907 Hague Regulations and Article 68(3) of the Fourth Geneva Convention establish that individuals under occupation may not be compelled to swear allegiance to the occupying power<sup>1</sup>. Punitive revocation of residency rights based on the alleged actions of a family member constitutes collective punishment and is strictly forbidden by Article 33 of the Fourth Geneva Convention<sup>2</sup>.

The cancellation of residency rights also contravenes the foundational principles of international humanitarian law, which deny the occupying power any sovereign legislative authority over occupied territory. Article 43 of the Hague Regulations and Article 64(2) of the Fourth Geneva Convention clarify that the occupier's legislative reach must be limited to maintaining public order and civil life<sup>3</sup>. By enacting domestic laws such as the Entry into Israel Law to revoke residency, Israel unlawfully asserts sovereignty over East Jerusalem.

This policy also breaches international human rights law, particularly Article 12 of the International Covenant on Civil and Political Rights (ICCPR), which guarantees the right to leave and return to one's country, and Article 26 of the same covenant, which prohibits discrimination.<sup>7</sup> The selective application of Israel's residency revocation laws solely to Palestinians in East Jerusalem violates the principle of equality before the law and constitutes a form of racial discrimination<sup>4</sup>.

Although the right of residency is affirmed under various international legal instruments, Israel continues to violate this right—particularly in Jerusalem—through legal frameworks designed to revoke the permanent residency of Palestinian Jerusalemites. These laws, introduced following Israel's annexation of the city in 1967, lack any valid legal foundation under international law. East Jerusalem is internationally

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<sup>1</sup> Fourth Geneva Convention, Arts. 49, 147, 1949. <sup>4</sup> Hague Regulations, Art. 45, 1907; Fourth Geneva Convention, Art. 68(3), 1949.

<sup>2</sup> Fourth Geneva Convention, Arts. 49, 147, 194

<sup>3</sup> Hague Regulations, Art. 43, 1907; Fourth Geneva Convention, Art. 64(2), 1949

<sup>4</sup> Al-Bawsala. *How Does International Law View the Revocation of Residency from Palestinians in Jerusalem as a Punitive Measure?* December 20, 2023. Accessed December 20, 2024. <https://alqudsalbawsala.com/ar/post/1266>

recognized as part of the occupied Palestinian territory, and its annexation occurred through the use of armed force. Therefore, the Fourth Geneva Convention of 1949 remains the applicable legal framework<sup>1</sup>, and Israel, as a party to the Convention since July 6, 1951<sup>2</sup>, is bound by its provisions.

According to Article 6 of the Fourth Geneva Convention, all occupied territories, including Jerusalem, are subject to the protections afforded by the Convention. Article 6 states: “The present Convention shall apply from the outset of any conflict or occupation mentioned in Article 2.”<sup>3</sup> Despite this clear provision, the occupying power—Israel—has unilaterally ceased applying the Convention in the occupied Palestinian territories after 1952<sup>3</sup>.

Israel’s claim that its annexation of Jerusalem after 1967 justifies its measures toward the Palestinian population is in direct contradiction with Article 47 of the Fourth Geneva Convention, which stipulates: “Protected persons who are in occupied territory shall not be deprived, in any case or in any manner whatsoever, of the benefits of the present Convention by any change introduced, as the result of the occupation of a territory, into the institutions or government of the said territory, nor by any agreement concluded between the authorities of the occupied territories and the occupying power, nor by any annexation by the latter of the whole or part of the occupied territory<sup>4</sup>.”

It is therefore unlawful for the Israeli authorities to invoke Article 11(a) of the Entry into Israel Law to revoke the residency status of Palestinian Jerusalemites. This law is in clear violation of Article 43 of the Hague Regulations of 1907, which grants the occupying power only temporary and limited legislative authority—strictly to maintain public order and safety, and only to the extent required by military necessity. The

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<sup>1</sup> International Committee of the Red Cross (ICRC). *The Geneva Conventions of August 12, 1949*. Geneva: ICRC.

<sup>2</sup> Ruwaidi, Ahmad. *Restricting the Arab Presence and Enhancing Jewish Presence in Jerusalem*. Jerusalem: Jerusalem Center for Women, 1997.

<sup>3</sup> Al-Bawsala, “How Does International Law View the Revocation of Residency from Palestinians in Jerusalem as a Punitive Measure?” *Alquds al-Bawsala*, December 20, 2023, <https://alqudsalbawsala.com/ar/post/1266>.

<sup>4</sup> Dweik, Musa. *Jerusalem and International Law: A Study on the Legal Status of the City and Israeli Violations of Human Rights*. Alexandria, Egypt: Dar Al-Maaref, 2002.

occupant is prohibited from enacting sweeping legislative measures, regardless of their substance or timing, and is further barred from altering or transforming the legislative, judicial, social, or economic order in the occupied territory<sup>1</sup>. Any such actions must take into consideration the well-being and interests of the protected population<sup>2</sup>. Article 43 specifically requires the occupying power to respect the laws in force in the occupied territory unless absolutely prevented. The clause "unless absolutely prevented" must not be interpreted in a manner that allows the occupier to arbitrarily introduce legislative changes; such conduct would constitute an unlawful usurpation of sovereignty.

Accordingly, all measures undertaken by the Israeli Ministry of Interior in Jerusalem to revoke the residency status of Palestinian inhabitants of the city stand in violation of international law, including general international law, international humanitarian law, and the general principles of law recognized by the United Nations. These measures, which rely on the Entry into Israel Law of 1952 and its 1974 amendments following the occupation of Jerusalem, lack any legal validity under the regime of military occupation and must be considered null and void<sup>3</sup>.

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<sup>1</sup> 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, October 18, 1907, art. 43.

<sup>2</sup> ????????

<sup>3</sup> 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, October 18, 1907, art. 43.

## Chapter Two: The Legal Status of Jerusalem under International Law

Jerusalem is considered an occupied territory under international law. As such, the relationship between the Israeli authorities—as the occupying power—and the city of Jerusalem and its residents must be governed by the rules and provisions of international law of belligerent occupation, particularly international humanitarian law. This includes, most notably, the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War (1949) and the Hague Regulations annexed to the 1907 Hague Convention <sup>1</sup>.

Following the June 1967 war, East Jerusalem was declared an occupied territory, and its Palestinian population are considered civilians residing under occupation. Accordingly, Israel, as the occupying power, is obligated to respect and protect the rights of these civilians. Restrictions may only be imposed insofar as they are explicitly permitted by international law and deemed necessary for the occupying power to fulfill its obligations toward the local population. Furthermore, the occupier must uphold international legal standards by granting full rights to civilians in the occupied territory without discrimination or unlawful diminution <sup>2</sup>.

In 1993, the first direct negotiations between the Palestine Liberation Organization (PLO) and the State of Israel took place, culminating in the exchange of letters of mutual recognition and the signing of the Declaration of Principles on Interim Self-Government Arrangements (Oslo Accord) in Washington, D.C., on 13 September 1993, after more than fourteen rounds of bilateral secret negotiations <sup>3</sup>.

Article I of the Oslo Accord stipulates the establishment of a Palestinian Interim Self-Government Authority (an elected council) for the Palestinian people in the West

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<sup>1</sup> *Convention (IV) Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention)*, August 12, 1949, 75 U.N.T.S. 287; *Hague Convention (IV) Respecting the Laws and Customs of War on Land and Its Annex: Regulations*, October 18, 1907, 36 Stat. 2277.

<sup>2</sup> International Committee of the Red Cross (ICRC), *Commentary on the Fourth Geneva Convention*, 1958

<sup>3</sup> *Declaration of Principles on Interim Self-Government Arrangements*, September 13, 1993, U.N. Doc. A/48/486, S/26560 (1993).

Bank and Gaza Strip for a transitional period not exceeding five years, leading to a permanent settlement based on UN Security Council Resolutions 242 and 338<sup>1</sup>.

The signing of the Oslo Accords led to the establishment of the Palestinian National Authority (PNA), which was granted powers to administer the internal affairs of the Palestinian population in the Gaza Strip and the West Bank<sup>2</sup>. This occurred alongside continued negotiations on permanent status issues, including Jerusalem, refugees, settlements, and borders<sup>3</sup>. The Oslo framework thereby created a Palestinian entity with international legitimacy, receiving support in fulfilling its roles and obligations under the Accords<sup>4</sup>.

Accordingly, it is evident that the Oslo Accords rely upon United Nations Security Council Resolution 242 as the legal foundation for the peace negotiation process. As a result, any Israeli measure that seeks to alter the legal status of the city of Jerusalem is considered null and void, in direct contravention of what was agreed upon in the Declaration of Principles<sup>5</sup>.

Upon signing the agreement, the Israeli authorities implicitly acknowledged the legal authority of Resolution 242, thus generating what is known in international law as a “standstill effect” (*effet suspensif*). This principle stipulates a suspension or freeze of the legal status of Jerusalem from the moment the agreement was signed until the conclusion of final status negotiations. Consequently, any Israeli actions aimed at altering this status—such as land confiscations or other unilateral measures—constitute violations

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<sup>1</sup> Ibid., art. I; see also *UN Security Council Resolutions 242 (1967) and 338 (1973)*.

<sup>2</sup> Ziyada, Khadija. “**The Legal Aspect of the Oslo Agreement.**” *Donia Al-Watan*, March 31, 2013. Accessed December 20, 2024. <https://www.alwatanvoice.com/>

<sup>3</sup> Ahmad, Hossam. “**The Impact of the Oslo Agreement on Palestinian Diplomacy.**” Master’s thesis, Al-Aqsa University, Gaza, Palestine, 2016.

<sup>4</sup> *Declaration of Principles on Interim Self-Government Arrangements*, September 13, 1993, U.N. Doc. A/48/486, S/26560 (1993); see also United Nations, “*Question of Palestine: The Oslo Accords*”, <https://www.un.org/unispal/document/auto-insert-184189/>

<sup>5</sup> United Nations Security Council, *Resolution 242*, S/RES/242 (1967); see also Oslo Accords, Art. I.

of international legitimacy and breach Israel's own obligations under the Oslo framework. These actions are therefore legally invalid and produce no legal effect<sup>1</sup>.

Despite these commitments, the outcome was deeply disappointing. Israeli authorities continued their coercive and unilateral actions in Jerusalem following the signing of the accords in 1993. These included incursions into the Al-Aqsa Mosque, the continuation of tunnel excavations beneath it, and the ongoing expansion of Israeli settlements in the occupied Palestinian territories<sup>2</sup>.

On 19 July 2024, the International Court of Justice issued a historic advisory opinion concerning the legal status of the occupied Palestinian territory, in which it reaffirmed a set of fundamental principles that form the cornerstone for determining the legal status of Jerusalem. The Court unequivocally confirmed that all Palestinian territories occupied in 1967—including the West Bank, the Gaza Strip, and East Jerusalem—constitute a single territorial unit subject to the rules of international humanitarian law, particularly the provisions of the Fourth Geneva Convention.

The Court further concluded that the Israeli occupation of these territories has become unlawful, as it has exceeded the temporal and legal limits of temporary occupation, and because Israel has entrenched permanent measures of an annexationist character—whether through domestic Israeli legislation, intensive settlement policies, residency revocation, or the imposition of the “Center of Life” requirement on the indigenous population. The Court emphasized that any measures, laws, demographic alterations, or administrative changes imposed by Israel do not create legal rights and do not alter the legal status of the occupied territory, in accordance with Article 47 of the Fourth Geneva Convention, which prohibits any derogation from the legal status of occupied territories.

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<sup>1</sup> Shehab, Mufid. “**International Law and the Question of Jerusalem: History and Future.**” In *Proceedings of the International Symposium: The Legal Status of Jerusalem*, edited by the Center for Future Studies, Assiut University, October 29–30, 1996. Cairo, Egypt.

<sup>2</sup> Human Rights Watch, *A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution*, 2021, <https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution>.

The Court also affirmed that settlement policies, annexation, population displacement, and residency revocation are all driven by a consistent objective of producing an unlawful demographic transformation—an act that constitutes a grave breach of international humanitarian law and the principles of general international law, particularly the prohibition on the acquisition of territory by force.

In response to this deteriorating reality in Jerusalem, the United Nations reasserted its longstanding legal and political positions on the status of the city, issuing a number of updated resolutions from the UN Security Council, UN General Assembly, and UNESCO that reaffirmed the inadmissibility of unilateral Israeli measures<sup>1</sup>.

### **Section One: United Nations Security Council Resolutions**

#### **Resolution 252 (1968)**

On May 21, 1968, the United Nations Security Council adopted Resolution 252, which called upon the Israeli authorities to rescind all measures taken that altered the status of Jerusalem. The resolution emphasized adherence to international legality and law, and demanded an end to Israel's colonial policies aimed at consolidating its occupation and displacing the Arab population<sup>2</sup>.

#### **Resolution 1073 (1996)**

On the morning of September 25, 1996, the Palestinian people rose in a nationwide protest following Israel's opening of a tunnel beneath the Al-Aqsa Mosque. As confrontations between Palestinians and Israeli forces escalated, the United Nations Security Council adopted Resolution 1073 on September 28, 1996. The resolution called for "the immediate cessation and reversal of all acts which have resulted in the deterioration of the situation," emphasized the need to ensure the safety and protection of the Palestinian people, and urged the timely implementation of existing agreements<sup>3</sup>. The

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<sup>1</sup> UNESCO, "Decisions Concerning Occupied Palestine," 2009–2022; United Nations General Assembly, Res. 77/23, "Israeli Settlements in the Occupied Palestinian Territory," A/RES/77/23, 2022.

<sup>2</sup> UN Security Council. *Resolution 252 (1968) of 21 May 1968*, S/RES/252, <https://digitallibrary.un.org/record/90478>

<sup>3</sup> UN Security Council. *Resolution 1073 (1996) of 28 September 1996*, S/RES/1073, <https://digitallibrary.un.org/record/227611>.

resolution passed with fourteen votes in favor, no opposition, and one abstention from the United States.

### **Resolution 478 (1980)**

On August 20, 1980, the United Nations Security Council adopted Resolution 478 in response to Israel's official annexation of Jerusalem on July 30, 1980. Through a legislative act passed by the Israeli Knesset, Jerusalem was declared the "complete and united capital of Israel." Following this declaration, Israeli authorities initiated measures aimed at curtailing the rights of Palestinian residents in the city. In rejecting this unilateral action, Resolution 478 deemed all legislative and administrative measures taken by Israel concerning Jerusalem as null and void, stating that such actions violated international law and must be rescinded immediately <sup>1</sup>.

## **Section Two: Resolutions of the United Nations General Assembly**

### **Resolutions 2253 and 2254 (1967)**

In response to Israel's actions aimed at altering the legal and demographic status of Jerusalem following its occupation in 1967, the United Nations General Assembly adopted Resolutions 2253 and 2254. These resolutions explicitly called for the annulment of all measures taken by the Israeli authorities intended to change the status of the city and reaffirmed the illegality of such actions under international law <sup>2</sup>.

### **Resolution 181 (1947)**

In its 128th plenary session, the United Nations General Assembly adopted Resolution 181 in 1947, prior to the establishment of the State of Israel. This resolution designated Jerusalem as a *corpus separatum*—a separate international entity—under a special international regime. It declared that all residents of Jerusalem, both Arabs and Jews, were to be regarded as *de facto* citizens of the city. The resolution also guaranteed equal rights and protections for all inhabitants, including freedoms of religion, language,

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<sup>1</sup> UN Security Council. *Resolution 478 (1980) of 20 August 1980*, S/RES/478, <https://digitallibrary.un.org/record/39294>

<sup>2</sup> United Nations General Assembly. *Resolution 2253 (ES-V) of 4 July 1967, and Resolution 2254 (ES-V) of 14 July 1967*, <https://unispal.un.org>

education, speech, and press, without discrimination based on race, religion, language, or gender <sup>1</sup>.

### **Resolution 36/15 (1980)**

Through Resolution 36/15 adopted in 1980, the United Nations General Assembly expressed deep concern over Israeli policies that affect the demographic composition of Jerusalem, including the revocation of Palestinian identity cards. The resolution called for the respect of the rights of Palestinian residents in the city <sup>2</sup>.

### **Resolution ES-10/19 (2017)**

In an emergency special session held on 21 December 2017, the General Assembly adopted Resolution ES-10/19 in response to the United States' recognition of Jerusalem as the capital of Israel. The resolution declared that any decisions or actions intended to alter the character, status, or demographic composition of Jerusalem have no legal validity and must be rescinded. It reaffirmed the international consensus against the establishment of diplomatic missions in the city <sup>3</sup>.

### **Resolution A/RES/77/247 (2022)**

In 2022, the United Nations General Assembly adopted Resolution A/RES/77/247, requesting an advisory opinion from the International Court of Justice (ICJ) concerning the legal consequences of Israel's ongoing violations of the Palestinian people's right to self-determination and its prolonged occupation of Palestinian territories since 1967,

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<sup>1</sup> United Nations General Assembly. *Resolution 181 (II), Future Government of Palestine*, A/RES/181(II), 29 November 1947, <https://unispal.un.org>

<sup>2</sup> United Nations General Assembly. *Resolution 36/15. The Situation in the Middle East*, 16 December 1980. <https://www.un.org>.

<sup>3</sup> United Nations General Assembly. *Resolution ES-10/19. Status of Jerusalem*, 21 December 2017. <https://www.un.org>.

including measures altering the demographic composition, character, and status of Jerusalem <sup>1</sup>.

### **Section Three: International Laws and Legislation**

#### **Subsection One: The Fourth Geneva Convention of 1949**

Article 147 of the Fourth Geneva Convention of 1949 defines unlawful deportation or transfer, as well as the forcible displacement of protected persons, as grave breaches of the Convention <sup>2</sup>. Article 49 of the same Convention further prohibits the forcible transfer or deportation of protected persons from occupied territories to any other country, regardless of the motive. This prohibition is expressed in absolute terms to ensure the protection of civilian populations and is considered part of the established rules of customary international law <sup>3</sup>.

This prohibition is reinforced by the Charter of the International Military Tribunal at Nuremberg (1945), which classified forced deportations, inhumane acts, and population transfers as criminal acts subject to individual criminal responsibility. These actions constitute violations of the laws and customs of war and are prosecutable under international criminal law <sup>4</sup>.

An exception to the general rule established in Article 147 of the Fourth Geneva Convention is provided in the second paragraph of Article 49. This exception permits the evacuation of certain populations by the occupying power if required for the security of the population or for imperative military reasons <sup>5</sup>. However, such evacuations must not result in the displacement of civilians beyond the borders of the occupied territory and

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<sup>1</sup> United Nations General Assembly. *Resolution A/RES/77/247. Israeli Practices Affecting Human Rights of the Palestinian People in the Occupied Territory, Including East Jerusalem*, 30 December 2022. <https://www.un.org>

<sup>2</sup> Geneva Convention IV Relative to the Protection of Civilian Persons in Time of War, August 12, 1949, Article 147

<sup>3</sup> Geneva Convention IV, Article 49.

<sup>4</sup> Charter of the International Military Tribunal (Nuremberg), August 8, 1945, Article 6(c)

<sup>5</sup> Geneva Convention IV Relative to the Protection of Civilian Persons in Time of War, August 12, 1949, Article 49(2)

must ensure their return to their homes as soon as hostilities have ceased and the state of emergency has ended <sup>1</sup>.

## **Subsection Two: The Rome Statute of the International Criminal Court**

Article 8 of the Rome Statute of the International Criminal Court affirms that if an occupying power transfers parts of its own civilian population into the territory it occupies, or forcibly displaces the indigenous civilian population from that territory to any other area—whether within or outside the occupied territory—such acts constitute serious violations of the laws and customs applicable in international armed conflict <sup>2</sup>. The Statute clearly classifies these acts, including population transfers and forced displacement by parties to the conflict during armed hostilities or in occupied territories, as grave breaches of the Fourth Geneva Convention of 1949 and categorizes them as war crimes <sup>3</sup>.

Although Article 8 of the Rome Statute classifies “forcible transfer” and “deportation” as war crimes when committed in the context of an international armed conflict, the Statute itself provides an important distinction between deportation as a war crime and deportation as a crime against humanity. Article 7(1)(d) of the Statute stipulates that the “deportation or forcible transfer of population” constitutes a crime against humanity when committed “as part of a widespread or systematic attack directed against any civilian population.” This distinction indicates that the gravity of the act is measured not only by its nature, but also by its systematic character, scale, and repetitive or policy-driven pattern.

In the case of Jerusalem, documents issued by the United Nations and the International Criminal Court demonstrate that policies of residency revocation, the imposition of the “Center of Life” requirement, and restrictions on housing and urban expansion are implemented as part of a general policy aimed at reducing the Palestinian presence and reinforcing Israeli demographic control. This places such conduct within the meaning of a “widespread or systematic attack” as defined in Article 7. According to

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<sup>1</sup> Ibid.

<sup>2</sup> Rome Statute of the International Criminal Court, art. 8(2)(b)(viii), July 17, 1998, 2187 U.N.T.S. 90

<sup>3</sup> Ibid.; see also Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), August 12, 1949, arts. 49 and 147.

the legal analysis of the Human Rights Council's Fact-Finding Mission, practices related to the removal of Palestinians from Jerusalem cannot be considered solely as war crimes; rather, they also amount to crimes against humanity, as they are linked to a continuous, wide-ranging state policy targeting a specific population group on national grounds.

Accordingly, the forcible transfer resulting from residency revocation, the denial of housing rights, or the prevention of Palestinians from returning to the city constitutes a dual crime:

- A **war crime** under Article 8(2)(b)(viii), concerning the transfer or displacement of the population from occupied territory; and
- A **crime against humanity** under Articles 7(1)(d) and 7(2)(d), when such policies are carried out as part of a widespread or systematic attack directed against the Palestinian civilian population.

In reviewing the international legal framework governing the status of Jerusalem, it becomes evident that the relevant international resolutions have consistently affirmed the city's legal status as occupied territory and rejected Israeli measures intended to alter its demographic and legal character. United Nations Security Council and General Assembly resolutions, such as Resolution 478 and Resolution 2334, have explicitly declared that all Israeli measures—including settlement expansion and the annexation of Jerusalem—are null and void and produce no legal effect.<sup>1</sup> These resolutions are grounded in principles of international law, most notably the Fourth Geneva Convention, which prohibits the forced transfer of populations and demographic manipulation in occupied territories. This legal stance reflects a broad international consensus rejecting the legitimacy of Israeli policies in Jerusalem.<sup>2</sup>

Despite the Oslo Accords and international legal clarity concerning the status of Jerusalem, Israeli authorities have continued to consolidate de facto sovereignty over the city. This has been pursued through the establishment of settlement rings surrounding Jerusalem, the systematic confiscation of Arab property, and the expulsion of its

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<sup>1</sup> United Nations Security Council, Resolution 478 (1980); United Nations Security Council, Resolution 2334 (2016)

<sup>2</sup> Fourth Geneva Convention, art. 49; see also Khadija Ziyada, "The Legal Aspect of the Oslo Agreement," *Donia Al-Watan*, March 31, 2013.

Palestinian residents. The overarching objective is to Judaize the city by creating a demographically homogeneous society—predominantly Jewish and devoid of its indigenous Arab population.

In open defiance of international law and United Nations resolutions, Israel has enacted domestic legislation enabling the revocation of permanent residency status for Palestinian Jerusalemites. Palestinians residing in Jerusalem were not granted citizenship, but rather a precarious form of legal presence: permanent residency. The distinction is legally and politically significant. Citizenship confers an inalienable right to reside and hold nationality, whereas permanent residency can be revoked at the discretion of the Israeli Minister of Interior, rendering any Palestinian susceptible to displacement based on subjective criteria.

Although the legal frameworks governing occupation are explicit—including the inadmissibility of annexation, the prohibition of forcible transfer, and the obligation to maintain the rights of protected persons—these principles have largely remained unenforced. The lack of effective enforcement mechanisms has rendered such legal standards nominal, allowing Israeli violations to continue with impunity. This failure exposes a systemic weakness in the international legal order when confronted with prolonged occupation, and underscores the urgent need for robust diplomatic and political mechanisms to compel Israel to comply with international legitimacy.

Legal clarity, while foundational, is insufficient without corresponding practical enforcement measures. Therefore, the international community must assume a more active role in protecting the rights of Palestinian residents of Jerusalem and halting Israel's unlawful policies of annexation and demographic manipulation.

Israeli authorities have continued to consolidate their sovereignty over Jerusalem even after the Oslo Accords, seeking to encircle the city with settlement belts by systematically confiscating Arab properties and forcibly displacing their owners. This strategy aims to Judaize the city and ensure that the majority of its population is Jewish,

hereby fulfilling Israel’s overarching objective of creating an ethnically homogeneous society—exclusively Jewish and devoid of Arabs.<sup>1</sup>

In pursuing this policy, Israeli authorities have disregarded international legal norms and enacted domestic legislation that allows for the revocation of permanent residency status from Palestinian residents of Jerusalem. Palestinians in Jerusalem are not granted Israeli citizenship but only “permanent residency,” a status that is inherently precarious. Citizenship confers an irrevocable legal bond with the state, whereas residency permits may be revoked at the discretion of the Minister of Interior, often under broad and vague pretexts such as “center of life” criteria or alleged security concerns.<sup>2</sup>

Despite the legal clarity provided by international humanitarian law and human rights conventions regarding the protection of civilian populations under occupation, the absence of effective enforcement mechanisms has rendered many of these international resolutions effectively toothless. Israel has continued to violate these principles without facing meaningful accountability.<sup>3</sup>

This reality raises serious concerns regarding the effectiveness of the international legal system in confronting prolonged occupation and annexation policies. It underscores the urgent need to develop more robust diplomatic and political pressure tools that compel Israel to respect international legality. Legal clarity alone is insufficient without concrete mechanisms to implement and enforce these decisions. Therefore, a more proactive role

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<sup>1</sup> Ahmad Ruwaidi, *Taqyid al-Wujud al-‘Arabi wa-Ta’ziz al-Tawajud al-Yahudi fi al-Quds* [Restricting Arab Presence and Enhancing Jewish Settlement in Jerusalem] (Jerusalem: Jerusalem Center for Women, 1997).

<sup>2</sup> Mousa Dweik, *Jerusalem and International Law: A Study of the Legal Status of the City and Israeli Human Rights Violations* (Alexandria: Dar al-Maaref, 2002); Al-Bawsala, “How Does International Law View the Revocation of Residency from Palestinians in Jerusalem as a Punitive Measure?” December 20, 2023, <https://alqudsalbawsala.com/ar/post/1266>

<sup>3</sup> Khadija Ziyada, “The Legal Dimension of the Oslo Accords,” *Donia Al-Watan*, March 31, 2013, accessed December 20, 2024; Hossam Ahmad, *The Impact of the Oslo Accords on Palestinian Diplomacy* (Master’s Thesis, Al-Aqsa University, 2016).

by the international community is essential to protect the rights of Palestinian Jerusalemites and halt Israel's ongoing illegal policies.<sup>1</sup>

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<sup>1</sup> International Committee of the Red Cross (ICRC), *Geneva Convention IV relative to the Protection of Civilian Persons in Time of War*, August 12, 1949; United Nations Security Council Resolution 478 (1980); United Nations General Assembly Resolution ES-10/19 (2017).

## Chapter Three: Israeli Policies Undermining the Legal Status of Jerusalem

### Section One: Geographic Policies

One of the most salient areas in which Palestinian Jerusalemites face systemic discrimination is spatial planning and housing. Israeli statutory and regulative planning mechanisms serve as tools of territorial control that restrict access to adequate housing and employment opportunities for Palestinians in East Jerusalem<sup>1</sup>. Planning laws and instruments such as building permits and land ownership documents (commonly referred to as *tabu* or land registry certificates) are applied discriminatorily between Palestinian residents and Jewish Israelis in the city.<sup>2</sup>

Currently, Palestinian neighborhoods, as defined by the statistical delineation of the Jerusalem Municipality, cover approximately 46,711 dunams, following Israel's confiscation and appropriation of roughly 26,300 dunams from the territory of East Jerusalem.<sup>3</sup> Of this area, only around 9,844 dunams are zoned for residential purposes, allowing for the issuance of building permits, representing merely a quarter of the total residential area available across Jerusalem (41,690 dunams as of 2013).<sup>4</sup>

The total area allocated for development in Palestinian neighborhoods amounts to about 18,627 dunams out of 37,300 dunams covered by approved and guiding master plans—approximately 14.8% of the current jurisdiction of the Jerusalem Municipality.<sup>5</sup> However, only around 8.5% of this jurisdiction is designated for Palestinian residential

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<sup>1</sup> Khamaiseh, Rassem. *Discrimination Against Palestinian Citizens in the Jerusalem Municipality Budget and Governmental Plans: Goals, Forms, and Consequences*. Ramallah: Palestinian Economic Policy Research Institute (MAS), 2020.

<sup>2</sup> Bimkom – Planners for Planning Rights. *Trapped in the Web of Planning Policies: Urban Planning and Development in Palestinian Neighborhoods in East Jerusalem*. Jerusalem: Bimkom, 2015

<sup>3</sup> Maha Samman, *Trans-Colonial Urban Space in Palestine: Politics and Development* (London: Routledge, 2013), 113–115.

<sup>4</sup> Maha Samman, “The Production of Colonial Temporal Patterns in East Jerusalem,” *Journal of Holy Land and Palestine Studies* 17, no. 1 (2018): 59–74.

<sup>5</sup> Ibid.

development. Furthermore, some infrastructure uses, such as roads and open spaces, serve Israeli settlements as well.<sup>1</sup>

It is noteworthy that most of the approved local master plans for Palestinian neighborhoods grant low building rights, generally ranging from 25% to 75%.<sup>2</sup> These plans treat Palestinian neighborhoods as rural communities (e.g., Sur Baher) or as heritage preservation zones (e.g., the Old City and its visual basin), which effectively obstruct the issuance of building permits.<sup>3</sup> This spatial planning regime, therefore, severely restricts urban development for Palestinians and reinforces segregationist policies on the ground.

Another major obstacle to urban development for Palestinian Jerusalemites is the unresolved status of land registration and settlement. Israeli planning authorities routinely deny building permits on the grounds that applicants fail to provide proof of ownership as defined by Israeli law—even when applicants possess traditional forms of ownership, such as *ikhraqj qayd* (land record extracts) or recognized customary possession. Currently, 90% of Palestinian neighborhoods in Jerusalem—covering approximately 46 square kilometers—remain without formal land registration. This is largely due to a government decision to suspend the work of the official in charge of land settlement in these areas.<sup>4</sup>

As a result, the process of obtaining building permits is severely impeded due to the legal difficulties surrounding land ownership. This situation has worsened following the Israeli government's amendments to the Planning and Building Law—specifically Amendments 101 and 104—which mandate that local planning committees, including the Jerusalem Municipality, may not issue a building permit unless the applicant presents formal proof of ownership over land that has been officially zoned and subdivided under an approved master plan.<sup>5</sup> Consequently, the Jerusalem Municipality increasingly refuses

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<sup>1</sup> Bimkom, *Trapped in the Web*, 37.

<sup>2</sup> Samman, *Trans-Colonial Urban Space*, 118.

<sup>3</sup> Bimkom, *Trapped in the Web*, 42–45.

<sup>4</sup> Bimkom – Planners for Planning Rights. *Trapped in the Web of Planning Policies: Urban Planning and Development in Palestinian Neighborhoods in East Jerusalem*. Jerusalem: Bimkom, 2015, 27–30.

<sup>5</sup> *Ibid.*, 32–35.

to accept what is known as a *mukhtar*'s (village head's) signature—a historically recognized document used to prove land ownership for licensing purposes.<sup>1</sup>

One of the most prominent areas in which Palestinian Jerusalemites face systematic discrimination is statutory spatial planning and housing regulation. Planning in East Jerusalem is employed as a tool of control that prevents the provision of adequate housing and limits access to employment. Building permits and land registration documents—such as the Ottoman-era title deed (*kushan*)—are used discriminatorily, denying Palestinians access to legal housing development.<sup>2</sup> Currently, Palestinian neighborhoods as defined by the Jerusalem Municipality cover approximately 46,711 dunums. However, Israel has confiscated about 26,300 dunums of East Jerusalem land since 1967.<sup>3</sup> Of these, only 9,844 dunums—roughly a quarter of the area used for residential purposes—have been allocated for Palestinian housing as of 2013.<sup>4</sup>

In total, only around 18,627 dunums of land are zoned for development in Palestinian neighborhoods—14.8% of the Jerusalem municipal area. Merely 8.5% of the city's territory is designated for Palestinian residential use, while roads and open spaces in East Jerusalem often serve Israeli settlements as well.<sup>5</sup> Local master plans for Palestinian neighborhoods, where approved, tend to grant very low building rights ranging between 25% to 75%.<sup>6</sup> These plans treat neighborhoods such as Sur Baher as rural villages and impose strict preservation limitations in historic areas like the Old City, thus obstructing building permit issuance.<sup>7</sup>

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<sup>1</sup> Maha Samman, *Trans-Colonial Urban Space in Palestine: Politics and Development* (London: Routledge, 2013), 122.

<sup>2</sup> Ir Amim, *Jerusalem: Dispossession and Resistance*, 2020.

<sup>3</sup> B'Tselem, *East Jerusalem: Facts and Figures*, 2022.

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Khamaiseh, Rassem. "Land Settlement and Registration in East Jerusalem: Problems, Challenges, and Implications." *Al-Maqdisiyya*, no. 7 (2020b).

<sup>5</sup> United Nations Office for the Coordination of Humanitarian Affairs (OCHA), *The Planning Crisis in East Jerusalem*, 2012.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

A major obstacle to building permits stems from the lack of land registration, which Israeli authorities use to deny permits on the grounds that ownership cannot be legally proven—even if traditional or community-based documentation exists.<sup>1</sup> As of today, 90% of Palestinian neighborhoods in East Jerusalem (46 km<sup>2</sup>) remain unregistered due to the suspension of land settlement procedures by a government directive.<sup>2</sup> Moreover, amendments to the Planning and Building Law Nos. 101 and 104 prohibit local planning committees—including the Jerusalem Municipality—from issuing permits without formal proof of ownership based on registered master plans.<sup>3</sup> Consequently, the municipality has ceased accepting community-verified documents like the “mukhtar’s signature” as valid proof of land ownership.

These legal and planning obstacles have led many Palestinians to build without permits, resulting in housing insecurity and criminalization. Approximately 20,000 residential units—one-third of the total 57,235 housing units occupied by Palestinians in 2017—are considered unlicensed and face demolition orders.<sup>4</sup> Between 2004 and 2019, Israeli authorities demolished around 970 Palestinian homes, averaging 65 demolitions annually.<sup>5</sup> According to the Jerusalem Municipality’s 2018 budget, it collected approximately 25 million NIS in fines from unauthorized construction, 70% of which came from East Jerusalem.<sup>6</sup> From 1991 to 2018, only 16.5% of all 9,536 building permits issued in Jerusalem were granted to Palestinians.<sup>7</sup>

The housing crisis is exacerbated by the vast gap between housing supply and demand. Between 2009 and 2018, construction began on 26,737 housing units citywide, of which only 4,900 units (18.3%) were in Palestinian neighborhoods.<sup>8</sup> Structural and procedural discrimination in land use and housing has severely affected Palestinians’ daily lives. Notably, the state retains control over confiscated public lands, including

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<sup>1</sup> Bimkom, *The Planning Deadlock: Planning Policy, Land and Housing in East Jerusalem*, 2017.

<sup>2</sup> Ibid.

<sup>3</sup> State of Israel, Planning and Building Law, Amendments No. 101 and 104, 2014.

<sup>4</sup> Ir Amim, *Displaced in Their Own City: Demolitions in East Jerusalem*, 2019.

<sup>5</sup> Ibid.

<sup>6</sup> Municipality of Jerusalem, *Annual Budget Report*, 2018.

<sup>7</sup> Peace Now, *Jerusalem Construction Data*, 2019.

<sup>8</sup> Ibid.

those previously owned by the Jordanian Treasury, which are often allocated for Israeli development projects, excluding Palestinians.<sup>1</sup>

In contrast to Palestinian self-built housing, Jewish neighborhoods benefit from centralized planning, construction, and financial assistance provided by the Ministry of Housing and affiliated companies. Jewish families are eligible for subsidized housing loans, while most Palestinian families are systematically excluded.<sup>2</sup>

East Jerusalem also suffers from functional and economic marginalization, despite Palestinian efforts to develop it as a regional economic hub. Most national Palestinian economic activity is concentrated in Ramallah and beyond the Separation Wall, limiting East Jerusalem's role as a municipal economic center. Israeli municipal and national policies further entrench the dependency of Palestinian Jerusalemites on economic institutions in West Jerusalem.<sup>3</sup>

Additionally, the fragmented distribution of Palestinians across isolated neighborhoods and villages—originally rural service centers—combined with restrictions on establishing national economic institutions in East Jerusalem, has weakened local development. This economic stagnation is unlikely to improve under current planning frameworks and unresolved land registration issues, which remain critical barriers to long-term housing and development solutions for Palestinian residents.<sup>4</sup>

## **Section Two: Demographic Policies**

The demographics of Jerusalem have undergone numerous transformations, some organic and natural, and others coercive in nature. Following the 1948 war and the division of the city, Palestinians were expelled from areas occupied by Israel, leading to a dramatic decline in their proportion of the total Jerusalem population. Between 1948

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<sup>1</sup> Bimkom, *The Planning Deadlock*, 2017.

<sup>2</sup> Ibid.

<sup>3</sup> Khalidi, Raja, and Sobhi Samour, "Neoliberalism as Liberation: The Statehood Program and the Remaking of the Palestinian National Movement," *Journal of Palestine Studies* 40, no. 2 (2011): 6–25.

<sup>4</sup> B'Tselem, *East Jerusalem: Facts and Figures*, 2022.

and 1967, Palestinians constituted less than 1.5% of the city's total population, despite having represented approximately 40% prior to the city's division.<sup>1</sup>

After the occupation of East Jerusalem in 1967, Israel unilaterally delineated and approved new municipal boundaries, again violating international legality. According to United Nations General Assembly Resolution 181 (1947), Jerusalem was to be accorded a special international status under United Nations trusteeship. Nevertheless, Israel occupied and annexed the city, asserting sovereignty in direct contravention of international law and United Nations resolutions.<sup>2</sup>

Following the annexation of East Jerusalem, the demographic composition of the newly expanded municipality incorporated a diverse Palestinian population, consisting of urban dwellers, rural villagers, and Bedouin tribes such as the Sawahra. These communities followed traditional demographic patterns characterized by high birth rates, which led to significant Palestinian population growth primarily driven by natural increase.<sup>3</sup>

Despite Israel's demographic policies aimed at preventing the return of Palestinian refugees and discouraging Palestinian migration to Jerusalem, a notable segment of Palestinian residents, particularly from Hebron and its environs, moved into the city, reinforcing its heterogeneous Palestinian social fabric.<sup>4</sup>

These developments unfolded notwithstanding systematic Israeli efforts to constrain Palestinian demographic growth through restrictive urban policies, land confiscation, housing limitations, and obstacles to family unification, which collectively reflect broader strategies of demographic engineering.<sup>5</sup>

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<sup>1</sup> Rassem Khamaiseh, *The Housing Struggle: The Housing Sector in Jerusalem: Realities, Challenges, Future Needs and Policies* (Jerusalem: International Peace and Cooperation Center, 2006), 22–25.

<sup>2</sup> United Nations General Assembly Resolution 181, "Future Government of Palestine," 29 November 1947.

<sup>3</sup> Rassem Khamaiseh, *Jerusalem: Urban Planning and the Transformation of Spatial and Demographic Realities* (2019).

<sup>4</sup> *Ibid.*

<sup>5</sup> Khamaiseh, *The Housing Struggle*, 34–38.

By 2021, the number of Palestinian Jerusalemites had reached approximately 376,000 individuals, constituting about 39% of the total population of Jerusalem. Between 1967 and 2021, the Palestinian population of Jerusalem grew by approximately 445%, compared to a 198% growth among the Israeli population.<sup>1</sup> Despite Israeli policies aimed at limiting positive Palestinian migration to the city and encouraging Israeli demographic expansion through settlement and natural growth, the rate of Palestinian population increase has more than doubled that of the Israeli Jewish population, which includes both secular and ultra-Orthodox (Haredi) communities.<sup>2</sup>

Currently, the Israeli Jewish residents of Jerusalem are divided into three groups: secular Jews, comprising 33%; religiously observant Jews, also representing 33%; and Haredim, who account for roughly 34% of the population, residing largely in segregated neighborhoods.<sup>3</sup>

There is a direct relationship between the demographic characteristics of a society and its socio-economic conditions. This is particularly evident in the Palestinian community of Jerusalem, which remains predominantly young. The median age among Palestinian Jerusalemites in 2021 was 22.3 years, compared to 25.4 years among Jewish residents of Jerusalem, and 30.1 years among the general Israeli population.<sup>4</sup> Approximately 34% of Palestinian Jerusalemites were children under the age of 14, compared to 33% in the general population of the city. In contrast, elderly individuals (aged 65 and over) constituted about 9% of Jerusalem's total population—13% among the Jewish population versus only 5% among Palestinians.<sup>5</sup>

This demographic structure has profound socio-economic implications: the dependency ratio (i.e., the ratio of dependents to working-age individuals) exceeds 1,092

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<sup>1</sup> Omer Yaniv, *Jerusalem Data: Current Realities and Trends of Change* (Jerusalem: Jerusalem Institute for Policy Research, 2023) (in Hebrew)

<sup>2</sup> Ibid

<sup>3</sup> Ibid

<sup>4</sup> Ibid

<sup>5</sup> Ibid

per 1,000 in the city, reflecting high levels of poverty and economic vulnerability within Jerusalem's Palestinian community.<sup>1</sup>

The demographic structure of Jerusalem significantly reduces the potential labor force participation rate among Palestinian residents. In 2017, only 52% of Palestinians aged 25–64 participated in the labor force, compared to 78% among Israeli Jews in the city.<sup>2</sup> This gap is even more pronounced among women: only 27% of Palestinian women in Jerusalem participated in the workforce, compared to 80% of Israeli Jewish women.<sup>3</sup> Consequently, the low participation rates lead to diminished household incomes, particularly in large families. The average Palestinian household size in Jerusalem in 2021 was 5.0 persons per household, compared to 3.6 persons among Jewish households.<sup>4</sup>

As of 2021, approximately 60% of Palestinian residents in Jerusalem lived below the poverty line, compared to 43% among Haredi Jews and 42% of the general population in the city.<sup>5</sup> The demographic structure plays a crucial role in deepening the economic disparities between Palestinians and Israelis, necessitating greater public expenditure on services, while simultaneously suffering from reduced revenues due to lower employment rates, high unemployment levels, and labor market segmentation.<sup>6</sup> Palestinian workers in Jerusalem are disproportionately concentrated in low-wage sectors, which further undermines their economic resilience and weakens the middle class.<sup>7</sup>

This economic fragility, which reflects the systematic impoverishment of Palestinian Jerusalemites, calls for governmental intervention to provide basic services and infrastructure. However, discriminatory and controlling policies enacted by Israeli authorities exacerbate socio-economic deterioration and entrench Palestinians in a cycle

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<sup>1</sup> Ibid

<sup>2</sup> Neftali Sheftan, *The Socioeconomic Potential of Arab Women's Labor Force Participation in Jerusalem* (Jerusalem: Jerusalem Institute for Policy Research, 2021) [in Hebrew]

<sup>3</sup> Ibid.

<sup>4</sup> Omer Yaniv, *Jerusalem Data: Current Realities and Trends of Change* (Jerusalem: Jerusalem Institute for Policy Research, 2023) [in Hebrew]

<sup>5</sup> Ibid

<sup>6</sup> Ibid

<sup>7</sup> Ibid

of enforced political subjugation and poverty.<sup>1</sup> Despite partial modernization processes affecting the Palestinian community in Jerusalem, socio-economic deprivation persists, limiting their ability to access appropriate development opportunities and exacerbating economic disparities with the Israeli population in and around the city.<sup>2</sup>

The geopolitical location of Jerusalem and the administrative changes imposed on its borders have further entrenched a geo-demographic map aimed at preserving an Israeli Jewish demographic majority.<sup>3</sup> This practice obstructs any future geopolitical settlement with Palestinians concerning Jerusalem and ensures Israeli control without offering Palestinians meaningful political participation. The legal status of Palestinian Jerusalemites as "permanent residents" renders them vulnerable to the revocation of their residency rights and travel restrictions.<sup>4</sup>

A stark example of these threats was the construction of the Separation Wall after 2002, which effectively isolated around 50,000 Palestinian Jerusalemites carrying Israeli IDs outside the municipal boundaries.<sup>5</sup> This threat was compounded by Israel's enforcement of the "center of life" policy since 1995, requiring Palestinians to prove continuous residence and employment within Jerusalem over the past seven years to maintain their residency status.<sup>6</sup> Failure to do so results in the revocation of residency permits and the designation of their properties as "absentee properties," leading to confiscation by the state. As a result, between 1967 and 2016, Israel revoked the residency status of approximately 14,595 Palestinian Jerusalemites.<sup>7</sup>

The demographic composition and distribution of Palestinians were used as a fundamental basis for drawing municipal boundaries, with the aim of keeping the

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<sup>1</sup> Muna Dajani, Daniela DeLeo, and Nura AlKhalili, "Planned Informality as a Byproduct of the Occupation: The Case of Kufr Aqab Neighborhood in Jerusalem North," *Planum, The Journal of Urbanism* 1, no. 26 (2013): 2–10.

<sup>2</sup> Ibid

<sup>3</sup> Human Rights Watch, "Israel: Jerusalem Palestinians Stripped of Status," August 8, 2017, <https://www.hrw.org/he/news/2017.307607/08/08/>.

<sup>4</sup> Ibid

<sup>5</sup> Ibid

<sup>6</sup> Ibid

<sup>7</sup> Ibid

Palestinian population within the annexed areas of Jerusalem below 30% of the city's total population. The principle of maintaining a 30% Palestinian minority versus a 70% Israeli Jewish majority became a cornerstone of Israeli demographic and urban planning policies. Consequently, the Jerusalem Municipality, along with the Israeli district and national planning committees, refrained from approving master plans that would allow the Palestinian proportion to exceed 30% of the city's population. This restrictive planning framework forced Palestinians into unlicensed and informal construction to meet their basic housing needs. Thus, the demographic ratio of 30–70% was effectively implemented as a tool to maintain the demographic balance in favor of the Israeli majority, amid an environment of ongoing national, ethnic, and cultural conflict, ensuring continued Israeli control over the city.<sup>1</sup>

One of the key motivations behind the location of the Separation Wall, which dissected Palestinian neighborhoods and left some of them isolated behind the barrier, was the demographic policy aimed at keeping the Palestinian population in Jerusalem as a minority not exceeding 30%. Although the wall was ostensibly justified on security grounds, demographic considerations were a principal underlying factor.<sup>2</sup> In parallel, government policies encouraged Jewish natural growth and positive migration into Jerusalem and its surrounding settlements. These settlement activities took place in two concentric circles: an inner circle and an outer circle. The inner circle comprised 11 settlements (defined by Israel as “neighborhoods”) built within East Jerusalem, housing approximately 237,000 settlers by 2021, mainly surrounding the Old City and its historical basin. The outer circle involved the establishment of 28 settlements in the Jerusalem metropolitan area, inhabited by about 200,000 settlers by 2021.<sup>3</sup>

Conversely, Palestinian population growth was tightly controlled and contained through measures preventing positive migration into the city and encouraging the

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<sup>1</sup> Alexander B. Murphy, "Historical Justification for Territorial Claims," *Annals of the Association of American Geographers* 80, no. 4 (1990): 531–548.

<sup>2</sup> Human Rights Watch, "Israel: Jerusalem Palestinians Stripped of Status," August 8, 2017, <https://www.hrw.org/he/news/2017307607/08/08/>.

<sup>3</sup> Rassem Khamaisi, "The Separation Wall Around Jerusalem/al-Quds: Truncating the Right to the City of the Palestinians," 43rd ISOCARP Congress (2007), accessed July 2021, <https://bit.ly/2YqaknX>.

urbanization of rural communities, which constitute the majority of Jerusalem's Palestinian population, to curb natural population growth rates.<sup>1</sup>

### End of 2024 Statistics

Despite demographic shifts, available estimates indicate that the Palestinian population within the Jerusalem municipality continues to grow, alongside an increase in the Israeli Jewish population. These estimates suggest that by the end of 2023, the total population within the municipal boundaries of Jerusalem reached approximately 1.2 million, including 492,000 Palestinian Jerusalemites (41%) and 708,000 Israeli Jews (59%) (see Table 2).<sup>2</sup>

### Population of the Jerusalem Municipality (2021–2023), in Thousands and Percentages

| Year                    | Total Population within Municipal Borders | Jewish and Others | Palestinians |
|-------------------------|-------------------------------------------|-------------------|--------------|
| 2021                    | 966,200                                   | 590,000           | 471,000      |
| 2023                    | 1.2 million                               | 605,000           | 492,000      |
| Population Increase (%) | 24.2%                                     | 2.54%             | 4.46%        |

*Source: Palestinian Central Bureau of Statistics; Jerusalem Institute for Policy Research; Israeli Central Bureau of Statistics.*

Israeli authorities continue to adopt "demophobia" within Zionist Israeli discourse and practice, implementing increased restrictions on Palestinians, particularly in Jerusalem and its environs, aiming to limit their share of the population to no more than 42%, and potentially to reduce it to 30%.<sup>3</sup> Simultaneously, authorities seek to maintain Palestinians' status as "permanent residents" to preserve a controlling Jewish majority over resources and prevent Palestinians from claiming political rights, including

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<sup>1</sup> Ibid.

<sup>2</sup> Palestinian Central Bureau of Statistics; Jerusalem Institute for Policy Research; Israeli Central Bureau of Statistics, "Population Statistics in Jerusalem Municipality (2021–2023)."

<sup>3</sup> Human Rights Watch, "Israel: Jerusalem Palestinians Stripped of Status," August 8, 2017, <https://www.hrw.org/he/news/2017307607/08/08/>.

voting, sharing state power, or exercising the right to self-determination, separation, or geodemographic and geopolitical autonomy.

The mutual attachment of both Palestinians and Israelis to Jerusalem, driven by emotional, political, and functional factors, results in a population growth rate in and around the city that exceeds the general population growth rate in the rest of Palestine.<sup>1</sup> Palestinian population growth is projected to continue outpacing Israeli Jewish growth rates. Despite the ongoing implementation of demographic policies and the expansion of colonial settlement in Jerusalem's surroundings, the city's central location in the heart of the West Bank will likely lead to greater Palestinian urban and rural population concentration around it. This growth will rely on natural population increase and positive migration from the wider West Bank to the metropolitan periphery of Jerusalem.

Conversely, Israeli population growth will primarily occur within the internal metropolitan circle that includes the municipal borders of Jerusalem (as defined by Israel) and nearby settlements.<sup>2</sup> This strategy serves Israel's geodemographic policy to "extract" Jerusalem, according to Israeli definitions, from its geographical and demographic integration with the broader urban fabric of the West Bank, stretching from Ramallah Governorate in the north through Jerusalem Governorate to Bethlehem Governorate in the south.

### **Section Three: Judaization Policies – Policies of Stripping Palestinian Identity from Jerusalemites**

A substantial part of the Judaization policy pursued by the occupying power relies on stripping Palestinian citizens of their identity. This has been particularly evident in the city of Jerusalem through various means, most notably the expulsion of the majority of West Jerusalem's Palestinian residents from their homes and the prohibition of their return, on the grounds that — according to Israeli authorities — they were no longer considered rightful landowners.

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<sup>1</sup> Alexander B. Murphy, "Historical Justification for Territorial Claims," *Annals of the Association of American Geographers* 80, no. 4 (1990): 531–548.

<sup>2</sup> Rassem Khamaisi, "The Separation Wall Around Jerusalem/al-Quds: Truncating the Right to the City of the Palestinians," 43rd ISOCARP Congress (2007), accessed July 2021, <https://bit.ly/2YqaknX>.

Forced displacement alone was not sufficient to distance Jerusalemites from their city. In 1967, the occupying authorities issued special identity cards for Jerusalemite Palestinians, classifying them as "residents" of the city rather than citizens. At the same time, their Palestinian nationality was stripped from them. Through this classification, Jerusalemites were separated both from the Palestinians of 1948 (who were forcibly naturalized with Israeli citizenship) and from Palestinians residing in the West Bank and Gaza Strip who maintained Palestinian nationality. Consequently, the people of Jerusalem remained without any officially recognized nationality.

Arab narratives have addressed this issue, clarifying that the Jerusalemite holds the status of a "resident" without holding any formal nationality. One notable example comes from the novel *Kafr Sabbat*, where the protagonist, Nabih, recounts:

"After the setback of 1967, Israel decided to annex occupied East Jerusalem to what it called its 'territory,' granting the inhabitants the status of permanent residents in Israel, in violation of all international laws. When my uncle Fawaz stood after the setback in the long line stretching to the intersection of al-Masoudi Street with al-Asfahani — where the Israeli Ministry of Interior had opened a branch at that time — to obtain an identity card after being confined with his family in the family home in Jerusalem, the Jewish clerk, speaking broken Arabic, told him:

— 'Bring Jordanian ID!'

— 'I am from Jerusalem. I was born here before your state even existed, and I work in the municipality!'

— 'So you are from Orshalim?'

— 'We will give you a temporary identity card, and we will see if you behave properly, or else you will be sent to Lebanon or Jordan.'" <sup>1</sup>

The Israeli authorities offer Jerusalemites the opportunity to reside in the city, but this residency is conditional on their "proper behavior," as illustrated by the previous

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<sup>1</sup> Aref Al-Husseini, *Kafr Sabbat*, 1st ed. (Ramallah: Dar Al-Shorok for Publishing and Distribution, 2012), 32.

quote. Should a Jerusalemite violate this condition, he could be expelled from Jerusalem — whether to Lebanon, Jordan, the West Bank, Gaza, or elsewhere. The overarching objective remains the reduction of the Palestinian population in Jerusalem. The word "properly" (مؤدباً) carries serious political connotations: according to the occupation authorities, a "proper" Jerusalemite is one who recognizes Israeli sovereignty as legitimate and does not oppose its Judaization policies or practices in Jerusalem.

Arab sources point to another reason for the revocation of Jerusalem residency status: the forced displacement of Jerusalemites who are compelled to live outside what Israeli authorities define as the municipal boundaries of the city. Research has shown that the Israeli authorities exert economic pressure on Palestinians in Jerusalem by targeting their livelihoods and imposing heavy tax burdens, particularly the *Arnona* municipal tax. As a result, many are forced to move to areas where this tax is not imposed, or they are pushed out of Jerusalem altogether due to their inability to secure housing within the city. Consequently, Israel revokes their residency and denies them the right to return. Between 1967 and 2017, Israeli authorities revoked the residency status of 14,635 Palestinian Jerusalemites.<sup>1</sup>

Although the Israeli occupation granted residency status to Palestinian Jerusalemites in 1967 under coercion, it continues to revoke this status on various grounds. Residency, however, is not the only right subject to withdrawal. In cases where Palestinians remain in Jerusalem but lose their residency rights, the Israeli state also revokes their entitlement to health insurance. This prevents them from accessing services provided by health funds, even though they pay monthly contributions to the Israeli National Insurance Institute (*Bituach Leumi*), which is responsible for covering medical expenses. Without health insurance coverage, the burden of healthcare costs falls entirely on the individual, and treatment expenses can be prohibitively high.<sup>2</sup>

The Israeli government's policy of displacing Palestinians from their land and properties continued following its occupation of the remaining Palestinian territories

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<sup>1</sup> Palestinian News and Information Agency (WAFA), "Revocation of Jerusalemites' IDs," 2012, [http://info.wafa.ps/ar\\_page.aspx?id=cVvzZia27437135484acVvzZi](http://info.wafa.ps/ar_page.aspx?id=cVvzZia27437135484acVvzZi).

<sup>2</sup> Nizar Ayoub, "Ethnic Cleansing in Jerusalem," *Majallat al-Dirasat al-Filastiniyya* [Journal of Palestinian Studies], no. 13 (2012): 6.

during the June 1967 war, with particular focus on the Old City of East Jerusalem. Israeli forces demolished the al-Sharaf neighborhood (previously used by the Maghrebi Quarter) located in the southwest of the Old City, along with adjacent areas. Residents were forcibly transferred to the Shu'fat refugee camp. In total, 135 homes, which housed around 650 Palestinians, were demolished. Subsequently, new buildings were constructed for Jewish settlers, some of whom were housed in the abandoned Palestinian homes. In addition, the villages of al-Turoun (including Nabi Samuel, Bab al-Wad, and Beit Nuba), located west of Jerusalem, were also demolished, and their inhabitants were displaced.<sup>1</sup>

During the June 1967 war, Israeli forces advanced deeper into the city of Jerusalem, occupying it in its entirety and seizing control over its streets and neighborhoods with the aim of settling Jews and altering the demographic character of the city. This prompted the United Nations Security Council to issue Resolution No. 237 on June 14, 1967, which called on Israel to ensure the return of residents who had fled due to the conflict, and to uphold the principles of the Fourth Geneva Convention concerning the protection of civilians during wartime.<sup>2</sup>

The United Nations General Assembly issued Resolutions 2253 and 2254 in 1967, both affirming the invalidity of measures taken by Israel to alter the status of the city of Jerusalem. Similarly, UN Security Council Resolution No. 252, issued on May 21, 1968, called upon Israel to rescind all measures that had changed the status of Jerusalem.<sup>3</sup> These resolutions, along with other international instruments, reaffirm the international legal consensus that Israel must adhere to the principles of international legitimacy and halt its colonial settlement policies, including the confiscation of Arab lands and homes in Jerusalem. Nevertheless, the Israeli government has persisted in its colonial practices, disregarding international resolutions.

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<sup>1</sup> Ibid.

<sup>2</sup> UN Security Council, Resolution 237 (June 14, 1967), "Calling on Israel to respect human rights in areas affected by the 1967 Middle East conflict..."

<sup>3</sup> United Nations General Assembly, Resolution 2253 (July 4, 1967): "Calling on Israel to rescind the measures taken to alter the status of the city of Jerusalem," and Resolution 2254 (July 14, 1967): "Expressing regret over the measures taken by Israel to change the status of Jerusalem"; United Nations Security Council, Resolution 252 (May 21, 1968): "Calling on Israel to rescind all measures taken to alter the status of Jerusalem."

The 2018 “Nation-State Law” also constituted a fundamental turning point, as it stipulated that “the right to self-determination in the State of Israel is unique to the Jewish people,” thereby effectively eliminating any legal status for the Palestinian population in Jerusalem and entrenching ethnic superiority as a constitutional foundation of the state, directly influencing residency and displacement policies.

Among the most prominent actions undertaken by the Israeli occupation authorities to consolidate control over East Jerusalem and displace its Palestinian residents were land confiscations carried out by the Israeli Ministry of Finance under the pretext of “expropriation for public purposes” between 1968 and 1970. During this period, Israel seized thousands of dunums of land and established Jewish settlements on them, including Kiryat Yovel, Ramat Eshkol, and Ma’ale Adumim.<sup>1</sup> These actions continued into the 1970s, with further confiscations of Arab lands in Jerusalem for alleged public use. One such settlement was built on 4,400 dunums of land belonging to the village of Sur Baher, located south of Jenin, alongside the construction of two additional colonies: Pisgat Ze’ev and Neve Yaakov. Like other Palestinian villages, these areas were subjected to fragmentation, division, and the physical separation of their inhabitants through the construction of the separation wall.<sup>2</sup>

The researcher emphasizes that the Israeli occupation continued to tighten its grip on Jerusalem even after the signing of the Oslo Accords, through the encirclement of the city with integrated settlement belts, the seizure of Arab property, and the forcible expulsion of its owners. These measures were aimed at imposing an exclusively Jewish character on Jerusalem, thereby restricting it solely to Jewish residents and striving to create an ethnically homogeneous society free of Arabs.<sup>3</sup>

Israel has also enacted discriminatory laws against Palestinian residents of Jerusalem by granting them “permanent residency” instead of full “citizenship.” This classification renders their right to remain in the city conditional and subject to periodic

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<sup>1</sup> Osama Halabi, *The Legal Status of Jerusalem and Its Arab Citizens*, 1st ed. (Beirut: Institute for Palestine Studies, 1997), 21–22.

<sup>2</sup> Ibid.

<sup>3</sup> Jamal Ibrahim, “The Policy of Forced Displacement and Revocation of Jerusalem IDs Through Laws Issued by the Occupation Authorities,” *Al-Quds Open University Journal for Humanities and Social Sciences*, no. 38 (2016): 93.

review, contrary to the irrevocable nature of citizenship rights. Under these laws, Palestinians are required to continuously prove their residency within Jerusalem to maintain their legal status. Anyone residing outside the municipal boundaries of Jerusalem, as unilaterally defined by Israel in June 1967, has been excluded from holding permanent residency rights in the city.<sup>1</sup>

Furthermore, a Palestinian may lose their right to permanent residency in Jerusalem if they live outside the city or beyond the limits of East Jerusalem for a period of seven years, or if they acquire citizenship from another country. This practice is referred to as the "expansion of the criterion," under which even if a Palestinian resides in the West Bank or Gaza Strip, they are considered absent under Israeli law. This classification removes them from the scope of what Israel defines as its "unified state territory" and results in the revocation of their permanent residency in Jerusalem.<sup>2</sup>

This approach reveals a deliberate policy aimed at reducing the Palestinian presence in Jerusalem. Political data indicate that Israel revoked over 11,500 Palestinian residency permits in Jerusalem by the year 2020.<sup>3</sup> This policy has been accompanied by increased statements from officials, including the Minister of Interior, who explicitly affirmed their approach of revoking residency rights on punitive grounds, constituting a blatant violation of international law and human rights principles enshrined in international conventions.

The revocation of Jerusalem residency cards reflects a colonial policy of forcibly displacing Palestinians as part of an Israeli plan to Judaize the city and alter its demographic composition — not solely through military force, but also by enacting discriminatory and racially motivated laws. According to the researcher, if such laws were implemented in any other state, they would be considered equivalent to laws that prevent citizens from returning to their homeland or strip them of their nationality merely for being absent for a number of years or acquiring another nationality. Israel follows a systematic strategy in attempting to assert exclusive Jewish ownership over the land and expand its influence, using false legal justifications to legitimize its racist policies — a

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<sup>1</sup> Ibid.

<sup>2</sup> Ibid.

<sup>3</sup> Palestinian News and Information Agency (WAFA), *The Forcible Displacement of Palestinians from Jerusalem*, accessed January 20, 2025, <https://www.wafa.ps/>

practice that directly contradicts international law. These measures constitute forcible transfer in violation of the Fourth Geneva Convention of 1949, and qualify as war crimes under the Rome Statute of the International Criminal Court.<sup>1</sup>

The researcher affirms that all of these practices constitute grave violations of international humanitarian law, especially considering that Jerusalem is an integral part of the Occupied Palestinian Territory. Nevertheless, Israeli authorities continue to impose eviction and displacement orders on Palestinian residents. Since Israeli courts themselves lack legal legitimacy with respect to such rulings, any judgments they issue in support of these violations are legally void. Israel further attempts to justify these actions by claiming that it offers alternative housing solutions to Palestinians, when in fact these measures are primarily designed to gain total control over Palestinian lands.<sup>2</sup>

In this context, on May 7, 2021, Robert Colville, the spokesperson for the United Nations High Commissioner for Human Rights, confirmed that the forced evictions occurring in various neighborhoods of Jerusalem constitute a clear violation of Israel's obligations under international law. He emphasized that these policies contradict binding UN Security Council Resolutions, which have declared all Israeli measures aiming to change the demographic character of East Jerusalem to be illegal and must be reversed immediately.<sup>3</sup>

The policy of revoking the residency rights of Jerusalemites constitutes one of the most serious practices that generate legal and criminal consequences classified in international law literature as war crimes and crimes against humanity. Article 49 of the Fourth Geneva Convention categorically prohibits “the individual or mass forcible transfers and deportations of protected persons from occupied territory,” while Article 7(1)(d) of the Rome Statute criminalizes the “deportation or forcible transfer of population” when committed as part of a widespread or systematic attack directed against a specific civilian population. Documents issued by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) and the International Committee of the Red Cross (ICRC) indicate that residency revocation constitutes a form of “Forced

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<sup>1</sup> See Articles 7 and 8 of the Rome Statute of the International Criminal Court, 1998

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

Population Transfer,” as it creates a legal and administrative environment that compels Palestinians to leave Jerusalem forcibly or under the threat of losing essential services and legal status.

There are also long-term effects resulting from the cumulative non-compliance and failure of successive Israeli governments to implement international decisions. The occupation practices that have persisted for more than five and a half decades—alongside the prolonged duration of Israel’s occupation of Jerusalem—have transformed the “Center of Life” requirement from an administrative measure justified by temporary military necessity into a permanent structural tool for reshaping the city’s demographic composition. Since 1995, the Israeli Ministry of Interior has adopted this requirement as a central criterion for granting or revoking residency. However, its application for more than a quarter of a century, combined with settlement expansion and the annexation of Jerusalem, has turned it into a coercive administrative tool for population transfer.

Reports issued by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) and Human Rights Council Special Rapporteurs have confirmed that the “Center of Life” requirement is systematically used to strip Palestinians of their residency and deny them access to essential services, effectively forcing them to leave the city. This constitutes an “indirect forcible transfer,” according to the ICRC’s 2016 definition of forcible transfer.

The continuation of the occupation and the transformation of the “Center of Life” requirement into a permanent policy are incompatible with the rules of international law, which prohibit the occupying power from introducing long-term changes to the legal or demographic structure of the occupied territory. Tying residency to shifting and restrictive criteria violates Article 43 of the Hague Regulations, which obligates the occupying power to maintain the existing legal order without introducing substantial modifications, and renders residency revocation a settlement-driven measure with a demographic dimension unrelated to the temporary military needs permitted under international humanitarian law.

The International Court of Justice, in its 2004 Advisory Opinion on the Wall, affirmed that the occupation “may not lead to the annexation of territory nor to the alteration of its demographic character,” and that the prolonged occupation accompanied

by permanent measures amounts to a *settler-colonial occupation*, rather than a mere “temporary military situation.” The International Committee of the Red Cross (ICRC), in 2015, similarly emphasized that Israel’s continued enactment of permanent laws within East Jerusalem contravenes Article 43 of the 1907 Hague Regulations, which requires the occupying power to administer occupied territory on a temporary basis without altering its legal or demographic structure.

Accordingly, the combination of residency revocation, identity confiscation, and the imposition of the “Center of Life” requirement constitutes an integrated system of measures aimed at coercive demographic engineering. The United Nations Economic and Social Commission for Western Asia (ESCWA), in its 2017 report, classified these measures as a form of “apartheid policy,” as they target a specific national group through restrictive legislation and administrative procedures intended to limit its presence in the city. The Special Rapporteur on human rights in the occupied Palestinian territory similarly affirmed in her 2021 and 2022 reports that these policies represent “central tools for managing a prolonged occupation,” and that residency revocation constitutes a “punitive and collective measure” criminalized under international law.

Accordingly, it is evident that the Israeli authorities are explicitly pursuing their colonial objectives within the framework of the so-called “Greater Jerusalem Plan,” which seeks to reinforce the Jewish character of the city and minimize the Arab presence as much as possible. In this effort, Israel forcibly displaces residents of Jerusalem neighborhoods—a practice that amounts to a serious violation of the principles of the Fourth Geneva Convention of 1949, as well as its Additional Protocols. These actions also constitute a clear breach of the International Covenant on Civil and Political Rights (ICCPR), as forced displacement and home demolitions are considered war crimes under the 1998 Rome Statute of the International Criminal Court.<sup>1</sup>

Thus, it becomes clear that the Israeli authorities are attempting to assert control over Jerusalem by altering its demographic composition and Judaizing the city, employing a range of coercive methods including forced displacement. These policies are manifested in the revocation of Jerusalem IDs, cancellation of residency rights, and the

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<sup>1</sup> Ibid.

imposition of severe economic restrictions on Palestinians, who are financially marginalized and deprived of access to essential services necessary for a dignified life.

Israel also enacts illegitimate laws that allow Jews to reclaim properties they allegedly lost prior to 1948, while simultaneously denying Palestinians the same right. Furthermore, it proceeds to demolish their homes and confiscate their lands under pretexts such as lack of building permits or declaring the land as “state property.” These practices constitute gross violations of the rules of international humanitarian law and directly conflict with international resolutions calling for an end to Zionist settlement measures in Jerusalem.<sup>1</sup>

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<sup>1</sup> Ibid.

## **Chapter Four: Revocation of Residency Rights of Palestinian Jerusalemites**

### **Section One: Israeli Practices in Denying Residency Rights to Palestinian Jerusalemites:**

The Israeli authorities enacted the *Entry into Israel Law* of 1952, which was later adopted as the legal framework used to define the status of Palestinians in Jerusalem following the occupation of the city in 1967. Under this law, Palestinians were not granted the status of “citizens,” but were instead designated as “permanent residents,” subject to the conditions imposed on foreign nationals. Consequently, Palestinian residents of Jerusalem were placed under a temporary and revocable legal regime, despite their status as the indigenous population of the city—an arrangement that constitutes a violation of the principle of legal protection for residents of occupied territories under international law.<sup>1</sup>

The implementation of the *Entry into Israel Law* resulted in Palestinian residents of East Jerusalem being treated legally as “foreigners,” despite their historical and geographic roots in the city. They are issued permanent residency permits that do not equate to citizenship, placing them in a vulnerable legal position. Amendments to the law, such as those introduced in 2011, have made it clear that permanent residency is not an acquired right, but rather a conditional status that can be revoked for administrative or security-related reasons.<sup>2</sup> In practice, these permits have become a tool in the hands of the Israeli Ministry of Interior, used to restrict Palestinians' access to employment and public services—especially under the intensified security policies that followed the year 2014. These practices have effectively undermined their ability to lead a stable and dignified life in their city of origin.

Moreover, the application of the law has imposed the requirement that Palestinian Jerusalemites periodically renew their residency permits and submit detailed documentation proving that their “center of life” remains in Jerusalem—even when temporary absences occur for legitimate personal or family reasons. This policy has

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<sup>1</sup> See Article 43 of the Hague Regulations of 1907 and Article 49 of the Fourth Geneva Convention (1949).

<sup>2</sup> For more on the 2011 amendment, see B’Tselem, *Revocation of Residency in East Jerusalem* (Jerusalem: B’Tselem, 2013).

evolved into a mechanism of surveillance used to exert pressure on residents. Any engagement in activities that the authorities interpret as threats to “national security”—a term that remains vague and broadly defined—can result in the revocation of residency.<sup>1</sup> This condition has led to a noticeable rise in the number of residency revocations, effectively turning a legal measure into a means of legitimizing forcible transfer, which is explicitly prohibited under international humanitarian law.<sup>2</sup>

Israeli policies concerning the revocation of residency represent a direct extension of the application of the Entry into Israel Law of 1952, which has served as a central legislative tool for redefining the status of Palestinians in Jerusalem and stripping them of both citizenship and permanent resident status.<sup>3</sup> The 1974 amendment to this law placed further restrictions on the right of Palestinians to retain permanent residency, allowing it to be automatically revoked if they resided outside the municipal boundaries of Jerusalem for an extended period or acquired foreign citizenship.<sup>4</sup> As a result, thousands of Palestinians who moved to the West Bank or were compelled to live abroad have found themselves permanently deprived of their residency rights, without adequate legal protections, thereby threatening their family and social stability and contributing to the displacement of the city’s indigenous population.<sup>5</sup>

In its effort to impose legal and administrative control over Jerusalem’s population after occupying the city in 1967, Israeli authorities granted “permanent residency” to Palestinians in the city instead of full citizenship.<sup>6</sup> This status was based on the census

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<sup>1</sup> For analysis of “center of life” policies, see Ir Amim, “Displaced in Their Own City: The Impact of Israeli Policy in East Jerusalem,” Ir Amim Report, 2015.

<sup>2</sup> See United Nations Office for the Coordination of Humanitarian Affairs (OCHA), “East Jerusalem: Key Humanitarian Concerns,” March 2011.

<sup>3</sup> B’Tselem, *Revocation of Residency in East Jerusalem* (Jerusalem: B’Tselem, 2013), [https://www.btsel.org/jerusalem/revocation\\_of\\_residency](https://www.btsel.org/jerusalem/revocation_of_residency) .

<sup>4</sup> Oren Yiftachel, *Ethnocracy: Land and Identity Politics in Israel/Palestine* (Philadelphia: University of Pennsylvania Press, 2006), 213.

<sup>5</sup> Human Rights Watch, *A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution* (New York: Human Rights Watch, 2021), <https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution> .

<sup>6</sup> Meir Margalit, *Discrimination in the Heart of the Holy City: The Housing Crisis in East Jerusalem* (Jerusalem: Ir Amim, 2006), 8–10.

conducted at the time, which only registered those who were physically present within the municipal boundaries of Jerusalem on the day of the census. Palestinians who were absent from the city for reasons such as work or study were excluded from registration and thus denied residency rights, effectively severing their ties to their hometown.<sup>1</sup>

This administrative framework has had severe legal and demographic consequences, resulting in the loss of the right to return and reside in the city for many Jerusalemites, with no legitimate legal basis other than their temporary absence at the time of the census. Since then, any Palestinian who leaves Jerusalem for an extended period—especially beyond seven years—faces the risk of losing their permanent residency status, a phenomenon referred to as the "risk of residency revocation."<sup>2</sup> This approach reflects a systematic policy aimed at reducing the Palestinian presence in the city through seemingly technical legal and administrative tools that, in essence, are discriminatory and exclusionary.<sup>3</sup>

The year 2014 marked a significant escalation in Israel's revocation of residency rights for Palestinians in Jerusalem, as occupation authorities tightened procedures for canceling permanent residency as part of broader forced displacement policies aimed at reducing the Palestinian population.<sup>4</sup> Although these measures appear to rely on the text of Israel's domestic law, their application reveals a systematic political use of the law to serve demographic and security goals that conflict with principles of justice and equality before the law.<sup>5</sup>

Under the Entry into Israel Law, the Minister of the Interior holds wide discretionary powers to revoke permanent residency from Palestinians without a prior judicial ruling and without sufficient procedural safeguards to protect an individual's right to residency. This exceptional legal status renders the permanent residency granted to Palestinians—who were denied Israeli citizenship—vulnerable to arbitrary revocation,

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<sup>1</sup> B'Tselem, "Statistics on Revocation of Residency in East Jerusalem,

<sup>2</sup> Ian Lustick, "Has Israel Annexed East Jerusalem?" *Middle East Policy* 5, no. 1 (1997): 34–45.

<sup>3</sup> Rashid Khalidi, *The Hundred Years' War on Palestine: A History of Settler Colonialism and Resistance, 1917–2017* (New York: Metropolitan Books, 2020), 218.

<sup>4</sup> UN Human Rights Council, Israeli Settlements in the Occupied Palestinian Territory, Including East Jerusalem, and the Occupied Syrian Golan, A/HRC/49/85 (March 2022), <https://documents.un.org/>.

<sup>5</sup> B'Tselem, *Revocation of Residency in East Jerusalem*.

in clear violation of international human rights law, particularly the rights to housing, freedom of movement, and the ability to live in one's homeland without constant threat of deportation.<sup>1</sup>

## **Section Two: Bureaucratic Procedures Imposed by Israeli Authorities on Jerusalemite Palestinians When Submitting Applications**

The Israeli Ministry of Interior and the National Insurance Institute have played a direct role in implementing a discriminatory and professionally bureaucratic policy targeting Jerusalemite Palestinians. This becomes evident when individuals seek to renew their identity cards or register their children. The Ministry of Interior has actively worked to revoke the residency rights of Palestinians and reject their applications, linking its procedures with the National Insurance Institute, which employs informants and investigators to collect information on Palestinians residing in Jerusalem. This linkage enabled the Ministry to access comprehensive data about Palestinians, which it then uses to justify rejecting various applications related to identity card renewals or child registration.<sup>2</sup>

Beyond merely collecting data, Israeli authorities have adopted complex procedures against Palestinians applying for family unification. Until 2002, the process followed a lengthy and exhausting path for applicants, beginning with the issuance of a temporary permit valid for one year, contingent on proof of residence in Jerusalem. After one year, applicants could request a renewal. Following 27 months of holding temporary permits, they would be granted temporary residency (A/5), which was renewable annually for three years. Only after proving uninterrupted residence during this period could they obtain permanent residency.

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<sup>1</sup> UN General Assembly, *Universal Declaration of Human Rights*, 217 A (III) (December 10, 1948), <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

<sup>2</sup> Zaghir, here I am. (2007). Silent displacement "cancellation of Palestinian residency from Jerusalem". The civil Coalition for the defense of Palestinian rights in Jerusalem.

However, this process was theoretical and rarely reflected reality. In practice, most applications remained pending for several years without any official decision being issued.<sup>1</sup>

In addition to the discriminatory procedures, the Ministry of Interior designated a single office for Palestinian applicants located between Wadi al-Joz and Sheikh Jarrah, a center unable to accommodate the thousands of people seeking to process their applications, thereby exacerbating their suffering.<sup>2</sup>

Furthermore, the Israeli authorities devised new forms of humiliation for Palestinian citizens. One prominent example is the relocation of the Ministry of Interior to a new building—commonly referred to by Jerusalemites as "the building of endless floors"—where they were forced to wait for hours outside the entrance before being allowed in. Once inside, they were subjected to degrading treatment and bureaucratic delays by employees. Although the building itself was new, the same humiliating practices persisted. Today, Palestinian residents of Jerusalem who wish to complete administrative procedures must endure three queues: the first outside the building at the security checkpoint, the second just before entering, and the third after the security inspection, before reaching the offices.<sup>3</sup> In addition, they must provide an overwhelming number of supporting documents—often dozens—for any submitted application.

### **Section Three: The Law of Proof of Center of Life (Domicile)**

This law stipulates that holders of the Israeli blue identity card must reside “within the official boundaries of Jerusalem.” If it is proven that a person resides outside the city—such as in Kufr Aqab or the Shu’fat Refugee Camp—it may lead to the revocation of their Jerusalem residency<sup>4</sup>. Notably, this law has been applied exclusively to Palestinians in Jerusalem and has not been enforced on Jewish residents, who are allowed

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<sup>1</sup> Abdurrahman, Asaad (2012). Jerusalem identity: the card drawing massacre, Al Ittihad newspaper, 6/4/2012.

<sup>2</sup> Abul Rab, Muhammad. (2012). Israel issues "smart cards" that promote displacement..., Egyptian today: <http://www.almasryalyoum.Com/news/details/153937#>

<sup>3</sup> Zygier, here I am. (2007). Silent displacement "cancellation of Palestinian residency from Jerusalem". Civil Coalition for the defense of Palestinian rights in Jerusalem.

<sup>4</sup> Al-Zaghir, Op. cit.

to live anywhere across the occupied Palestinian territory (Israel). Moreover, the definition of “residence within Jerusalem” is restricted to the borders officially drawn by the Israeli authorities.

Within this framework, Israeli authorities have continued to implement policies aimed at restricting Palestinian residency in Jerusalem by placing increasingly stringent conditions on renewing permanent residency status. In 1988, Israel adopted a new criterion for granting residency based on a ruling from the Israeli Supreme Court (case no. 282/88), which stated that a Palestinian’s residency could be revoked if they were no longer “physically residing” in Jerusalem. This ruling enabled the Israeli government to revoke the status of Palestinians who had lived outside the city for up to seven years, even if they had remained within the West Bank or Gaza Strip<sup>1</sup>.

In 2006, the Israeli Ministry of Interior issued a decision that allowed for the revocation of residency if a Jerusalemite failed to permanently prove that their “center of life” was in the city. In 2012, the policy became even stricter: the blue ID could be revoked automatically if the person resided outside Jerusalem for an extended period, exacerbating the already frequent revocation of Palestinian residency<sup>2</sup>.

By 2014, new criteria were added to determine residency revocation. One of these required that Palestinians prove that they had lived in Jerusalem continuously, even if they had only lived outside for less than seven years, and even if they studied abroad or in areas considered “foreign” under Israeli law, such as the West Bank. These measures were extended to students who left Jerusalem for educational purposes and were denied residency renewals merely because they studied in a “foreign” region. Palestinians who resided or studied abroad, or who held a second nationality, were also targeted by this policy<sup>3</sup>. As with other Israeli laws, this one was applied exclusively to Palestinians and

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<sup>1</sup> Zubeidat, Nawaf. (2011). Withdrawal of IDs of Jerusalemites, Ammon, 5/12/2011: <http://www.ammonnews.net/article.aspx?articleNO=87242>

<sup>2</sup> Job, Nazar. (2012). Ethnic cleansing in Jerusalem, Journal of Palestinian Studies, Foundation for Palestinian Studies, 13, 8.

<sup>3</sup> Abdurrahman, Asaad (2012). Jerusalem identity: the card drawing massacre, Al Ittihad newspaper, 6/4/2012.

not to Jewish residents, who are permitted to hold dual nationality and live wherever they please, either within historic Palestine or abroad.

At the beginning of January 1995, the Israeli Ministry of Interior began enforcing new regulations that compelled Palestinian residents of Jerusalem to leave their homes if they were living in the West Bank or outside the city's official boundaries, even if their residence was in nearby areas such as Al-Ram, Al-Eizariya, or Beit Hanina. Their residency became subject to revocation on the grounds of "not permanently residing in Jerusalem," a justification repeatedly used by the occupying authorities to strip Palestinians of their legal rights. Since 2004, these policies expanded to include Palestinians who had relocated to other areas within Israel, in what came to be known as the "explosive citizenship" policy<sup>1</sup>.

Simultaneously, the Ministry of Interior intensified its procedures for Palestinians residing in Jerusalem, requiring them to continuously provide evidence that their "center of life" remained within the city; otherwise, they risked losing their residency status. According to Article 11(c) of the Entry into Israel Law, Palestinians holding permanent residency must prove that they have not relocated to live in another area, whether in the West Bank or abroad. Furthermore, the acquisition of another nationality is considered sufficient grounds for revoking their residency<sup>2</sup>.

These measures led to the displacement of tens of thousands of Jerusalemites, who were forced to move to the West Bank due to the growing restrictions. As a result, many settled in areas adjacent to Jerusalem but outside the borders demarcated by Israel. Palestinians married to non-Jerusalemites were also affected, as their residency was revoked on the basis that they lived outside the city, even if they commuted daily for work or to visit family. By 2014, pressure increased further with the imposition of a requirement for uninterrupted residence in Jerusalem, causing many to lose their residency without prior notice<sup>3</sup>.

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<sup>1</sup> Saleh, Mohammed. (2004). The Zionist policy of changing the demographic composition before Jerusalem was lost, Arab book, Kuwait, No. 56.

<sup>2</sup> Ayoub, Noir (2014). Ethnic cleansing in Jerusalem, jadaliyat, February 25, 2014.

<sup>3</sup> Screen, (2013). The occupation decides to turn the identities of Jerusalemites into temporary, shashran news, 24/7/2013.

In addition, the Israeli Ministry of Interior began collecting detailed information on Palestinian residents of Jerusalem, relying on data from the National Insurance Institute since 1987 to monitor the stability of their presence in the city. This facilitated the implementation of policies aimed at reducing the Palestinian demographic presence in Jerusalem. As a result, discriminatory measures were applied, stripping Palestinians who changed their residence outside the city of national insurance benefits and denying their children access to social security entitlements<sup>1</sup>.

The Ministry of Interior also began requiring documents to prove residence and “center of life” in Jerusalem as a means of stripping Palestinians of their residency rights. It then used this information to pursue efforts to expel them from the city. This process later enabled the Ministry to gather detailed personal data on large numbers of West Bank residents living in neighborhoods and towns within the boundaries of the Jerusalem municipality. This information was obtained through investigation teams from both the Ministry and the National Insurance Institute. The data submitted by citizens, originally intended to expedite family reunification applications, was subsequently used against them as incriminating evidence<sup>2</sup>.

These policies significantly contributed to the expulsion of Palestinians holding the orange identification card (later changed to green) from Jerusalem, as they were required to prove their residency in the city while simultaneously lacking the necessary permits to reside there. This situation led to the rejection of most of their applications and ultimately resulted in their removal from Jerusalem.

Palestinians in Jerusalem also faced additional challenges when registering their children, especially in cases where one parent held a West Bank ID. Obtaining a national identification number from the Israeli Ministry of Interior became a complex, lengthy, and costly process. Typically, a child born to two Palestinian Jerusalemite parents is entitled to a national ID confirming their Jerusalem status, but this requires the issuance of a birth certificate from the Ministry of Interior—granted only if one parent already

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<sup>1</sup> De press.(2010). An Israeli plan to expel half of the Jerusalemites, /8/8, Dr News, 2010.

<sup>2</sup> Arabic press. (2011). Jerusalem Center, more than 20 thousand Palestinian citizens married to Jerusalemites are threatened with mass deportation from Jerusalem, Arab press : <http://www.al-arabeya.net/articles/?artid=23446> .

holds a Jerusalem national ID. If one parent holds a West Bank ID, the child is not automatically granted Jerusalemite status. Instead, the process begins with the submission of a formal application known as a “birth notification,” which does not initially assign a national number.

When Palestinians in Jerusalem apply for a birth certificate from the Israeli Ministry of Interior, they face several obstacles. Often, the certificate is issued without a national ID number, necessitating further bureaucratic procedures to obtain one. These procedures require providing “evidence that the family’s center of life is in Jerusalem.” The requirements become even more complicated for parents who themselves hold birth certificates without national ID numbers, as this prevents their children from obtaining one. This policy stems from Article 30(a) of the Israeli Population Registration Law, which states that a child may not be registered in the Israeli civil registry unless one parent is officially recorded as a citizen or permanent resident<sup>1</sup>.

These Judaization policies did not stop there. Since the end of 1995, the Ministry of Interior has tightened its control over Palestinians in Jerusalem, imposing an oppressive administrative siege. Physical presence within the city no longer suffices to maintain residency; instead, Palestinians are required to continuously submit evidence proving that their entire lives revolve within the city’s borders. These proofs extend far beyond basic residence documentation and include electricity, water, and phone bills; tax records; lease or property ownership agreements; bank statements; birth certificates of children; and evidence that the children receive education and vaccinations in Jerusalem schools and clinics. Even medical records and health insurance subscriptions have become part of this exhaustive list of requirements to confirm that the individual resides in their city of birth<sup>2</sup>.

Yet, the arbitrariness extends beyond paperwork. Even after submitting all required documents, applicants may still be required to swear an affidavit in court affirming their continued residence in Jerusalem and bring three family members as witnesses to verify the information. If the applicant resides in a home not registered in their name, a sworn declaration from a lawyer or court is also required. Moreover, the Ministry may demand

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<sup>1</sup> Al-Zaghir, P.R.

<sup>2</sup> Ayoub, Noir (2014). Ethnic cleansing in Jerusalem, *jadaliyat*, February 25, 2014.

additional documents to confirm that the center of life is indeed in Jerusalem. Failure to provide sufficient documentation leads to the cancellation of residency and the revocation of the Jerusalem ID. Applications are rejected, children are not listed under their parents' identity records, and neither national ID numbers nor registration in the civil registry are granted. This ongoing policy has led to the systematic stripping of thousands of Palestinians of their blue IDs, while thousands more have been denied the right to permanent residency due to their inability to meet the Ministry's stringent documentary demands<sup>1</sup>.

The researcher argues that these near-impossible requirements are not merely bureaucratic procedures but rather political tools employed with a clear objective: to exhaust Palestinians psychologically and economically, ultimately forcing them to leave under the weight of administrative complexities. Maintaining Jerusalem residency has thus become nearly unattainable. This is, in essence, a war of existence fought through paperwork and legislation, yet at its core, it represents a silent project of forced displacement—one that seeks to gradually erase the Palestinian identity from the heart of Jerusalem, step by step.

#### **Section Four: Issuance of the Biometric or “Smart” ID Card**

In 2009, the Israeli occupation authorities enacted a law titled *The Law for the Design of Biometric Identification Means and Biometric Data in Identification Documents and Information Collection*, commonly referred to as the “Biometric Law” or “Smart ID” (Smart Documents 3450). Subsequently, in 2012, the Israeli Knesset approved an extension of the validity period for Israeli identity cards to ten years from the date of issuance. This move was aimed at forcing Palestinians to renew their IDs starting in 2013, when the Israeli Ministry of Interior began issuing smart ID cards as part of a two-year pilot phase intended to soften Palestinian opposition<sup>2</sup>, since the cards would become mandatory after the trial period.

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<sup>1</sup> Abu-Ghazaleh, Maysa (2009). The citizenship law in Israel and the reunification of Jerusalemites, civil dialogue, 2705, 12/7.

<sup>2</sup> Abu Khdeir, Muhammad (2014). After the Israeli Interior Ministry published full details about the biometric card: warnings of the consequences and repercussions of the new card on the residence of tens of thousands of Jerusalemites, al-Quds newspaper, 16011, 1-31.

The Israeli authorities attempted to promote this card by highlighting its purported advantages. **First:** it was presented as being difficult to forge due to its incorporation of the holder's personal features. For example, Sabine Haddad, the spokesperson for the Israeli Ministry of Interior<sup>1</sup>, stated that the objective behind issuing the card was to reduce identity fraud, asserting that it contained "new, hidden security features that cannot be counterfeited," and included an electronic chip on the back side. This chip stores the facial image and biometric details of the holder, along with a biometric fingerprint system that supposedly ensures that the individual cannot be impersonated. The smart card was said to be quickly identifiable through digital means, thus minimizing the risk of forgery.

Moreover, Haddad emphasized the card's "significant political dimensions," claiming that it would make citizens "easier to deal with." Technically, the card facilitates personal and official transactions, protects against theft and impersonation, and allows for smoother passage through airports and checkpoints. The Ministry further highlighted that cardholders would be granted a personal password for their electronic identity, which would enable certified electronic signatures. This password—used for identification and encryption—would be issued upon receipt of the biometric smart ID. The card can also be activated for electronic use via the password, and users can access their data 24 hours a day. Its small size—comparable to that of a bank card—was also promoted as a convenient feature for ease of carrying and use<sup>2</sup>.

The Israeli government began issuing the smart ID card on an optional basis for a period of two years, after which it became mandatory following the end of the "pilot phase." According to the spokesperson for the Israeli Ministry of Interior, those who did not update their IDs within the two-year period would receive several warnings. During that phase, replacing the existing ID with a biometric smart ID was considered optional—until it was made compulsory by law for all citizens and residents<sup>3</sup>.

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<sup>1</sup> Hammouri, Ziad. (2014). A previous interview by Ziad Hammouri with researcher Ibrahim Jamal on 4/11/2014.

<sup>2</sup> Abu Khdeir, Muhammad .(2014). After the Israeli Interior Ministry published full details about the biometric card: warnings of the consequences and repercussions of the new card on the residence of tens of thousands of Jerusalemites, *al-Quds newspaper*, 16011, 1-31.

<sup>3</sup> Khazmou, Nada El Hayek. (2014). Jerusalem ... If her children are removed from her, what will remain of her Arabness, *Al-bayader Al-siyas*, 1047, the thirty-fourth year, 15/11/2014, and Abu Khdeir,

As for the stated objectives behind the issuance of the smart ID, the Israeli authorities claim it is meant to protect its holders. In reality, however, its primary aim appears to be the expulsion of Palestinians from Jerusalem and the revocation of their residency rights under the pretense of modern legal and technological standards. Hebrew media sources confirmed this interpretation, stating that one of the main goals of issuing the card is political—specifically, the displacement of Palestinians.

In addition to facilitating displacement, the card serves to tighten control over the Palestinian residents of Jerusalem by allowing Israeli authorities to track updates related to their movement, residence, and presence. Through the use of this card, movement through checkpoints and institutions is monitored and fed into a centralized database created for this purpose. This enables authorities to identify residents living *within* Jerusalem and those residing *outside* the city. Consequently, tens of thousands of Palestinians living in adjacent towns and villages—once considered part of Jerusalem but now excluded by the separation wall—are at risk. This exclusion paves the way for the revocation of residency under the pretext of “not living in Jerusalem.”

Indeed, the construction of the separation wall led to the removal of entire neighborhoods from the official boundaries of the city, despite their historic inclusion. As a result, the smart ID card enables Israeli authorities to pinpoint the locations of Palestinians and monitor their daily movements without the need for formal census or inspection procedures. Authorities can now observe where Jerusalemites go, where they live, and how often they cross into and out of the city throughout the month. This increased surveillance adversely impacts Palestinians’ presence in the city and their connections to family members both inside and outside the wall—in Jerusalem and the broader West Bank.

Several Jerusalem residents have voiced concern over the implications of the smart ID. One such resident, Mona Hamouda, explained that the wall forced her to live outside the city, stating: “I feel deep fear and anxiety... that the Israeli authorities might revoke my Jerusalem residency.” She added that the card would create serious difficulties for

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Muhammad .(2014). After the Israeli Interior Ministry published full details about the biometric card: warnings of the consequences and repercussions of the new card on the residence of tens of thousands of Jerusalemites, al-Quds newspaper, 16011, 1-31.

Jerusalemite students studying in the West Bank, as their movement would be monitored via the card, which logs the number and timing of crossings—potentially exposing them to interrogation by Israeli authorities<sup>1</sup>.

Thus, the new smart ID card has become a tool for monitoring the movements of Palestinians through checkpoints as they enter or exit the West Bank. The system records when, where, and how often Jerusalemite Palestinians pass through these checkpoints, effectively serving as evidence that some reside outside the boundaries of Jerusalem as defined by Israel.

Accordingly, the issuance of the card is directly linked to the goal of revoking residency rights from Palestinians in Jerusalem, effectively coercing them into remaining within a city that is increasingly restrictive and difficult to live in. At the same time, Israeli authorities allow Jewish residents to live anywhere they choose. In this context, Palestinians are compelled to remain within Jerusalem to maintain their ID cards—or, more precisely, their legal residency.

**Second:** the card poses a serious risk when individuals seek to renew their ID or apply for a new one, as they are required to update all personal information in their possession. Without providing this information, the ID cannot be renewed or issued, leaving their residency status unresolved<sup>2</sup>. The card thus becomes a barrier for individuals unable to furnish the required documentation. This poses a significant threat to Palestinian citizens who are unable to approach the Israeli Ministry of Interior to obtain or renew their ID cards due to a lack of supporting documents. As a result, entire families may soon face the risk of losing their identification cards and, consequently, their right to reside in or even enter Jerusalem<sup>3</sup>.

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<sup>1</sup> Hammad, Shaza. (2012). The magnetic card is a new means of displacing thousands of Palestinians, al-Balad radio, [http:// ar. ammannet. net/ news/ 176457](http://ar.ammannet.net/news/176457).

<sup>2</sup> Khazmou, Nada El Hayek. (2014). Jerusalem ... If her children are removed from her, what will remain of her Arabness, Al-bayader Al-siyas, 1047, thirty-fourth year, 15/11/2014.

<sup>3</sup> Abu Khdeir, Muhammad .(2014). After the Israeli Interior Ministry published full details about the biometric card: warnings of the consequences and repercussions of the new card on the residence of tens of thousands of Jerusalemites, al-Quds newspaper, 16011, 1-31.

Should it later be revealed that an individual has not been assigned a national identification number, residency rights may be revoked for any Palestinian holding a Jerusalem ID (the "blue ID") if they have lived outside the city for even a single year. Israeli authorities then deny them reentry into Jerusalem on the grounds that they now reside "abroad." This policy has led to the loss of Jerusalem residency for tens of thousands of Palestinians who live outside the municipal boundaries of Jerusalem<sup>1</sup>.

Despite attempts by the Israeli Ministry of Interior spokesperson to promote the card positively, these efforts have failed to convince the Palestinian public. As Ziad Hammouri noted, the card is a precursor to the revocation of residency rights for tens of thousands of Jerusalemites, all in line with the "Jerusalem 2020 Settlement Plan," which extends through the year 2030. This plan aims to reduce the Palestinian presence in Jerusalem from 35 percent to just 12 percent by 2030<sup>2</sup>.

In effect, any Jerusalemite who cannot prove their residence in the city is required to present dozens of documents and certificates to establish their right to remain.

### **Third:** Facial Recognition, Fingerprints, and the DNA Profiling of Palestinians

Through the use of the new (encrypted) smart ID cards, the Israeli authorities are able to identify facial features, iris and fingerprint scans, all of which contribute to the mapping of an individual's DNA profile. The primary objective behind issuing these cards, therefore, is the collection of personal data from holders of Israeli-issued IDs, including full biometric and physical details—facial characteristics, fingerprints, place of residence, place of work, center of life, and information on family members. These details are then transmitted to a biometric information database where they are stored in an

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<sup>1</sup> Abul Rab, Muhammad. (2012). Israel issues "smart cards" that promote displacement..., Egyptian today: <http://www.almasryalyoum.com/news/details/153937#>

<sup>2</sup> Maher, Mohammed. (2014). A Palestinian official considers it one of the demographic battles in the holy city, an Israeli identity with a magnetic logo monitoring the movements of Jerusalemites and a plan to expel them, the Saudi newspaper Al-Youm: <http://www.alyaum.com/article/3123872>

official archive<sup>1</sup>. In this way, the database allows authorities to access all details related to the cardholder.

#### **Fourth:** Withholding Jerusalem IDs under the Pretext of Unpaid Taxes and Debts

The Israeli authorities have used the smart ID system as a means to revoke Jerusalem residency IDs under the pretext of unpaid educational taxes and other financial obligations<sup>2</sup>. Before Palestinians are issued these new cards, they are required to settle all outstanding debts<sup>3</sup>, fines, and fees—including television taxes, housing (Arnona), healthcare, insurance, and more. The burden of these financial demands has become increasingly heavy, as Palestinians in Jerusalem are subject to a wide array of tax obligations. Reports indicate that approximately 25 Israeli institutions are involved in managing and enforcing these taxes, all of which function as tools of pressure on Palestinian residents. As a result, Jerusalemites are unable to move freely or travel without having first paid their financial obligations; for instance, any individual seeking a certificate of good conduct or attempting to travel must first pay all imposed fines and debts. Consequently, a resident who has not paid these dues is denied the right to renew their ID or pass through checkpoints.

#### **Fifth:** Revoking IDs from Residents of Areas Excluded by the Separation Wall

The issuance of the smart ID card has also served as a tool to strip thousands of Palestinians—especially those residing in villages and neighborhoods excluded from Jerusalem by the Separation Wall—of their Jerusalem residency IDs<sup>4</sup>. As Ziad Hammouri noted, “It is not merely about biometric cabins, but about procedures designed entirely to Judaize Jerusalem.” The broader objective is to reduce the Palestinian presence in the

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<sup>1</sup> Abu Khdeir, Muhammad .(2014). After the Israeli Interior Ministry published full details about the biometric card: warnings of the consequences and repercussions of the new card on the residence of tens of thousands of Jerusalemites, al-Quds newspaper, 16011, 1-31.

<sup>2</sup> Abdul Rahman, Asad. (2012). Holy Id: Card withdrawal massacre in the United Arab Emirates Union newspaper: <http://www.alittihad.ae/wajhatdetails.php?id=65105>

<sup>3</sup> Abul Rab, Muhammad. (2012). Israel issues "smart cards" that promote displacement..., Egyptian today: <http://www.almasryalyoum.com/news/details/153937#>

<sup>4</sup> Rajoub, instead. (2012). Jerusalemites: the smart card is an Israeli trap, freedom magazine 29: <http://alhourriah.org/article/> .

city. Israeli authorities now face significant challenges in accounting for the Palestinian population living outside the Wall and have intensified efforts to revoke their residency rights to complete demographic engineering plans aimed at favoring Jewish settlers. This strategy is reinforced by official Israeli declarations such as: “Israel will not relinquish a unified Jerusalem within the security wall.” Hammouri added, “The establishment of the Wall in areas such as Al-Ram and Deir Yassin, and in other settlements, seeks to limit and restrict the number of Palestinians within the city<sup>1</sup>—meaning that ID cards will only be issued or renewed for those who can prove that Jerusalem is the center of their life.”

### **Sixth: ID Card Expiry and the Risk of Residency Revocation**

The Israeli authorities have limited the validity of the smart ID card to ten years, compelling Palestinians to revisit the Ministry of Interior every decade. However, the issue lies not in the renewal period itself, but in the requirement to re-submit extensive documentation and personal records with each renewal. As Manal Hazan notes, “Limiting the validity of ID cards to only ten years forces Jerusalemites to renew them every decade,” effectively obliging Palestinians to provide continuous proof that their “center of life” remains in Jerusalem. Failure to present all the required documents puts the individual's residency status at risk of revocation.

This concern has already materialized in recent ID renewals, where some renewed cards were stamped for the first time with the term “resident,” assigning them a ten-year residency period<sup>2</sup>. For example, an ID card issued in 2014 would expire in 2024, and unless renewed in that year, the holder faces the threat of forced displacement from the city<sup>3</sup>. In effect, Palestinians in Jerusalem are no longer recognized as citizens but merely as residents, a status that may be revoked at any moment under any pretext the occupation

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<sup>1</sup> Maher, Mohammed. (2014). A Palestinian official considers it one of the demographic battles in the holy city, an Israeli identity with a magnetic logo monitoring the movements of Jerusalemites and a plan to expel them, the Saudi newspaper Al-Yaum: <http://www.alyaum.com/article3123872>

<sup>2</sup> Abu Khdeir, Muhammad .(2014). After the Israeli Interior Ministry published full details about the biometric card: warnings of the consequences and repercussions of the new card on the residence of tens of thousands of Jerusalemites, al-Quds newspaper, 16011, 1-31.

<sup>3</sup> Screen, (2013). The occupation decides to turn the identities of Jerusalemites into temporary, shashran news, 24/7/2013.

authorities may fabricate<sup>1</sup>. This transforms the residency permit into a conditional right, subject to arbitrary cancellation.

#### **Seventh: National and Religious Identification as a Tool for Racial Discrimination**

The new ID card also indicates the religion and nationality of the cardholder, reinforcing a system of racial discrimination against Palestinians in Jerusalem. This disclosure of ethnic and religious background facilitates institutionalized bias, potentially subjecting Palestinians to legal discrimination in various sectors, including government ministries, national banks, and educational institutions<sup>2</sup>. Consequently, the ID becomes a tool of differential treatment, whereby Palestinian Jerusalemites—particularly non-Jews—are subjected to inferior and often degrading treatment, especially by Israeli governmental institutions and at fixed and flying military checkpoints.

#### **Section Five: Mechanisms of Residency Revocation and the Expulsion of Palestinians from Jerusalem**

The Israeli occupation authorities regard Palestinians in Jerusalem as holders of “permanent residence permits” issued under the regulations and provisions of the Entry into Israel Law of 1952. The status of “permanent resident” was originally designated for foreign nationals who voluntarily immigrate to Israel and wish to reside there<sup>3</sup>. Accordingly, Israel treats the Palestinians of Jerusalem as immigrants residing in their own homes not by right, but as a privilege granted by the state. Thus, Israel asserts its authority to revoke this right at any time—even though these individuals were born in Jerusalem, have lived there all their lives, and possess neither property nor legal status elsewhere in the world.

The Israeli Ministry of Interior in Jerusalem applies the Entry into Israel Law to Palestinian residents of the city. As noted earlier, the Israeli government classifies Jerusalem’s Palestinian inhabitants as permanent residents in accordance with this law. The Israeli Supreme Court has endorsed this classification, affirming that Palestinians in

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<sup>1</sup> Khazmou, Nada El Hayek. (2014). Jerusalem ... If her children are removed from her, what will remain of her Arabness, *Al-bayader Al-siyas*, 1047, thirty-fourth year, 15/11/2014.

<sup>2</sup> Abu Khdeir, P.R.

<sup>3</sup>

Jerusalem are merely permanent residents granted permission to reside in the country<sup>1</sup>. This position was upheld in the interpretation of the Entry into Israel Law during a 1988 case<sup>2</sup>, wherein the court reaffirmed that permanent residency may be revoked under Article 11 of the law if any of the following conditions are met<sup>3</sup>:

- The resident remains outside the borders of Israel for at least seven years (a period later reduced to three years by ministerial amendments);
- The resident obtains a residency permit in another country;
- The resident acquires foreign citizenship through naturalization.

The 1988 decision also introduced the "center of life" criterion, which became a legal standard in Supreme Court case No. 282/1988. However, the ruling did not specify or define what constitutes a “center of life.” Based on this principle, the Minister of Interior is authorized to revoke the ID card of any Jerusalemite whose center of life is deemed to be outside the city—even if the period spent outside is less than three years. This standard was applied more broadly following 1995<sup>4</sup>.

Since that time, the Israeli Ministry of Interior has systematically implemented a policy of residency revocation and forced expulsion, targeting Jerusalemite Palestinians

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<sup>1</sup> Delivery center. (2017). Stripping the right of citizenship in East Jerusalem, website visited on: 20/12/2024: <https://www.btselem.org/arabic/jerusalem>

<sup>2</sup> This decision was issued in the case of the Jerusalemite citizen Mubarak Awad, who had traveled to the United States for the purpose of study and acquired U.S. citizenship during that time. Upon his return to Jerusalem to renew his identity card, his request was denied. He subsequently submitted a petition to the court, which was also rejected. The court ruled that he had lost his right to permanent residency in Jerusalem due to his acquisition of American citizenship. This ruling clarified the legal implications of granting Palestinians in East Jerusalem the status of permanent residents. It further explained that the legal status of Jerusalem’s Palestinian residents is regulated by the Entry into Israel Law of 1952, under which the residents of Jerusalem are considered permanent residents, not citizens.

<sup>3</sup> Halabi, Osama. (1997). The legal status of the city of Jerusalem and Arab citizens, Institute for Palestine Studies, Beirut, Lebanon.

<sup>4</sup> **Proving one’s “center of life”** refers to providing evidence of a residence or place of dwelling within Jerusalem. This can be done through a number of procedures, such as presenting a salary slip, utility bills (telephone, electricity, or water), records of receiving national insurance benefits, or tax documents. Alternatively, it can also be demonstrated by submitting a notarized affidavit from a lawyer affirming that the individual resides in the city.

who are deemed to have lived outside the city's municipal boundaries. Thousands of residents have been ordered to leave their homes in Jerusalem. The Ministry frequently demands that Palestinians provide documentation proving that their residence remains within the city<sup>1</sup>.

According to official data from the Israeli Ministry of Interior, a total of 11,792 ID cards were confiscated from Jerusalemite Palestinians between 1995 and 2022. Notably, this number refers only to heads of households, implying that the identity cards of all family members listed under each head of household were automatically revoked as well.

**Table 1. Number of Jerusalem Residents Whose Permanent Residency Was Revoked (1995–2014) <sup>2</sup>:**

| Year | Number of Residents Who Lost Permanent Residency |
|------|--------------------------------------------------|
| 1995 | 91                                               |
| 1996 | 739                                              |
| 1997 | 1,067                                            |
| 1998 | 788                                              |
| 1999 | 411                                              |
| 2000 | 207                                              |
| 2001 | 15                                               |
| 2002 | Data not available                               |
| 2003 | 272                                              |
| 2004 | 16                                               |
| 2005 | 222                                              |
| 2006 | 1,363                                            |
| 2007 | 289                                              |
| 2008 | 4,577                                            |
| 2009 | 725                                              |
| 2010 | 191                                              |
| 2011 | 101                                              |
| 2012 | 116                                              |
| 2013 | 106                                              |
| 2014 | 107                                              |

<sup>1</sup> Saleh, and Abu Ghadir. (1999). The quiet expulsion continues: Israel's policy of expelling the Arab population from Jerusalem, Center for Oriental Studies, Cairo.

<sup>2</sup> B'tselem is the Israeli Information Center for Human Rights in the occupied territories. (2017). Data on the stripping of the right of citizenship in East Jerusalem, the website was visited on 23/12/2024 : [https://www.btselem.org/arabic/jerusalem/revocation\\_statistics](https://www.btselem.org/arabic/jerusalem/revocation_statistics).



## **Section Six: Consequences of Violating the Rights of Palestinian Jerusalemites in the City of Jerusalem**

The policy of revoking identity cards and annulling the right of residence for Jerusalemites entails several problems and consequences, the most significant of which are family fragmentation and issues related to the registration of newborns and children.

One of the main repercussions of this policy is the fragmentation of Jerusalemite families. In this regard, the Israeli occupation authorities introduced a procedure known as “family reunification,” allowing registered residents to apply for the return of family members who lost their residency rights and were displaced due to the war. This process includes cases of marriage between an Israeli identity card holder and a person who does not possess such a card, whether they are from outside the country or from the same town or village.

For example, if the wife does not hold an Israeli identity card, she is not permitted to reside with her husband within the boundaries of Jerusalem, as her presence is deemed illegal. Conversely, the husband cannot reside with his wife outside of Jerusalem, as doing so would violate Israeli law, rendering him at risk of losing his residency rights. In most cases where a Jerusalemite husband applies for family reunification for his wife, the process—often taking up to three years—frequently ends in rejection, without any obligation on the ministry’s part to provide justification. As a result, many families are either fragmented or live together in legal limbo, deprived of their most basic and natural right: to live together as a family<sup>1</sup>.

With regard to the registration of children, the procedures differ based on the residency status of the parents. If both parents possess permanent residency status (i.e., Israeli identity cards), the newborn may be registered on the parents’ identity cards by visiting the Ministry of Interior or through notification by the hospital where the child was born, or through the post office. However, if one parent holds a Jerusalem ID and the other a Palestinian ID, the process is different. If the mother holds the Jerusalem ID, the birth must occur within the country for the child to be granted an identity number. In the absence of such a number, an application for child registration must be submitted to the

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<sup>1</sup> Dweck, Moses .(2002). Jerusalem and international law, knowledge facility, Alexandria.

Interior Ministry. If the father is the Jerusalem ID holder, the birth must likewise take place within the country to receive an identity number. Should the child not obtain an ID number, the father must apply to the National Insurance Institute for the child to receive medical treatment and then proceed with a family reunification request.

In 2005, a new amendment was introduced to the Interior Ministry's regulations, prohibiting the granting of permanent residency to children born to a Jerusalemite man and his second wife if the wife does not hold a Jerusalem ID. This policy is based on the Israeli legal system, which considers polygamy a criminal offense.

As a result, many families in East Jerusalem live under tragic circumstances. In some cases, some children are recognized as residents of "Israel," while their siblings are denied such recognition. Children born outside Israel or listed in the Palestinian population registry do not share the same legal status as their siblings<sup>1</sup>.

Moreover, the Israeli occupation authorities occasionally implement a policy of internal displacement against Jerusalemites, forcibly relocating them to the West Bank under the pretext of maintaining security. The following are some documented cases:

One example involves the expulsion of elected Jerusalemite members of the Palestinian Legislative Council. After their election in early 2006, the former Israeli Minister of Interior issued orders to revoke their identity cards when they refused to resign from the Council. Upon their release from detention, the Israeli government issued a decision on May 19, 2010, to revoke their residency and expel them from Jerusalem. The Israeli Supreme Court upheld this decision on June 20, 2010, prompting the threatened members to seek refuge in the premises of the International Committee of the Red Cross in Jerusalem, fearing the enforcement of the expulsion order<sup>2</sup>.

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<sup>1</sup> By handing over the Israeli Information Center for Human Rights in the occupied territories. (2017). For family reunification and registration of children in East Jerusalem, the website was visited on 25/12/2024 : <https://www.btselem.org/arabic/jerusalem>.

<sup>2</sup> Adalah – The Legal Center for Arab Minority Rights in Israel. *"Israeli Supreme Court Accepts Petition of Palestinian Legislative Council Members against the Interior Minister's Decision to Revoke Their Residency on Grounds of Disloyalty to the State."* September 13, 2017. <https://www.adalah.org/ar/content/view/9226>.

Additionally, in 2010, the Israeli authorities expelled political activist Adnan Ghaith from Silwan in Jerusalem to the West Bank for a period of four months on so-called "security grounds," relying on the British Emergency Regulations of 1945<sup>1</sup>. Similarly, in August 2017, political activist Mahdi Abu Najma was expelled from the Ath-Thuri neighborhood of Jerusalem to the West Bank for four months, again under the pretext of security concerns, according to the Israeli authorities<sup>2</sup>.

## **Section Seven: The Psychological and Social Impact of Revoking Residency Rights of Palestinian Jerusalemites. Documented Legal Case Studies**

### **Case 1: Ibrahim – Revocation of Residency and Forced Administrative Displacement**

#### **Legal Background:**

Ibrahim is a resident of East Jerusalem and holds permanent residency status under the Israeli Entry into Israel Law of 1952, which has been applied to Palestinians in East Jerusalem since the city's illegal occupation and annexation in 1967. While this status formally grants him the right to reside and work within Israel, it does not provide him with citizenship, and his residency remains conditional upon proving that his “center of life” is in Jerusalem. This renders his status vulnerable to revocation on administrative or political grounds<sup>3</sup>.

#### **Circumstances of Residency Revocation**

In 1990, Ibrahim traveled to Finland to join his family after his father applied for political asylum there. As he held only Jerusalem residency, he traveled using a laissez-passer travel document issued by the Israeli authorities. In Finland, Ibrahim worked as a

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<sup>1</sup> B'tselem is the Israeli Information Center for Human Rights in the occupied territories. (2010). Israel expels Adnan Ghaith, a Palestinian political activist, from East Jerusalem, visited on 25/12/2024 : [https://www.btselem.org/arabic/jerusalem/20101226\\_israel\\_expels\\_adnan\\_gheith\\_rom\\_ej](https://www.btselem.org/arabic/jerusalem/20101226_israel_expels_adnan_gheith_rom_ej)

<sup>2</sup> "Israeli Occupation Expels Children from Jerusalem." Al-Hayat Al-Jadida, July 30, 2017. <https://www.alhaya.ps/ar/Article/52100> .

<sup>3</sup> Human Rights Watch, "Israel: Jerusalem Palestinians Stripped of Status," *Human Rights Watch*, August 8, 2017, <https://www.hrw.org/news/2017/08/08/israel-jerusalem-palestinians-stripped-status>.

chef, married a Brazilian citizen, and had a child. Out of fear of losing his legal status in Jerusalem, he deliberately refrained from applying for Finnish citizenship and continued to visit Jerusalem annually on a three-month visa<sup>1</sup>.

In 2004, the Israeli Embassy in Finland informed Ibrahim of its refusal to renew his travel document. Instead, he was urged to apply for a Finnish passport and then request a tourist visa to enter Israel—marking the beginning of a process that would ultimately lead to the revocation of his Jerusalem residency.

In 2006, Ibrahim traveled to Ben Gurion Airport with his wife and son. He was detained for two days and then denied re-entry to Jerusalem, even though his family was permitted to enter. He was forcibly deported to Finland under police escort—an unprecedented case of arbitrary expulsion of a permanent resident without any fair or transparent legal proceedings<sup>2</sup>.

### **Legal Struggle to Regain Residency**

Ibrahim waged a long legal battle from 2007 to 2015 to restore his Jerusalem residency. He submitted extensive documentation, including a certificate of good conduct from the Finnish police, a formal declaration renouncing Finnish residency, and a sworn commitment not to live outside Jerusalem. Despite this, he was only issued an expired travel document, which severely restricted his ability to travel, work, or move freely, leaving him in a state of legal limbo for eight years.

During this period, Ibrahim was forced to work in the informal sector and did not leave Jerusalem at all, except once to attend a family wedding in Abu Dis. Upon returning, he had to climb over the Israeli separation wall to reach his home, fearing that he would be denied passage through Israeli checkpoints<sup>3</sup>.

### **Legal Analysis:**

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<sup>1</sup> Human Rights Watch, PR.

<sup>2</sup> Human Rights Watch, PR.

<sup>3</sup> Human Rights Watch, PR.

The measures taken against Ibrahim clearly constitute a violation of Article 49 of the Fourth Geneva Convention (1949), which explicitly prohibits the forced transfer or deportation of protected persons from occupied territory<sup>1</sup>. Furthermore, they breach Article 12 of the International Covenant on Civil and Political Rights (ICCPR)<sup>2</sup>, which guarantees every individual's right to liberty of movement and freedom to choose their residence.

These actions also contravene the Rome Statute of the International Criminal Court, which classifies the forcible transfer or deportation of individuals from occupied territory as a war crime under Article 7(1)(d)<sup>3</sup>.

In addition, the Israeli policy of conditioning the maintenance of residency rights on proving a “center of life” in Jerusalem—applied exclusively to Palestinian Jerusalemites and not to Israeli citizens or settlers—constitutes a form of institutionalized racial discrimination, as defined by the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 1965<sup>4</sup>.

## **Case 2: Abu Yahya – Dual Nationality and the Threat to the Legal Status of Palestinians in Jerusalem**

### **Background and Legal Context**

Abu Yahya, a Palestinian from Jerusalem holding permanent residency under the Entry into Israel Law (1952), left the city in 1994 after completing high school to pursue

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<sup>1</sup> Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention). August 12, 1949, Article 49. <https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949/article-49>

<sup>2</sup> United Nations General Assembly. *International Covenant on Civil and Political Rights*. December 16, 1966. United Nations Treaty Series, vol. 999, p. 171, Article 12. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

<sup>3</sup> Rome Statute of the International Criminal Court. July 17, 1998. Article 7(1)(d). <https://www.icc-cpi.int/sites/default/files/RS-Eng.pdf>.

<sup>4</sup> United Nations General Assembly. *International Convention on the Elimination of All Forms of Racial Discrimination*. December 21, 1965. United Nations Treaty Series, vol. 660, p. 195. <https://www.ohchr.org/en/instrumentsmechanisms/instruments/international-convention-elimination-all-forms-racial>.

university studies in the United States. During this time, he acquired American citizenship, yet continued to visit Jerusalem regularly and without interruption.

In 1996, during one of his visits to Jerusalem, officials at Ben Gurion Airport granted him a three-month tourist visa instead of admitting him as a permanent resident. The Ministry of Interior later informed him that he could not retain his Jerusalem residency while simultaneously holding U.S. citizenship. This condition is discriminatory, as Israeli law permits Jewish citizens to hold dual nationality without affecting their legal rights<sup>1</sup>.

### **Implications of Losing Residency**

When Abu Yahya returned to reside permanently in Jerusalem in 2012, he attempted to reinstate his social and insurance entitlements through the National Insurance Institute. However, he was informed that he was neither considered a resident nor a citizen. When he sought to obtain a birth certificate for his daughter, he was told he was “like a tourist or foreign worker,” and the certificate was issued without an ID number, thereby preventing her from being enrolled in official educational institutions.

Abu Yahya stated:

“I was born and raised in Jerusalem, yet they treat me like a stranger. How can someone who belongs to this place be told that he does not belong?”

This precarious legal status has led to social isolation and restrictions on his freedom of movement. For more than three years, he refrained from traveling abroad out of fear that he would be denied re-entry. He was consequently unable to attend the funeral of a close friend abroad, as well as other important family events<sup>2</sup>.

### **Legal Struggle to Restore Residency**

In 2014, Abu Yahya submitted an official request to regain his residency, supported by security clearance from the Federal Bureau of Investigation (FBI) and an extensive

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<sup>1</sup> Human Rights Watch, "Israel: Jerusalem Palestinians Stripped of Status," *Human Rights Watch*, August 8, 2017, <https://www.hrw.org/news/2017/08/08/israel-jerusalem-palestinians-stripped-status>.

<sup>2</sup> Human Rights Watch, PR.

array of legal documents. Despite his full cooperation, the temporary status lasted for over two years, during which he was granted a conditional, renewable temporary residency card.

In July 2017, the Ministry of Interior informed him that his request to restore permanent residency had been approved and that an identity card would be issued within 20 days. Nevertheless, his daughters remain without legal status, meaning the family's administrative and legal hardships continue<sup>1</sup>.

### **The Cost of Legal Procedures**

Abu Yahya notes that he spent more than 100 hours navigating his legal status, and despite being represented by volunteer attorneys, the legal and administrative expenses exceeded 5,000 Israeli shekels (approximately \$1,400 USD). This high cost highlights the burden that legal proceedings impose on individuals, particularly in the absence of fair legal guarantees<sup>2</sup>.

### **Legal Analysis**

The case constitutes a violation of Article 49 of the Fourth Geneva Convention (1949), which explicitly prohibits the forcible transfer or deportation of protected persons from occupied territories, regardless of motive<sup>3</sup>. The revocation of Abu Yahya's residency and subsequent denial of his right to live in Jerusalem without due process effectively amounts to a form of indirect forcible transfer.

Furthermore, this situation breaches Articles 9 and 12 of the International Covenant on Civil and Political Rights (ICCPR). Article 9 guarantees the right to liberty and security of person, including protection from arbitrary arrest or expulsion. Article 12 affirms every individual's right to liberty of movement and to choose their residence within a state's territory<sup>4</sup>. The Israeli state's refusal to acknowledge Abu Yahya's

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<sup>1</sup> Human Rights Watch, PR.

<sup>2</sup> Human Rights Watch, PR.

<sup>3</sup> Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), August 12, 1949, Article 49.

<sup>4</sup> International Covenant on Civil and Political Rights (ICCPR), December 16, 1966, Articles 9 and 12.

permanent residency and its treatment of him as a foreigner upon return represent a denial of these basic rights.

Additionally, the unequal application of Israeli laws—particularly the policy allowing Jewish citizens to hold dual nationality without repercussion, while penalizing Palestinians for the same—amounts to systematic racial discrimination. This is in direct violation of the International Convention on the Elimination of All Forms of Racial Discrimination (1965), which prohibits laws and practices that differentiate between individuals based on ethnic or national origin<sup>1</sup>.

Moreover, the conditioning of access to social and civil rights on political loyalty or the absence of another nationality constitutes a violation of the principle of equal treatment under international administrative law. This principle mandates that all individuals subject to state authority must be treated without discrimination, especially regarding access to basic social entitlements<sup>2</sup>.

### **Case 3: Rami – Loss of Residency Due to Dual Citizenship and the “Center of Life” Policy**

#### **Background**

Rami was born and raised in Jerusalem. His family has held permanent residency since their displacement to the city in 1948 following their expulsion from a Palestinian village. Rami received his permanent residency ID at the age of sixteen, as per standard practice, in 1987. After his secondary school was shut down during the First Intifada, he relocated to the United States in 1989 to continue his education, traveling on a temporary Israeli travel document (*laissez-passer*). He later acquired American citizenship in 1993<sup>3</sup>.

#### **Beginning of Legal Status Revocation**

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<sup>1</sup> International Convention on the Elimination of All Forms of Racial Discrimination, December 21, 1965.

<sup>2</sup> Richard B. Lillich, ed., *The Human Rights of Aliens in Contemporary International Law* (Manchester: Manchester University Press, 1984).

<sup>3</sup> Human Rights Watch, "Israel: Jerusalem Palestinians Stripped of Status," *Human Rights Watch*, August 8, 2017, <https://www.hrw.org/news/2017/08/08/israel-jerusalem-palestinians-stripped-status>.

Rami returned to Jerusalem in July 1995. Upon arrival at Ben Gurion Airport, he was issued only a three-month tourist visa. After appealing to the Ministry of Interior, the “mistake” was corrected and his Jerusalem residency card was reinstated. However, this temporary acknowledgment did not prevent future complications.

Over the years, the authorities consistently refused to issue birth certificates for his five children—despite all being born in Jerusalem between 1997 and 2006—citing that he “lacked legal residency.” His repeated attempts to prove his “center of life” in Jerusalem were rejected, despite submitting substantial evidence including utility bills and school registration records<sup>1</sup>.

### **Consequences of Legal Exclusion**

In 2007, Rami initiated legal proceedings to restore his residency status with the support of a lawyer. Nevertheless, the Ministry of Interior informed him that his acquisition of U.S. citizenship rendered him “ineligible” for permanent residency. In 2011, his application to reinstate his social and insurance rights—including health coverage, retirement benefits, and unemployment insurance—was denied on the grounds of “lack of legal status,” according to documents reviewed by Human Rights Watch.

His loss of legal residency has had wide-ranging consequences. He has been unable to register his children in public schools or access healthcare services, and he was denied the ability to renew his driver’s license or pass through military checkpoints without obstruction. In 2016, soldiers at a checkpoint confiscated his license and told him his name “was no longer in the system,” further stating that his residency had been officially revoked in 2007. When he applied for a temporary visa pending resolution of his case, the request was denied, as his “illegal presence” rendered him ineligible<sup>2</sup>.

### **Humanitarian and Economic Impact**

Today, Rami lives in a state of legal ambiguity. He is unable to work formally, move freely, or regain his rights as a resident. He reports being unable to afford the long and costly legal procedures due to his modest income as a laborer and the financial burden

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<sup>1</sup> Human Rights Watch, PR.

<sup>2</sup> Human Rights Watch, PR.

of educating his children. As a result, he was forced to obtain both U.S. and West Bank-issued birth certificates for his children in order to enroll them in schools<sup>1</sup>.

## **Legal Analysis**

Rami's case illustrates the arbitrary application of the so-called "Center of Life" policy, which is systematically used to strip Palestinians of their legal status in a manner inconsistent with international legal standards. This policy demands continuous proof of physical residence in Jerusalem, a requirement that is not imposed on Israeli citizens. Such a practice constitutes a clear violation of the principle of equality and non-discrimination as enshrined in Article 26 of the International Covenant on Civil and Political Rights (ICCPR), the International Convention on the Elimination of All Forms of Racial Discrimination (1965), and Article 49 of the Fourth Geneva Convention, which prohibits the forcible transfer or deportation of protected persons from occupied territory<sup>2</sup>.

Furthermore, the revocation of legal status based on the acquisition of foreign nationality—while permitting Israeli citizens to hold multiple nationalities without compromising their legal rights—violates the principle of legal neutrality and constitutes an unlawful restriction of human rights. This practice undermines the fundamental concept of equal treatment under administrative law and infringes upon the protection of residency and family life guaranteed under international human rights instruments<sup>3</sup>.

### **Case 4: Basema– The Impact of Temporary Residency Restrictions on the Right to Family Life and Human Stability**

#### **Background:**

Basema was born in the United States to a Palestinian Jerusalemite family originally from the Shuafat neighborhood in East Jerusalem. She did not hold any legal status in

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<sup>1</sup> Human Rights Watch, PR.

<sup>2</sup> International Covenant on Civil and Political Rights, art. 26, Dec. 16, 1966, 999 U.N.T.S. 171; International Convention on the Elimination of All Forms of Racial Discrimination, Dec. 21, 1965, 660 U.N.T.S. 195; Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), art. 49, Aug. 12, 1949, 75 U.N.T.S. 287.

<sup>3</sup> See Human Rights Committee, *General Comment No. 27*, CCPR/C/21/Rev.1/Add.9 (1999); UN Committee on Economic, Social and Cultural Rights, *General Comment No. 4*, E/1992/23 (1991).

either the occupied Palestinian territory or in Israel. In 1992, she moved to Jerusalem to marry a Palestinian permanent resident, and in 1994 she obtained temporary residency through a family reunification application<sup>1</sup>.

### **Loss of Residency and the Beginning of Legal Hardship:**

In 2003, Basema **was** forced to return to the United States to pursue graduate studies and to secure medical treatment for her son, who was experiencing hearing and speech difficulties. During this period, she divorced her husband and remained in the United States for a decade.

In 2013, she returned to Jerusalem with her two children, both of whom were born in the city. Upon her arrival at Ben Gurion Airport, she was granted a temporary three-month visa and was asked to sign a document in Hebrew, which airport officials claimed obligated her to report to the Ministry of Interior to restore her legal status. She retained a lawyer to submit an official application to restore her residency and that of her children<sup>2</sup>.

### **Temporary Legal Status and Lack of Protection:**

From her return until 2016, Basema and her children lived without any recognized legal status, making it impossible for them to lead a normal life. In 2016, her children were granted residency, while she remained subject to the visitor visa system. She renewed the visa seven times, two of which were done through the court after administrative rejection by the authorities.

This legal uncertainty deprived her of family and legal stability, as well as the ability to participate in social life outside the country—such as attending her brother's wedding or visiting a sick relative—and access stable public services such as education, insurance, and employment.

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<sup>1</sup> Human Rights Watch, "Israel: Jerusalem Palestinians Stripped of Status," *Human Rights Watch*, August 8, 2017, <https://www.hrw.org/news/2017/08/08/israel-jerusalem-palestinians-stripped-status>.

<sup>2</sup> Human Rights Watch, PR.

Basema estimates that the legal and administrative costs she incurred in attempting to restore her status exceeded 10,000 shekels (approximately \$2,800 USD), in addition to the psychological stress and constant anxiety the process caused<sup>1</sup>.

### **Legal Analysis:**

This case clearly illustrates a violation of several fundamental rights protected under international law, including the right to family life, enshrined in Article 17 of the International Covenant on Civil and Political Rights (ICCPR), which safeguards individuals from arbitrary interference in their private and family life (UN General Assembly, 1966)<sup>2</sup>. It also breaches Article 13 of the Universal Declaration of Human Rights, which guarantees everyone the right to return to their country (UN General Assembly, 1948)<sup>3</sup>. Furthermore, the principle of equality and non-discrimination, as set forth in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), is violated by treating Basema as a mere “temporary visitor” despite her deep familial and residential ties to Jerusalem (UN General Assembly, 1979)<sup>4</sup>.

The imposition of a conditional and unstable residency regime, and the continued suspension of a woman’s legal status based on her husband’s presence or absence, amounts to a form of structural discrimination based on gender and nationality. This constitutes a breach of Israel’s obligations under international human rights law, particularly regarding the prohibition of discrimination and the obligation to respect and ensure equal treatment before the law regardless of sex or origin.

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<sup>1</sup> Human Rights Watch, PR.

<sup>2</sup> UN General Assembly. *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171.

<sup>3</sup> UN General Assembly. *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III).

<sup>4</sup> UN General Assembly. *Convention on the Elimination of All Forms of Discrimination against Women*, 18 December 1979, United Nations, Treaty Series, vol. 1249, p. 13.

## **Case 5: Abd Dawiyat – Revocation of Residency as a Form of Collective Punishment in Violation of International Law**

### **Case Background**

On January 19, 2016, the Israeli Ministry of Interior decided to revoke the residency of Abd Dawiyat, who was 18 years old at the time, on the grounds of his alleged involvement in throwing stones at Israeli vehicles, which resulted in the death of an Israeli citizen and injury to another. In an official letter addressed to Dawiyat's attorney, Israeli Minister of Interior Aryeh Deri justified the revocation by stating that "the defendant violated his duty of loyalty to the state and acted in a way that undermines its existence," implying that residency requires "political loyalty" as a condition for its continuation<sup>1</sup>.

### **Collective Punishment of the Family**

The punitive measure did not stop at revoking Dawiyat's residency; the family home was also completely sealed with iron sheets, forcibly displacing the family from their place of residence. The family was not officially notified of the decision prior to its publication in the media, indicating a lack of procedural transparency and violation of the principles of fair trial.

Abd's mother, Sarah Dawiyat, stated:

*"We have been living in Jerusalem since before 1967, and we received no official notice before we heard about the decision from the media."<sup>2</sup>*

### **Current Legal Status**

Abd Dawiyat was convicted following a plea bargain agreement that included a fine of 100,000 shekels (approximately 2,800 USD) and an 18-year prison sentence to be served in Nafha Prison. At the same time, Dawiyat submitted a petition to the Israeli Supreme Court challenging the decision to revoke his residency. If the appeal is rejected,

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<sup>1</sup> Human Rights Watch, "Israel: Jerusalem Palestinians Stripped of Status," *Human Rights Watch*, August 8, 2017, <https://www.hrw.org/news/2017/08/08/israel-jerusalem-palestinians-stripped-status>.

<sup>2</sup> Human Rights Watch, PR.

he will be barred from returning to Jerusalem upon completion of his sentence, resulting in his forced separation from his family and community<sup>1</sup>.

## Legal Analysis

The use of residency revocation as an additional criminal punishment—particularly in the absence of an independent and open judicial proceeding—constitutes a grave violation of international standards. Specifically, Article 49 of the **Fourth Geneva Convention (1949)** prohibits the forcible transfer and mass deportation of protected persons from occupied territories<sup>2</sup>. Similarly, Article 33 of the same Convention explicitly condemns collective punishment, including the sanctioning of family members for acts allegedly or actually committed by individuals<sup>3</sup>.

Furthermore, the principles of fair trial, as articulated in Article 14 of the International Covenant on Civil and Political Rights (ICCPR), require procedural transparency and access to genuine judicial review in any administrative decision affecting fundamental rights<sup>4</sup>.

The imposition of “political loyalty” as a condition for the continuation of residency also contradicts the well-established principle that populations under occupation cannot be compelled to pledge allegiance to the occupying power<sup>5</sup>. This principle has been reaffirmed by the International Committee of the Red Cross (ICRC) as a core element of customary international humanitarian law<sup>6</sup>.

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<sup>1</sup> Human Rights Watch, PR.

<sup>2</sup> Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War, August 12, 1949, Article 49.

<sup>3</sup> Ibid., Article 33.

<sup>4</sup> International Covenant on Civil and Political Rights, December 16, 1966, United Nations, Treaty Series, vol. 999, Article 14.

<sup>5</sup> Jean-Marie Henckaerts and Louise Doswald-Beck, *Customary International Humanitarian Law*, Vol. I: Rules (Cambridge: Cambridge University Press, 2005), Rule 51.

<sup>6</sup> International Committee of the Red Cross, *Commentary on the Fourth Geneva Convention*, 1958, Article 49.

## **Case 6: The Abu Rajab Family – Revocation of Residency as a Tool of Collective Punishment and Forced Displacement**

### **Background**

In 1992, Maysaa Harbawi, a permanent resident of Jerusalem, married Kassaf Abu Rajab, a Palestinian from the West Bank who held an identity card issued there. Due to the husband's legal status, the family was compelled to reside in the West Bank, although the Abu Rajab family originally comes from the Old City of Jerusalem.

In 2013, the family moved to East Jerusalem without the husband having a residency permit. They began the process of officially applying for family unification with the Israeli Ministry of Interior—a process that lasted two and a half years without final approval. During this time, the husband was considered by Israeli authorities to be “illegally residing” in Jerusalem<sup>1</sup>.

### **Escalation Following a Security Incident**

On March 8, 2016, one of the family's sons, Fouad Abu Rajab, opened fire on Israeli forces in Jerusalem, injuring two before being killed in the confrontation. Immediately afterward, the Israeli Minister of Public Security, Gilad Erdan, ordered an investigation into the legal status of the family and publicly stated:

*"My instructions were clear: anyone residing illegally will be deported."<sup>2</sup>*

That same day, Israeli police raided the family's home, ransacked its contents, and threatened to deport the family to Gaza or Syria. Kassaf Abu Rajab was arrested and held for 11 days. All family members were summoned for interrogation and were compelled to sign a document written in Hebrew, the contents of which they did not understand. It

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<sup>1</sup> Human Rights Watch, "Israel: Jerusalem Palestinians Stripped of Status," *Human Rights Watch*, August 8, 2017, <https://www.hrw.org/news/2017/08/08/israel-jerusalem-palestinians-stripped-status>.

<sup>2</sup> Human Rights Watch, PR.

was later revealed that the document included an order for their expulsion from Jerusalem, excluding the mother and her twin children who were born in the city<sup>1</sup>.

### **Forced Displacement and Family Separation**

The family—except for the father, who remained in detention—was transferred to the Qalandiya checkpoint and forced to live in the village of Al-Judeira, northwest of Jerusalem, in a small house belonging to the husband's mother. Since then, only the mother has been allowed to enter Jerusalem, while the remaining family members have suffered from denial of residency, restrictions on freedom of movement, and access to education.

The father stated:

*"My children do not feel they belong here... They left their schools, suffer from depression, and want to return to Jerusalem."<sup>2</sup>*

### **Legal Analysis**

This case constitutes a clear violation of multiple international legal standards and conventions. Chief among them is Article 33 of the Fourth Geneva Convention (1949), which strictly prohibits collective penalties, including any form of punishment inflicted on a group for acts committed by individuals<sup>3</sup>. The revocation of residency from the entire family on the basis of one member's actions falls squarely within this prohibition.

In addition, Article 49 of the same Convention prohibits the forcible transfer or deportation of protected persons from occupied territory, regardless of motive<sup>4</sup>.

This practice also violates the International Covenant on Civil and Political Rights (ICCPR), especially Article 17, which safeguards the right to privacy, family life, and

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<sup>1</sup> Human Rights Watch, PR.

<sup>2</sup> Human Rights Watch, PR.

<sup>3</sup> Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), August 12, 1949, Article 33.

<sup>4</sup> Ibid., Article 49.

protection from arbitrary or unlawful interference with one's home<sup>1</sup>, and Article 12, which guarantees the right to liberty of movement and the freedom to choose one's residence<sup>2</sup>.

The Convention on the Rights of the Child (CRC) (1989) is also relevant, particularly Article 9, which protects children from being separated from their parents against their will<sup>3</sup>, and Article 28, which affirms every child's right to education<sup>4</sup>.

Moreover, forcing the family to sign a legal document written in a language they do not understand constitutes a violation of procedural fairness and basic due process guarantees, including the right to a fair hearing, the right to legal counsel, and the right to understand the legal implications of administrative actions<sup>5</sup>. These are essential elements of justice under both humanitarian and international human rights law.

### **Case 7: The Qanbar Family – Revocation of Residency and Home Demolition as Forms of Collective Punishment Prohibited Under International Law**

#### **Background:**

On January 8, 2017, Fadi Qanbar, a 28-year-old Palestinian, carried out a truck-ramming attack targeting Israeli soldiers in East Jerusalem, resulting in the deaths of four soldiers. Following the incident, the Israeli Ministry of Interior issued decisions to revoke the residency status of 13 members of the Qanbar family, including his mother Manwa Qanbar, his siblings, the children of his siblings, and other extended family members<sup>6</sup>.

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<sup>1</sup> International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, entered into force March 23, 1976, Article 17.

<sup>2</sup> Ibid., Article 12.

<sup>3</sup> Convention on the Rights of the Child (CRC), adopted November 20, 1989, entered into force September 2, 1990, Article 9.

<sup>4</sup> Ibid., Article 28.

<sup>5</sup> United Nations Human Rights Committee, *General Comment No. 32: Article 14: Right to equality before courts and tribunals and to a fair trial*, CCPR/C/GC/32, August 23, 2007.

<sup>6</sup> Human Rights Watch, "Israel: Jerusalem Palestinians Stripped of Status," *Human Rights Watch*, August 8, 2017, <https://www.hrw.org/news/2017/08/08/israel-jerusalem-palestinians-stripped-status>

**Legal Basis for the Decision:**

The Israeli authorities justified these decisions based on "intelligence information" alleging that some family members had connections to "terrorist activities" or "extremist organizations." Then-Minister of Interior Aryeh Deri stated that these measures were part of a new policy aimed at "detering potential terrorists," and that revocation of residency would be used as a punitive tool to prevent future attacks.

One official letter sent to Diya Qanbar, the nephew of the perpetrator, stated that "mere suspicion of a family member's affiliation with a terrorist organization constitutes a security threat," despite the absence of any judicial evidence or public criminal investigation<sup>1</sup>.

**Accompanying Punitive Measures:**

The collective punitive measures included<sup>2</sup>:

- The revocation of residency from 13 individuals, including minor children.
- The complete demolition of Fadi Qanbar's home using reinforced concrete, which led to the displacement of his wife and four children.
- The denial of national insurance benefits to the family, including healthcare and child allowances.
- The filing of a civil lawsuit against the family seeking monetary compensation.

**Impact on Family Members:**

Hind Qanbar, Fadi's sister, stated that her son Diya lost his residency status despite her having completed all legal procedures over the years, including family reunification requests, regular data updates with the Ministry of Interior, and routine inspection visits from the National Insurance Institute.

She also noted that her other son, Baha, lost his residency in 2015 after being accused of possessing a knife, although he had not carried out any attack.

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<sup>1</sup> Human Rights Watch, PR.

<sup>2</sup> Human Rights Watch, PR.

The loss of residency status has severely impacted the family's economic conditions, restricting employment opportunities, mobility within Jerusalem, access to education, and cutting off essential services<sup>1</sup>.

### **Legal Analysis:**

These measures constitute a clear violation of international law, particularly the following provisions, Article 33 of the Fourth Geneva Convention (1949), which explicitly prohibits collective punishment and forbids holding families or communities responsible for individual acts of wrongdoing.

*“No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited.”<sup>2</sup>*

Article 49 of the Fourth Geneva Convention (1949), which prohibits the forcible transfer and mass deportation of protected civilians from occupied territory.

*“Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory... are prohibited, regardless of their motive.”<sup>3</sup>*

The Rome Statute of the International Criminal Court (1998): Article 7 classifies the *forcible transfer of population* as a crime against humanity. And article 8 recognizes the *unlawful destruction of property* and *forced displacement* during occupation as war crimes<sup>4</sup>.

Article 17 of the International Covenant on Civil and Political Rights (ICCPR), which protects individuals from arbitrary or unlawful interference with their family life.

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<sup>1</sup> Human Rights Watch, PR.

<sup>2</sup> Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War, 12 August 1949, Art. 33

<sup>3</sup> Geneva Convention (IV), Art. 49

<sup>4</sup> Rome Statute of the International Criminal Court, 17 July 1998, Arts. 7(1)(d) and 8(2)(a)(iv)

*“No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence...”<sup>1</sup>*

Moreover, revoking residency solely based on "family affiliation" or "kinship to a perpetrator", without any judicial ruling, and without offering the affected individuals the right to a defense or prior appeal, constitutes a serious breach of the principle of due process and the right to a fair hearing as guaranteed under Article 14 of the ICCPR<sup>2</sup>.

### **Case 8: Wafa’ Alayan – Legal Nonexistence and the Violation of the Rights to Education, Movement, and Healthcare**

#### **Background:**

Wafa’ Alayan is a young Palestinian woman born in Jerusalem to an Israeli citizen father and a mother from the West Bank. Her case represents a striking example of the phenomenon of “unrecognized residents” under the Israeli legal system. Despite being born and raised in a Palestinian village west of Jerusalem, Wafa’ holds no legal documentation to prove her residency and was never registered with the Israeli Ministry of Interior<sup>3</sup>.

#### **Legal Status:**

Wafa’ suffers from complete legal limbo. She is neither classified as a citizen nor a permanent resident, and she holds no recognized nationality. As a result, she is unable to enroll in Israeli universities or take standardized admission exams, such as the YAEI Hebrew language test required for postgraduate studies at the Hebrew University in Jerusalem. She had previously completed her undergraduate studies at Bethlehem University using documents from her father, but these are no longer sufficient<sup>4</sup>.

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<sup>1</sup> International Covenant on Civil and Political Rights (ICCPR), 16 December 1966, Art. 17

<sup>2</sup> ICCPR, Art. 14

<sup>3</sup> Haaretz, "No Bank Account, Driver's License or Work Permit: Thousands of Palestinians Living in Israel Are in Kafkaesque Limbo," Haaretz (English edition), October 1, 2024.

<sup>4</sup> Haaretz, PR.

### **Humanitarian and Social Impact:**

Her inability to obtain an identity card has denied her access to higher education, despite her academic excellence. She is subjected to repeated interrogations at checkpoints—especially while wearing the hijab—placing her at risk and exposing her to humiliation. During the COVID-19 pandemic, she was denied access to vaccination until the Ministry of Health intervened and allowed her to visit a clinic designated for foreigners. She describes her reality by saying:

*“I cannot live. I don’t feel like I exist.”<sup>1</sup>*

### **Family Testimony:**

Wafa’s case also reflects a profound human dimension through the testimony of her father, who expressed deep guilt over not having registered his daughter as a permanent resident before she reached the age of 14—a legal threshold under Israeli law.

Her father stated:

*“She doesn’t feel like she’s alive; sometimes a policeman doesn’t even know what this paper is.”*

*“Every time she leaves the house, she’s afraid. But she did nothing wrong—I am the one who failed... Why punish her? Punish me and let my daughter live.”<sup>2</sup>*

### **Legal Analysis:**

Wafa’s case is a clear example of a violation of the 1954 Convention Relating to the Status of Stateless Persons, which obliges states to take appropriate measures to prevent individuals from remaining without a legal status (Article 32)<sup>3</sup>. By failing to register her and provide her with legal residency, the State of Israel has effectively rendered her stateless and deprived her of the protections associated with legal identity.

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<sup>1</sup> Haaretz, PR.

<sup>2</sup> Haaretz, PR.

<sup>3</sup> 1954 Convention Relating to the Status of Stateless Persons, Article 32.

Her exclusion from higher education also constitutes a breach of Article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which recognizes the right of everyone to education and obliges states to make higher education equally accessible to all, based on capacity and without discrimination<sup>1</sup>.

Furthermore, the denial of access to healthcare, including during the COVID-19 pandemic, violates Article 12 of the ICESCR, which guarantees “the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.”<sup>2</sup>

Wafa’s situation exemplifies a broader pattern of institutionalized discrimination, notably through policies such as the 2003 Amendment to Israel’s Citizenship and Entry into Israel Law<sup>3</sup>, which restricts residency rights for Palestinians married to Israeli citizens or permanent residents. This amendment has disproportionately affected Palestinian families and has been widely criticized for violating principles of equality and family unity under international human rights law.

### **Case 9: Adel Matab – Administrative Marginalization and Individual Exclusion within the Same Family**

#### **Background:**

Adel Matab was born in 1978 to a mother holding permanent residency in Jerusalem and a father from Hebron, located in the West Bank. Despite his mother submitting several family unification applications, all ten of Adel’s siblings were granted permanent residency, while he remained the sole exception—without any official justification provided. This administrative discrepancy in the treatment of family members formed the basis for depriving Adel of the most basic rights associated with legal identity<sup>4</sup>.

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<sup>1</sup> UN Committee on Economic, Social and Cultural Rights, General Comment No. 13 (Right to Education) and No. 14 (Right to Health)

<sup>2</sup> International Covenant on Economic, Social and Cultural Rights (ICESCR), Articles 12 & 13

<sup>3</sup> Citizenship and Entry into Israel Law (Temporary Order) – 2003 Amendment.

<sup>4</sup> Haaretz, "No Bank Account, Driver's License or Work Permit: Thousands of Palestinians Living in Israel Are in Kafkaesque Limbo," Haaretz (English edition), October 1, 2024.

## **Legal Status:**

Adel was not granted any form of legal residency until the age of forty. At that point, after submitting four legal petitions and seven applications to the Israeli Ministry of Interior's Humanitarian Committee, he was finally issued a temporary identity card, renewable every two years. However, even with this card, he was not granted permanent residency status nor provided with any legal guarantees to secure his long-term status<sup>1</sup>.

## **Human and Social Impact:**

Prior to obtaining the temporary ID, Adel faced severe existential restrictions, including:

- **Denial of Employment:** He could not be formally employed and was subject to exploitation by employers who withheld wages due to his lack of legal identity.
- **Lack of Access to Healthcare:** He was ineligible for public health insurance and was forced to seek private medical treatment at his own expense.
- **Inability to Marry Legally:** He could not register his marriage due to the absence of an official identity number.
- **Security Harassment:** He was arrested multiple times for not holding an identity document, and his father was often forced to intervene to secure his release.

Adel described his experience as follows: "I had no driver's license, no job. I had to see private doctors at my own expense, and I couldn't marry because I didn't have an ID number."<sup>2</sup>

## **Legal Analysis:**

Adel's case constitutes a direct violation of Article 26 of the International Covenant on Civil and Political Rights (ICCPR)<sup>3</sup>, which guarantees equality before the law and protection against discrimination. The unequal treatment within his own family, whereby all his siblings received permanent residency while he did not, also breaches Article 2 of

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<sup>1</sup> Haaretz, PR.

<sup>2</sup> Haaretz, PR.

<sup>3</sup> United Nations. *International Covenant on Civil and Political Rights*, art. 26, Dec. 16, 1966, 999 U.N.T.S. 171.

the Convention on the Rights of the Child (1989)<sup>1</sup>. This article prohibits discrimination against children based on the legal or civil status of their parents.

Furthermore, the prolonged denial of residency for a period of 40 years, accompanied by repeated rejections without transparent justification, reflects a breach of the principle of good faith in administrative practices and a violation of the right to fair legal procedures, as enshrined in general principles of international law and administrative justice.

This situation also constitutes a violation of the 1954 Convention Relating to the Status of Stateless Persons<sup>2</sup>, which obligates states to provide individuals residing within their territory with a clear legal status to prevent the continuation of statelessness or legal marginalization.

### **Case 10: Fouad and Ahmad – Internal Discrimination Among Siblings and Absence of Legal Protection Despite Birth Inside Israel**

#### **Background:**

Fouad and Ahmad (pseudonyms) are two Palestinian brothers born in Jerusalem to a Jerusalemite family. Among their five siblings, three were officially registered with the Israeli Ministry of Interior and received Israeli identity cards, while their parents failed to complete the registration procedures for Fouad and Ahmad. As a result, both brothers have lived without any recognized legal status since birth, despite being born within what Israel considers the borders of “unified Jerusalem.”<sup>3</sup>

#### **Legal Status:**

Neither Fouad nor Ahmad held any official legal status, rendering them ineligible for identity cards or permanent residency rights. Their legal situation only changed after a long legal struggle with the Ministry of Interior, culminating in each being granted a temporary identity card, renewable every two years. However, this status remains

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<sup>1</sup> United Nations. *Convention on the Rights of the Child*, art. 2, Nov. 20, 1989, 1577 U.N.T.S. 3.

<sup>2</sup> United Nations. *Convention Relating to the Status of Stateless Persons*, July 28, 1954, 360 U.N.T.S. 117.

<sup>3</sup> Haaretz, "No Bank Account, Driver's License or Work Permit: Thousands of Palestinians Living in Israel Are in Kafkaesque Limbo," Haaretz (English edition), October 1, 2024.

precarious and lacks legal guarantees, as it is subject to the discretion of the executive authority without sufficient judicial oversight<sup>1</sup>.

### **Human and Social Impact:**

Despite growing up in Jerusalem, the two brothers suffered multiple consequences of their stateless condition:

- Exclusion from formal education: Fouad was unable to obtain a high school diploma due to the absence of an official ID number.
- Constant threat of detention: Fouad was arrested several times solely for not possessing an identity card, and he actively avoided police out of fear of detention.
- Legal and social isolation: They could not obtain driver's licenses, open bank accounts, or enroll in the national health insurance system.
- Persistent sense of familial discrimination: While their siblings enjoyed stable legal status, Fouad and Ahmad were treated as foreigners in their own homeland<sup>2</sup>.

Fouad stated: *"As soon as you see the police, you feel fear. You don't have anything that proves who you are. I can't study, move freely, or work."*<sup>3</sup>

### **Legal Analysis:**

This case constitutes a violation of the Convention on the Rights of the Child (1989), particularly Article 7, which guarantees every child the right to be registered immediately after birth and to acquire a name and nationality<sup>4</sup>. It also breaches the International Covenant on Civil and Political Rights (ICCPR), specifically Article 12, which ensures the right to liberty of movement, and Article 26, which guarantees equality before the law and protection against discrimination<sup>5</sup>.

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<sup>1</sup> Haaretz, PR.

<sup>2</sup> Haaretz, PR.

<sup>3</sup> Haaretz, PR.

<sup>4</sup> United Nations General Assembly. *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3.

<sup>5</sup> United Nations General Assembly. *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171.

Furthermore, this situation violates the 1954 Convention Relating to the Status of Stateless Persons, which obliges State parties to prevent the emergence or continuation of statelessness, especially for individuals born on their territory<sup>1</sup>.

The differential treatment among siblings in granting residency constitutes unjustified internal discrimination. It undermines family unity and social cohesion and exacerbates a sense of legal marginalization. Such discriminatory administrative practices contribute to the systematic erosion of identity and legal certainty for Palestinian families residing in Jerusalem.

### **Case 11: Abdullah al-Ja'bari – The Legal and Human Implications of Discriminatory Bureaucracy in Granting Residency**

#### **Background:**

Born in 1987, Abdullah al-Ja'bari is a stark example of the compounded effects of Israeli residency policies on Palestinians in Jerusalem. He was born to a Jerusalemite mother holding permanent residency and a father from the city of Hebron. His father was forced to remain in the West Bank due to policies that, until 1994, prevented Jerusalemite women from submitting family unification requests for non-resident spouses. Following a change in the law, Abdullah's mother submitted a request to register her children as residents of Jerusalem. However, the process remained incomplete due to her terminal illness, which led to her death when Abdullah was fifteen years old<sup>2</sup>.

In the years that followed, Abdullah and his siblings lived in Jerusalem but were unable to obtain secure legal status. After a prolonged legal struggle, Abdullah and three of his siblings were granted temporary residency cards on "humanitarian grounds," subject to periodic renewal but with no guarantees of permanence.

Later, however, the Israeli Ministry of Interior revoked Abdullah's residency status after it was discovered that he had married a woman from the West Bank without

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<sup>1</sup> United Nations. *Convention Relating to the Status of Stateless Persons*, 28 September 1954, United Nations, Treaty Series, vol. 360, p. 117.

<sup>2</sup> Haaretz, "No Bank Account, Driver's License or Work Permit: Thousands of Palestinians Living in Israel Are in Kafkaesque Limbo," Haaretz (English edition), October 1, 2024.

disclosing this during his residency application process. Abdullah defended himself by stating that he was unaware of the legal implications of this omission. He explained:

“I never asked the state for anything. I didn’t receive any benefits from the National Insurance Institute, and I paid for all my medical treatment and education out of pocket. But I was afraid my request would be denied. I don’t understand Hebrew well.<sup>1</sup>”

As a result of the revocation, Abdullah lost his legal status and became subject to potential deportation. He was stripped of his right to work, move freely, and access basic social services. The Israeli Supreme Court upheld the Ministry’s decision, despite its disproportionate punitive nature.

The deeper impact of this situation emerged in relation to his children. Abdullah expressed deep concern for their future, especially given the state's policy of creating “legally divided families,” in which some children receive full residency while others are denied. As he stated:

“I keep hearing from other parents who suffer because they can’t secure residency for their children... The state creates divided families, and some children feel invisible.”<sup>2</sup>

This situation generates identity crises, psychological distress, and exacerbates the fragility of the Palestinian social fabric in Jerusalem.

### **Legal Analysis:**

From the perspective of international law, this case constitutes a clear example of the violation of fundamental rights of the individual and the family. The Israeli procedures in this case are in breach of Article 17 of the International Covenant on Civil and Political Rights (ICCPR)<sup>3</sup>, which prohibits arbitrary or unlawful interference with one’s privacy, family, or home. They also violate Articles 7 and 16 of the Convention on the Rights of

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<sup>1</sup> Haaretz, PR.

<sup>2</sup> Haaretz, PR.

<sup>3</sup> International Covenant on Civil and Political Rights, adopted December 16, 1966, United Nations Treaty Series 999:171, art. 17.

the Child (CRC)<sup>1</sup>, which guarantee every child the right to acquire a nationality, to preserve their identity and family relations, and to be protected from discrimination based on their parents' legal status. Additionally, the case contravenes Article 49 of the Fourth Geneva Convention<sup>2</sup>, which prohibits the forcible transfer of protected persons from occupied territory, regardless of motive.

## Conclusion

The revocation of residency for non-substantive reasons underscores the absence of the principle of *reasonableness* in Israeli administrative decisions and reflects the use of residency as a tool for political and demographic pressure, rather than as a stable legal right. Israeli residency policies in East Jerusalem have become administrative instruments repurposed for systematic displacement and discrimination. These policies mark a fundamental shift in the function of administrative tools—from a framework for legal regulation to a mechanism of political domination and demographic engineering.

The aforementioned cases illustrate that residency is no longer granted based on actual residence or social ties, but rather employed to impose a fragile legal reality on Palestinians, characterized by the constant threat of losing legal status. Palestinian families are thus subjected to a system of *conditional legal governance*, compelled to make life-altering decisions within complex and restrictive bureaucratic deadlines. This policy leads to what may be described as a form of “inheritable legal punishment,” where children bear the consequences of procedural errors or omissions made by their parents.

Multiple pretexts—such as dual nationality or family connections—are used to strip individuals of their rights, highlighting the arbitrary application of the so-called *discretionary authority* by Israeli administrative bodies, particularly the Ministry of Interior. This has resulted in the emergence of rights-deprived categories within the same family unit, in flagrant violation of the principle of family unity and the international legal

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<sup>1</sup> Convention on the Rights of the Child, adopted November 20, 1989, United Nations Treaty Series 1577:3, arts. 7, 16.

<sup>2</sup> Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War, adopted August 12, 1949, United Nations Treaty Series 75:287, art. 49

protections afforded to residents of occupied territories under international humanitarian law.

Fundamental rights—such as housing, education, and freedom of movement—are linked to the behavior of family members or to undocumented security claims, in grave breach of the principle of *non-collective punishment*. This fosters a pattern of collective punishment and forced displacement. Field testimonies reveal that these policies have profound psychological and social consequences, transforming Palestinian families into entities subject to conditional legal administration, compelled to navigate existential decisions under intense bureaucratic pressure that threatens their legal and social stability.

Policies of residency revocation, home demolition, and denial of civil and social rights are implemented in a discriminatory and collective manner, constituting egregious violations of international norms, particularly the Fourth Geneva Convention and the Rome Statute of the International Criminal Court. Given their systematic nature and widespread application, these practices represent an official policy aimed at reshaping the demographic composition of East Jerusalem in line with annexation and settlement objectives.

In conclusion, what is termed “residency administration” in East Jerusalem far exceeds the bounds of administrative governance. It has become a central tool in a colonial project designed to weaken the Palestinian presence and entrench legal inequalities based on national and ethnic grounds. This constitutes a direct violation of Israel’s obligations as an occupying power, and of the rules of international humanitarian and public law—warranting investigation and accountability before competent international bodies.

## **Chapter Five: The Application of International Law**

### **Section One: Mechanisms for the Application of International Law**

International efforts and endeavors culminated in the adoption of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, on August 12, 1949. The convention was signed by the plenipotentiaries of the governments represented at the diplomatic conference held in Geneva from April 21 to August 12, 1949, with the aim of establishing a legal framework for the protection of civilians during wartime<sup>1</sup>.

Israel ratified the Convention in 1951, thereby making it the binding legal framework governing its actions and conduct as an occupying power in the Arab territories it controls. As a legally binding instrument, all parties to the Convention—most importantly Israel—are obligated to respect and implement its provisions, a duty mandated by international law. The application of this Convention implies a proper and lawful behavior by the parties involved, aimed at enforcing the Convention and fulfilling the obligations set forth in its provisions<sup>2</sup>.

For decades, the United Nations has consistently maintained its demand for the application of the Fourth Geneva Convention. This position remained unchanged even after the signing of bilateral agreements between the Palestine Liberation Organization and Israel in 1993, as those agreements were transitional in nature and did not alter the legal status of the Palestinian territories. In fact, in practical terms, Israeli violations against civilians intensified in the wake of these agreements. Among the most serious violations are settlement expansion, land confiscation, construction of the separation wall, revocation of residency rights, withdrawal of identity cards, and forced displacement—all of which contravene international legal obligations.

On April 25, 1997, the United Nations General Assembly issued a resolution affirming the applicability of the Fourth Geneva Convention, along with the regulations annexed to the 1907 Hague Convention, to the occupied Palestinian territories in

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<sup>1</sup> Al-Mursi, Khalid. (2011). The international legal status of the city of Jerusalem in the light of the provisions of international law, international agreements and UN resolutions, Al-Wafa legal library, Alexandria, Egypt.

<sup>2</sup> Al-Mursi, op. cit.

general—and to Jerusalem in particular—as well as to all territories occupied by Israel in 1967<sup>1</sup>.

Despite these international affirmations, Israel continues to reject the application of the Geneva Conventions to the Palestinian territories. It denies that these territories are occupied, arguing instead that an occupying power may lawfully replace a legitimate sovereign. Israel further claims that its presence in the territories stems from a defensive war, and that this presence is therefore legitimate. It bases this stance on a theory of exceptional circumstances prevailing in the territories, arguing that the Fourth Geneva Convention, which deals with civilian protection, was not applicable prior to the occupation<sup>2</sup>.

This claim can be countered by asserting that Jerusalem, in particular, constitutes occupied territory subject to the law of belligerent occupation. Israel occupied the city following acts of aggression committed in 1967 against Jordan, Egypt, and Syria, thereby threatening the territorial integrity of these states and violating Article 2(4) of the United Nations Charter, which prohibits the threat or use of force against the territorial integrity of any member state. Since the occupation arose from an illegal war, the continued occupation of those territories constitutes an ongoing illegal act.

Israel's positions have been met with widespread rejection by the vast majority of legal experts, including the International Committee of the Red Cross and other international bodies. The United Nations has also taken a clear and explicit stance in favor of applying the provisions of the relevant conventions. Occupation is clearly defined under Article 42 of the Hague Convention, to which Israel is a party. As one Israeli legal expert has acknowledged, "If Israel is considered an occupying power under the provisions of the Hague Convention, then it must also be considered an occupying power under the provisions of the Fourth Geneva Convention."<sup>3</sup>

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<sup>1</sup> Abu Nasr, Abdul Rahman. (2000). The Fourth Geneva Convention for the protection of civilians of 1949 and its application to the Occupied Palestinian Territories, Raed al-Shawa Center, Gaza, Palestine.

<sup>2</sup> Al-Ashal, Abdullah. (1990). The impact of the declaration of the Palestinian state on the legal status of the Occupied Palestinian Territories, Egyptian Journal of international law, Cairo.

<sup>3</sup> Miron, Theodore. (1979). The occupied territories in the transitional period, human rights and humanitarian law.

As for the Israeli position regarding the applicability of the Fourth Geneva Convention and its claims of non-application, Israel has adopted since 1967 a legal position asserting that the 1949 Fourth Geneva Convention does not apply to the occupied Palestinian territory, including East Jerusalem. Its arguments rest on three main pillars:

**First:** The claim that the West Bank and East Jerusalem were not under the sovereignty of a State Party to the Convention prior to 1967, and therefore Article 2 of the Convention does not apply.

**Second:** The assertion that the Convention does not apply to “non-international conflicts,” classifying Palestinians as local inhabitants rather than nationals of a foreign state.

**Third:** The claim that implementation of the Convention is “voluntary,” and that Israel adheres to it as a matter of humanitarian practice rather than as a legal obligation.

These claims have been categorically and consistently rejected by the international community. The Security Council, in its resolutions 242, 338, 465, 478, and 2334, affirmed that the territories occupied in 1967, including East Jerusalem, are fully subject to the provisions of the Fourth Geneva Convention. The Conferences of the High Contracting Parties to the Convention held in 1999 and 2001 settled the matter explicitly, stating that “Israel is legally bound by the Fourth Geneva Convention in the occupied Palestinian territory.”

The International Court of Justice, in its Advisory Opinion of 9 July 2004, reaffirmed this principle, noting that Article 2 of the Convention applies in situations of “actual occupation” regardless of the prior status of sovereignty, and that all Israeli measures—including residency revocation, boundary re-demarcation, and settlement construction—violate Article 47, which prohibits any alteration of the legal status of protected persons or the territory they inhabit.

The International Committee of the Red Cross (ICRC), in its 2015 legal commentary, described the Israeli arguments as “without any basis in international law,” emphasizing that the law of occupation is not linked to the legality of the occupation itself but to “the fact of effective control over the territory,” thereby putting an end to all Israeli assertions regarding the Convention’s non-applicability.

Accordingly, residency-revocation policies are not merely administrative violations; they constitute a grave breach of the Convention under Article 147, which criminalizes forcible transfer, deportation, and the denial of fundamental rights to protected persons, and they entail international criminal responsibility for individuals and executive officials who order, approve, or facilitate such policies.

## **Section Two: The International Legal Frameworks for Protecting Palestinian Jerusalemites from Revocation of Residency Rights**

The resolutions of the United Nations Security Council regarding the expulsion of Palestinian citizens from the occupied territories—including Jerusalem—reflect the international community’s condemnation of the deportation measures implemented by the Israeli occupation authorities since their occupation of Palestinian territories in 1967.

The Security Council has issued nine resolutions on this matter, most notably Resolution No. 636 of 1989<sup>1</sup>. These resolutions collectively condemn Israel’s forced displacement of Palestinian citizens from the territories it has occupied since 1967, including Jerusalem, and consider such actions a violation of the Fourth Geneva Convention. From this, one may conclude the clear and unequivocal rejection by the international community of Israel’s policy of forced displacement against Palestinians, viewing it as a blatant breach of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War.

The 1949 Fourth Geneva Convention addresses the issue of forced displacement in Articles 45, 46, and 49, explicitly prohibiting the collective or individual forcible transfer or deportation of protected persons from occupied territory to the territory of the occupying power or to that of any other country, regardless of the motive<sup>2</sup>.

Article 49 of the Convention stipulates that, should the occupying power undertake to transfer or evacuate citizens from occupied territories, it must ensure, to the greatest

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<sup>1</sup> This resolution includes a request to Israel to ensure the return to the occupied territories of those who were deported (eight Palestinian civilians on June 29, 1989 ) and to stop Israel from deporting any other Palestinian civilians.

<sup>2</sup> Abusawi, Mahmoud. (2020). Israeli violations of rights and freedoms in the city of Jerusalem, Law Journal, Jerusalem, first issue.

extent possible, that appropriate accommodations are provided for the protected persons, and that such forced transfers occur under satisfactory conditions with respect to hygiene, health, safety, nutrition, and the unity of the family.

The Convention does not merely prohibit forced displacement in Article 49. It also categorizes it as a grave breach in Article 147<sup>1</sup>, given the serious threat it poses. This categorization activates the principle of universal jurisdiction under Article 146<sup>2</sup>, which obliges the signatory parties to search for and prosecute individuals responsible for such crimes before domestic courts.

Israel has sought to produce legal justifications and interpretations to legitimize its practices of forced displacement, relying on Israeli judicial rulings—particularly those of Judge Shamgar—concerning the expulsion of Palestinians. These rulings attempted to circumvent Article 49 of the Convention by distinguishing between individual and collective expulsions. The Israeli argument contends that only collective expulsions constitute a violation of the Fourth Geneva Convention, while individual expulsions do not contravene the spirit or letter of the Convention. They further argue that the intent of

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<sup>1</sup> Article 147 – Grave breaches: Grave breaches to which the preceding Article refers shall be those involving any of the following acts, if committed against persons or property protected by the present Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement of a protected person, compelling a protected person to serve in the forces of a hostile Power, or wilfully depriving a protected person of the rights of fair and regular trial prescribed in the present Convention, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.

<sup>2</sup> Article 146 – Penal sanctions: The High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention defined in the following Article. Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. It may also, if it prefers, and in accordance with the provisions of its own legislation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a prima facie case. Each High Contracting Party shall take measures necessary for the suppression of all acts contrary to the provisions of the present Convention other than the grave breaches defined in the following Article. In all circumstances, the accused persons shall benefit by safeguards of proper trial and defence, which shall not be less favourable than those provided by Article 105 and those following of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949.

Article 49 was to prevent the recurrence of mass deportations carried out by the Nazis during World War II<sup>1</sup>.

However, it must be emphasized that the language of Article 49 is clear in its prohibition of all forms of forced displacement, whether individual or collective. This clarity provides sufficient grounds to reject such interpretations and refute any claims that seek to legitimize forced displacement by drawing distinctions between its individual and collective forms.

In conclusion, it is evident that the Fourth Geneva Convention strictly prohibits all forms of forced displacement and classifies such actions as grave breaches of international humanitarian law. Israel, as an occupying power, is therefore obligated to abide by the provisions of this Convention in its treatment of the Palestinian population in the occupied Palestinian territories, including Jerusalem. Accordingly, all decisions and actions undertaken by Israeli occupation authorities to expel Palestinians from Jerusalem are unlawful under international law.

### **Section Three: The Extent to Which International Resolutions Concerning the City of Jerusalem Are Implemented**

Dozens of resolutions concerning Jerusalem have been issued by the United Nations General Assembly, the Security Council, and UNESCO<sup>2</sup>. Most of these resolutions affirm that Jerusalem is occupied Arab territory, and that the occupying power is not permitted to exercise any form of sovereignty over it.

Israel has claimed since 1967 that the Fourth Geneva Convention does not apply to the occupied Palestinian territory on the grounds of an alleged “absence of prior sovereignty” over these areas—an argument rejected by the Security Council, the General Assembly, and the International Court of Justice, all of which have repeatedly affirmed,

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<sup>1</sup> Angela is dry. (1993). *The illusion of legitimacy: a legal analysis of Israel's mass expulsion of Palestinians* on December 17, 1992. Al-Haq Foundation, Ramallah, Palestine.

<sup>2</sup> Shadifat, Shadi. (2017). *Legal considerations on the status of Jerusalem in international law: the chaos of the past and the present*, Journal of studies of Sharia and law Sciences, volume 44, Appendix 1, Amman.

most notably in the Court's 2004 Advisory Opinion, that the Convention applies by virtue of the fact of occupation, and that Israel is bound by all of its provisions, particularly Articles 27–49, which prohibit forcible transfer, deportation, and residency revocation.

However, despite these numerous resolutions, there appears to be little—if any—genuine concern for their implementation. As such, the United Nations, through its various bodies, ought to have established effective mechanisms to enforce and implement these resolutions on the ground, so as to bridge the gap between theory and practice. This need is made even more urgent in light of the continued Israeli policies aimed at Judaizing the city of Jerusalem through all available means.

Within this framework, we seek to examine the extent to which international resolutions related to Jerusalem have been implemented, by demonstrating the legal significance of those resolutions.

#### **Section Four: The Legal Value of Resolutions Issued by the United Nations General Assembly**

Resolutions issued by the United Nations General Assembly concerning the city of Jerusalem possess a certain legal value, in that they are considered recommendations rather than binding decisions. This is because the General Assembly issues such resolutions in the course of exercising its functions and competencies in accordance with the United Nations Charter.

Nevertheless, these recommendations may acquire a binding character in specific circumstances<sup>1</sup>, provided certain conditions are met:

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<sup>1</sup> Abu Al-Khair, Iman. (2018). UN Resolution 194 and implementation mechanisms, Al-Isra University Journal for international conferences, No. 2, Gaza, Palestine.

- When the General Assembly repeatedly reaffirms a resolution it has previously adopted on a regular and consistent basis<sup>1</sup>. This is evident, for instance, in Resolution 2254 dated 14 July 1967, which reaffirmed Resolution 2253 merely ten days later. Similarly, Resolution 2851 dated 20 December 1971 was adopted to caution against ongoing Israeli measures in the city of Jerusalem aimed at altering its status and unifying its two parts. Other examples include Resolution 33/113 dated 18 December 1978 and Resolution 58/22 dated 3 December 2003. All of these resolutions are characterized by their repetitive nature and address the same issue—namely, the necessity of halting Israeli measures intended to change the features of the city of Jerusalem. This pattern of repetition strongly indicates that these resolutions carry binding force and should not be considered optional or merely advisory.
- When the recommendation concerns respect for fundamental human rights and freedoms, particularly with regard to issues such as racial discrimination and the right to self-determination. A prominent example is the case of the Separation Wall, when the matter was brought before the United Nations General Assembly, which convened specifically for this purpose and decided, on 8 December 2003, to request an advisory opinion from the International Court of Justice regarding the Wall. This is reflected in General Assembly Resolution 14/10. Notably, the legal value of such recommendations can reach a level where they impose binding legal obligations on all parties involved, especially in situations where the Security Council is unable to address a critical issue threatening international peace and security, prompting the General Assembly to act under the "Uniting for Peace" resolution of 1950<sup>2</sup>.
- When the recommendation reveals a legal norm that establishes a general international obligation<sup>3</sup>. This occurs, for example, when the Assembly issues a recommendation stating that no recognition should be granted to the consequences

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<sup>1</sup> Hassawi, Najwa. (2011). Israel's displacement of Palestinians from their lands, Zaytuna Center for studies and consulting, Beirut.

<sup>2</sup> Shata, Ahmed. (1993). The legal basis for solving the problem of displacement of Palestinians in the framework of the peaceful settlement of the Arab-Israeli conflict, Journal of Arab research and studies, No. 21.

<sup>3</sup> Abu Al-Khair, Iman. (2018). UN Resolution 194 and implementation mechanisms, Al-Isra University Journal for international conferences, No. 2, Gaza, Palestine.

of the unlawful use of force against a people. In the case of Jerusalem, the General Assembly has issued numerous resolutions that clearly express such legal norms, such as Resolutions 106, 131, 90/34, and 33/113, in which it affirmed that the Palestinian territories, including East Jerusalem, are occupied territories and that Israel is the occupying power, bound by the provisions of the Geneva Conventions of 1949.

- When the recommendation is adopted by an overwhelming majority of United Nations Member States<sup>1</sup>. An example of this is Resolution 303, adopted on 9 December 1949, which called for placing the city of Jerusalem under an international regime to ensure the protection of the holy places therein. This resolution was adopted by a large majority of the General Assembly, with only seven states opposing it. Accordingly, the international resolutions issued by the United Nations General Assembly regarding the city of Jerusalem meet all of the aforementioned conditions. This affirms that these resolutions are legally binding on Israel and must be implemented. They have thus moved beyond the realm of non-binding recommendations and have become enforceable international decisions. However, this legal obligation is entirely absent on the ground due to Israel's reliance on military force to impose facts and the substantial support it receives from the United States of America.

It is noteworthy that the legal value of this type of recommendation increases to the extent that the recommendation carries with it a call upon all parties to implement it, particularly in situations where the Security Council becomes unable to address a fundamental problem that threatens international peace and security, and the General Assembly adopts recommendations concerning this issue on the basis of the 1950 "Uniting for Peace" resolution.

- The legal value of a recommendation is also elevated when it reflects a legal norm of high significance, such as when the General Assembly issues a recommendation concerning the non-recognition of the consequences arising from the unlawful use of force against a people. In relation to the city of Jerusalem, the General Assembly has issued numerous resolutions reflecting binding legal

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<sup>1</sup> Al-Halabi, OK. (1994). The question of Palestine in the light of international law, Vanguard House, Beirut.

principles, such as Resolutions 34/90, 131/106, and 113/33, all of which affirmed that the Palestinian territories, including East Jerusalem, are occupied territory, that Israel is an occupying power, and that it must comply with the 1949 Geneva Conventions.

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## **Section Five: The Legal Value of Security Council Resolutions Concerning the City of Jerusalem**

International law regarding the legal weight of Security Council resolutions is divided into two schools of thought:

The first school of thought maintains that all resolutions issued by the Security Council are legally binding pursuant to Article 24 of the United Nations Charter<sup>1</sup>. This is

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<sup>1</sup> Article 24 of the Charter of the United Nations: "In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility, the Security Council acts on their behalf. In discharging these duties, the Security Council shall act in accordance with the Purposes and Principles of the United Nations. The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII, and XII. The

based on the understanding that the Security Council is the executive organ of the United Nations and is entrusted with the primary responsibility for maintaining international peace and security. Accordingly, any resolution adopted by the Security Council is considered binding—even on states that are not members of the United Nations—if the resolution pertains to the maintenance of international peace and security. Consequently, legal responsibility arises for any state that fails to comply with such Security Council resolutions<sup>1</sup>.

The second school of thought holds that only those Security Council resolutions related specifically to the maintenance of peace and security are binding, and that failure to comply with them entails international legal responsibility. All other resolutions, this view argues, should be treated as recommendations similar to those issued by the General Assembly, and therefore do not give rise to international responsibility. However, this opinion is considered weak<sup>2</sup>.

The first opinion is legally more accurate, namely, that every resolution issued by the Security Council is binding, whether upon Member States or non-member states. This is because the United Nations has delegated to the Security Council the responsibility for achieving its two most fundamental objectives: the maintenance of international peace and security. It would be illogical for the Council to be entrusted with these paramount objectives while its resolutions lack binding force. Moreover, the fact that the United Nations considers the Security Council to be its executive body further supports this interpretation.

## **Section Six: Revocation of Residency Rights and the Rules of International Law**

Despite the legitimacy and legality of the right to residency as recognized in international covenants and treaties, the residency rights of Palestinians—particularly in

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Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration."

<sup>1</sup> Here, IAD. (2017). The reality of the implementation of the UN resolutions on the Palestinian issue, master thesis, Al-Aqsa University, Gaza.

<sup>2</sup> Shooting star, useful. (1997). International law and the Jerusalem issue, international symposium research, Jerusalem: history and the future, Center for future studies, Assiut University, Cairo.

the city of Jerusalem—continue to face persistent violations and restrictions by Israeli authorities. These violations often take the form of forced displacement and exile, through the enactment of arbitrary laws aimed at terminating the permanent residency status granted to Palestinian Jerusalemites following the occupation of the city in 1967.

These laws, and all current residency regulations applied in Jerusalem since 1967, lack any legal basis under the rules of international law and international humanitarian law. This is because Jerusalem is an integral part of the Palestinian territories occupied in 1967 as a result of an armed military action. As such, the provisions of the 1949 Geneva Conventions are applicable to these territories. Notably, Israel ratified the Fourth Geneva Convention on July 6, 1951<sup>1</sup>.

According to Article 6 of the Fourth Geneva Convention, occupied territories—including Jerusalem—are afforded the protections outlined in the Convention. Article 6 stipulates that:

"The present Convention shall apply from the outset of any conflict or occupation referred to in Article 2. The application of the Convention in the territory of parties to the conflict shall cease on the general close of military operations, and in the case of occupied territory, one year after the general close of military operations; however, the Occupying Power shall be bound, for the duration of the occupation, to respect the provisions of the following Articles of this Convention: Articles 1 to 12, 27, 29 to 34, 47, 49, 51, 52, 59, and 61 to 77 and 143, to the extent that such Power exercises the functions of government in such territory."<sup>2</sup>

Furthermore, Israeli authorities cannot justify their actions toward the residents of Jerusalem on the grounds of the city's annexation after 1967, as such a claim is in direct contradiction with Article 47 of the Fourth Geneva Convention. This article states:

“Protected persons who are in any occupied territory shall not be deprived, in any case or in any manner whatsoever, of the benefits of the present Convention by any change introduced, as the result of the occupation of a territory, into the institutions or

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<sup>1</sup> Rouidi, Ahmed .(1997). Restricting the Arab presence and strengthening the Jewish presence in Jerusalem, Jerusalem Center for women, Jerusalem.

<sup>2</sup> Dweck, Moses .(2002). Jerusalem and international law, knowledge facility, Alexandria.

government of the said territory, nor by any agreement concluded between the authorities of the occupied territories and the occupying Power, nor by any annexation by the latter of the whole or part of the occupied territory.”

Therefore, it is unlawful for Israeli authorities to invoke Article 11(a) of the "Entry into Israel Law" to justify the revocation of identity cards from residents of Jerusalem. This law is null and void under Article 43 of the Hague Regulations, which only grants the occupying power temporary, limited authority necessary for maintaining public order and safety, to the extent required by military necessity. It does not permit the occupying power to enact sweeping legislative changes irrespective of their subject or timing, nor does it allow for the alteration of judicial, legislative, social, or economic structures. If such changes are to be made, they must consider the interests of the population under occupation.

Article 43 of the Hague Regulations further mandates that:

"The authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country."

This provision may not be interpreted as granting the occupier a license to make arbitrary changes to the laws and systems of the occupied territory, as doing so constitutes an unlawful usurpation of sovereign rights<sup>1</sup>.

Thus, all measures taken by the Israeli Ministry of Interior in Jerusalem against the city's Palestinian residents violate the principles of public international law, the rules of international humanitarian law, and the general principles of law recognized by the United Nations. These actions rely on the "Entry into Israel Law" enacted in 1952 and its amendments in 1974 following the occupation of Jerusalem. However, this military occupation does not confer upon the occupier the authority to legislate, rendering these laws invalid and inadmissible under international legal standards.

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<sup>1</sup> Dweck, Moses .(2002). Jerusalem and international law, knowledge facility, Alexandria.

## Conclusion

The findings of the study and interviews with Jerusalemite families clearly reflect the reality of the Palestinian society in Jerusalem under systematic Israeli policies, pursued by both right-wing and left-wing parties. These policies aim to Judaize the city in its entirety and exclude its indigenous population. The study revealed patterns of institutionalized discrimination, oppression, and abuse against Jerusalemite Palestinians, significantly impacting their social, familial, and economic lives. It also underscored the critical importance of preserving residency and citizenship as key factors in mitigating the hardships faced by Jerusalemite families. The most prominent findings are as follows:

1. All segments of Jerusalemite society are affected by the oppressive, arbitrary, and displacement-oriented policies of the Israeli occupation authorities.
2. Families face numerous obstacles in proving their "center of life," especially after moving to suburbs that, unbeknownst to them, are no longer under Israeli control due to the construction of the separation wall. This complicates obtaining residency and registering children under a parent's identity card.
3. International resolutions, such as UN Security Council Resolutions 478 and 252, confirm that East Jerusalem is part of the occupied Palestinian territories and that all Israeli measures to alter its legal and demographic status are null and void under international law.
4. Israel classifies Palestinians in Jerusalem as permanent residents, not citizens, under the 1952 Entry into Israel Law, making it easier to revoke their residency.
5. Jerusalemites risk losing their residency if they move outside the city or acquire another nationality, in violation of international humanitarian law.
6. Israel implements Judaization plans to reduce the Palestinian population and increase the Jewish majority, including settlement expansion, land confiscation, and house demolitions.
7. Discriminatory laws such as the "center of life" requirement force Jerusalemites to prove continuous residence in the city or face identity revocation.
8. Urban planning policies discriminate against Palestinians by denying building permits, leading to unlicensed construction and subsequent demolitions.
9. Excessive taxation, such as the "Arnona" property tax, places financial pressure on Palestinians to force them out of the city.

10. The revocation of residency rights continues unchecked and without oversight.
11. The use of biometric ID cards has become a tool for tracking and monitoring Palestinians in Jerusalem, facilitating the revocation of their IDs.
12. The strict implementation of the "center of life" rule requires extensive documentation, complicating the process of maintaining residency.
13. Israel violates international agreements, including the Fourth Geneva Convention, which prohibits forced displacement and guarantees the right to remain in one's hometown, and the International Court of Justice ruling against Israel's annexation of Jerusalem.
14. Israel ignores UN resolutions demanding an end to settlement activities and discriminatory laws against Palestinians in Jerusalem.
15. Israeli policies persist in reducing the Palestinian population in Jerusalem to less than 30% while seeking to increase the Jewish settler population.
16. Increasing economic and social pressures on Jerusalemites are driving forced migration, although Palestinians continue to resist and preserve their national identity.

The study thus concluded that Israeli policies toward Jerusalem's Palestinian population aim to enforce a new demographic and legal reality to serve the goals of Judaization and reduce Palestinian presence in the city. Jerusalemites face harsh challenges, including discriminatory laws, obstacles to proving residency, and denial of basic rights, exacerbating socioeconomic pressures and driving some into forced displacement. Despite international resolutions affirming the illegality of Israeli actions in Jerusalem, the occupation continues its violations unchecked.

## **Recommendations**

Based on the findings and the current realities imposed by Israeli authorities aiming to Judaize Jerusalem and present it as a purely Israeli city and capital, the study proposes the following recommendations:

1. The necessity of activating legal prosecution mechanisms at both the international and national levels by referring cases related to residency revocation to the International Criminal Court as war crimes and crimes against humanity. This includes, for example, the Israeli Supreme Court's decision of 5

September 2018 issuing a final order to evacuate and demolish Khan al-Ahmar after rejecting the residents' petition against their displacement and the demolition of their community—acts that constitute war crimes under the Rome Statute.

2. Activating universal criminal jurisdiction in States whose domestic laws permit the prosecution of individuals responsible for serious violations of international humanitarian law.
3. Launch a strong and comprehensive media campaign highlighting the deprivation of Jerusalemites from their rights to residency and citizenship as violations of international law and the Fourth Geneva Convention.
4. Provide economic support to Jerusalemite families and empower them to pursue legal action to claim their legitimate rights.
5. Collaborate with human rights organizations to initiate legal proceedings against Israeli violations in Jerusalem, such as ID revocations and issues surrounding the non-registration of children in the Israeli Ministry of Interior.
6. Urge international actors to intervene and pressure Israeli authorities to immediately halt Judaization measures and guarantee Palestinian rights in Jerusalem.
7. Establish legal and human rights institutions within Jerusalemite society to raise awareness on residency and citizenship and to form an effective legal force to address the issue of identity revocation.
8. Enhance the resilience of Jerusalemites through support for housing, education, and employment initiatives.
9. Monitor Israeli violations in international forums and file legal cases to hold Israel accountable for its actions against Palestinians in Jerusalem.
10. Conduct further research on the cancellation of residency rights, its mechanisms, and its impacts on Jerusalemite citizens.

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## "الغاء حق الإقامة للمقدسيين الفلسطينيين في ضوء احكام القانون الدولي".

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الملخص باللغة العربية

هدفت الدراسة إلى التعرف على إلغاء حق الإقامة للمقدسيين الفلسطينيين في ضوء أحكام القانون الدولي، والتعريف بواقع مدينة القدس تاريخياً، وقانونياً، كما تهدف إلى التعرف عن قرب على أشكال وأبعاد السياسات الإسرائيلية الرامية إلى تفريغ المدينة المقدسة من سكانها الأصليين، والإحاطة بالتشريعات والقوانين الداخلية لسلطات الاحتلال ودوافع تطبيقها على المواطنين المقدسيين، والاطلاع على تشريعات ونصوص المعاهدات الدولية والقانون الدولي التي تؤكد على حقوق الإنسان في الإقامة في موطنه الأصلي.

تمحورت الدراسة في فصل تمهيدي وخمسة فصول رئيسية، فالفصل التمهيدي تناول البعد المكاني والسكاني والتاريخي والقانوني لمدينة القدس، كما تناول هوية المواطن المقدسي الفلسطيني المقيم في مدينة القدس، أما الفصل الأول فتناول الأوضاع القانونية للمقدسيين الفلسطينيين في مدينة القدس، أما الفصل الثاني فتناول مدينة القدس في ضوء القانون الدولي، من خلال قرارات مجلس الأمن، والجمعية العامة، كما تناول الفصل الثالث السياسات الإسرائيلية (السياسات الجغرافية، والسياسات الديموغرافية، والسياسات التهودية) لتقويض الوضع القانوني في مدينة القدس، أما الفصل الرابع فركز على السياسات والإجراءات الإسرائيلية الرامية إلى إلغاء حق الإقامة للمقدسيين الفلسطينيين وآثارها، كما تناول الفصل الخامس آليات تطبيق القانون الدولي المتعلق بمدينة القدس، والقيمة القانونية للقرارات الصادرة عن الجمعية العامة للأمم المتحدة ومجلس الأمن، وإلغاء حق الإقامة وقواعد القانون الدولي.

اتبعت الدراسة المنهج الوصفي التحليلي، بالإضافة إلى المنهج القانوني، من خلال مراجعة القوانين والتشريعات الإسرائيلية والقوانين والتشريعات القانونية الدولية المتعلقة بإلغاء حق الإقامة للمقدسيين. خلصت الدراسة إلى أن المجتمع المقدسي بجميع فئاته يعاني من سياسات الاحتلال الإسرائيلي القمعية والتهمجية، التي تؤثر بشكل مباشر على حق الإقامة وتثبيت مركز الحياة، خاصة للعائلات التي انتقلت إلى ضواحي القدس بعد بناء الجدار العازل. وقد بينت الدراسة أن السلطات الإسرائيلية

تعامل الفلسطينيين كمقيمين دائمين وليس كمواطنين، ما يجعل إقامتهم عرضة للسحب بموجب قانون الدخول إلى إسرائيل لعام 1952، في انتهاك صارخ للقانون الدولي الإنساني، ولا سيما اتفاقية جنيف الرابعة. كما كشفت الدراسة عن استمرار سياسات سحب الهويات وعدم تسجيل الأبناء في الهويات الفلسطينية دون رقابة دولية، وأوصت بإطلاق حملات إعلامية قانونية لمواجهة هذه السياسات، وتكثيف الجهود الحقوقية والقانونية دولياً لمحاسبة إسرائيل، وضمان حقوق المقدسيين، وإجراء المزيد من الدراسات حول آثار إلغاء حق الإقامة على المجتمع المقدسي. الكلمات المفتاحية: إلغاء حق الإقامة، المواطنون المقدسيين، مقيم دائم، المواطنة، السياسات والقوانين الإسرائيلية.