

JERUSALEM LEGAL AID AND HUMAN RIGHTS CENTER (JLAC)



JLAC

MOSAADA

**JLAC's Submission to the United Nations Human Rights
Council's**

Universal Periodic Review of Israel December 2008-07-17

Submitted July 2008

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JLAC is a public interest center stating social justice, human rights, rule of law and democracy values as top propriety goals to work on, alongside with acting in favor of respecting and implementing international human rights conventions and agreements.

JLAC programmes include assisting individuals and collectivities in confronting the Israeli different policies of land confiscation, withdrawing Jerusalemities identities, and restrictions on the Palestinians rights of movement, residency right, and proper housing. JLAC operates via providing legal consultations and legal representations in the Israeli and Palestinian courts. JLAC programmes are carried out by a staff of four lawyers licensed in Israeli and Palestinian courts, JLAC also works to raise the awareness of public in different methods; workshops, seminars, open public meetings, media spots, and publications covering all the West Bank and Jerusalem areas. JLAC endeavors to contribute to the betterment of the Palestinian people living conditions through proving qualitative services to those individuals' victims of different political transitions.

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ISRAEL

JLAC*

Submission to the UN Universal Periodic Review

Third session of UPR Working Group, Dec 1-12 2008

In this submission, JLAC provides information under section C, **Promotion of Human Rights on the Ground: Implementation of international human rights obligations** of the Human Rights Council's Guidelines for the Preparation of Information under UPR.1

Key words: Restrictions on movement, mobility, travel banning, family reunification, Jerusalemites', marriages restrictions, residency right in Jerusalem, displacement, Bedouins, new Israeli procedures, temporary law, Prevention of Judicial monitoring.2

The Israeli authority prevents the judicial control and monitor on the restrictions of Palestinians movement via issuing new arbitrary procedures, displacing the Bedouins and forcing in an attempt to change the nature of their life style and restrict the marriages amongst West Bankers and Jerusalemites.3

1. Category: Freedom of movement and right to leave and return to one's country.

Under this category we will talk about the new procedures issued by the Israeli Authorities that complicates the mobility of the Palestinians internally and externally as there are two different new forms that should be applied on Palestinians. 4

1.1 Topic (1): Internal restrictions.

Key Issue: JLAC is deplors the new procedures issued by the Israeli Authorities that compound the difficulty of the already oppressive administrative regime limiting the freedom of movement of Palestinians to leave the Occupied Palestinian Territories (OPT) and to move within the OPT.

The Israeli policy since the beginning of the Israeli occupation of the OPT in 1967 of restricting the freedom of movement of Palestinians amounts to collective punishment, applied on a large scale in violation of article 33 of the Fourth Geneva Convention.5

Permits to Travel between the West Bank - Gaza, and form West bank- Gaza to Enter Israel.

- During the last three years, the Israeli government launched a new policy related to the freedom of movement. Especially, the domain related to entry permits to Israel, or related to the mobility between West Bank and Gaza Strip. This policy will lead to prevent the Palestinian from entering Israel at all. This new policy separated the West Bank from Gaza strip, although they are one geographical unit.6

- Before the recent events in Gaza Strip and Hamas coup and power takeover, Israel used to allow a few Palestinians to travel between West Bank and Gaza Strip and to enter Israel under so- called "humanitarian cases". 7

- After the events in Gaza Strip, the restrictions on the movement included all the Palestinians, except for individual's, who obtained the permission to travel between West Bank and Gaza Strip from the Israeli Military Commander in coordination with the Palestinians Liaison Office. The individuals who don't obtain the permissions haven't any right to object or to apply any petitions to the Israeli judicial consultant. 8

** JLAC endorses Al-Haq, DCI, Adalah, CCDPRJ, RTE and Addameer.*

- The Israeli Supreme Court ratified the government policy and confirmed to prevent Gaza students from traveling to West Bank to continue their studies in the Palestinians Universities. 9

New Procedural restrictions on application for permits to travel for the OPT to Israel.

The Israeli military commander from the Israeli Civil administration issued new instructions related to west Bank populations' entry to Israel. According to these instructions human rights organizations and lawyers are forbidden from lodging an appeal or application on behalf of any individual and has no right to reject, appeal and monitor the Israeli Civil Administration Judicial Consultant's decision to Palestinian applicants, whom are individuals need to enter Israel and has to apply to the Israeli Civil Administration, using a special format annexed with supporting documents, and sent by the Israeli judicial consultant in Beit El, thus lawyers and Human Rights Organizations have no right to make any legal intervention or make any procedure. So when the application is rejected- for the second time- this will be the final rejection; there will be no appeal but the next and final legal step will be addressing the Israeli Supreme court. 10

This means the following:

- 1- Leaving the decision for the security authorities to decide for the applications and these authorities also will decide after the second rejection.
- 2- Depriving Palestinians from appealing against their prevention to enter Israel and against the Israeli Military Commander's claims in the legal consultant's office, with the sole possibility to address the Israeli Supreme Court.
- 3- Restricting the movements of thousands of students, workers and patients from accessing their work, universities or receiving treatments. 11

1.2 Topic (2): New procedural restrictions on Israeli approval for Palestinians travel abroad and return to the OPT.

A new procedure for the issuance of travel permits for Palestinians to leave and return to the OPT has been issued by the Israeli Civil Administration Legal Consultant, who now assumes by default that all Palestinians are banned from traveling. Palestinians must now apply using a special new form issued by the judicial consultant that normally takes two months to process.

If the result of the application to travel permit is negative, there will be no means of appeal except filing a petition with the Israeli Supreme Court. In cases where the Court's decision is based on secret evidence presented by the Israeli Security Agency (ISA), that decision is final and no appeal is possible. In approximately 90% of the travel ban petitions JLAC lodged before the Israeli Supreme Court following this new procedure in which secret evidence was used, negative replies. As a result, the petitioners have been banned leaving the OPT for several years.12

At the beginning of March 2008, the Israeli Civil Administration issued new instructions specifying the objection procedures on traveling ban, which applies on all Palestinians in the West Bank and Gaza. The instructions areas follow:

- The citizen, who has the desire to check his legal position on traveling case, has to refer to Civil Administration and fill a special application. The Civil Administration will respond to his/her application within six weeks.12
- In case of being banned from traveling, ought to apply an appeal using a special form of the Civil Administration. In return, the latter will reply within six weeks.
- If the Civil Administration refused the appeal, the citizen will be banned from traveling for several years. **In all cases, the Civil Administration doesn't deal with objections that are applied by lawyers or other Human Rights Organizations such as ours.**13

2. Category: Men and women with no limitation based on race, nationality or religion have right to marry and found family.

The Jerusalemites families and their children are deprived from their social and economical rights as well as political and civil rights including residency, because The Israeli Knesset issued "The Nationality and Entry to Israel Law" in 2003, which is a temporary Law and will be extended from time to time. Until 2005, this Law was extended for 3 times. At the same year, the Israeli Knesset adjusted this temporary Law for 4 times. 14

2.1 Topic (1): Family Reunification.

In all cases, the reunification application is conditioned by security checks, which includes the extended family of the applicant whose application is inspected by The Israeli General Intelligence. **Thus, if any member of this extended family has any security reservations**, the reunifications will be refused. **We can say that these procedures form a new restriction on the Palestinians marriage** issues and procedures; first of all, when someone is in love with a girl he won't ask her about her ID in the natural cases, but in our Palestinian case it is one of the very first questions, in order to be prepared for the complexities on their life together; secondly, in one of the procedures spouses age should be 25 for females and 35 for males, also if they are not allowed to live together after marriage, this will form a de facto divorce, third of all, when the father has to stay on the West Bank, his children has to stay with his wife in Jerusalem, this is to cut the family into pieces, which is an inhuman treatments to the Jerusalemites' families, leading to minimizing the number of the residents of Jerusalem building on this last amendment which obliges the spouses to be in a specific age to receive their reunification application, so for males 35 years old and for females 25 years old; that's to say they restricted the marriages between the Wets Bankers and Jerusalemites families and complicate the life of men and women building on their age and for discriminatory reasons as they are West Bankers. 15

2.2 Topic (2): Temporary Law and residency right in Jerusalem.

- The affect of this temporary Law on the Jerusalemites life:

Actually, this Law was affected on the reunifications applications as following:

1. The individuals, who obtained the reunification approval before the governmental decision, will be able to extend their reunifications permit without obtaining permanent residence.
2. The individuals, who have already submitted the reunification applications before the governmental decision and didn't get the approval, will obtain temporary entry permit to Israel without obtaining any social or economical rights.
3. According to the new applications after this Law, the requirement to apply entry permit to Israel without having any social or economical rights; that's to say, husband must be over 35 years old and the wife must be over 25 years old.
4. For the children who are over 18 years old, are unable to apply for reunifications applications. But those, whom are between 14-18 years old, can obtain entry permit without having any social or economical rights. Others, who are under 12 years old, can obtain entry permit for two years .Then, the Ministry of Interior will study the possibility of granting them the reunification.16

3. Category: Right to adequate standard of living; Internal Displacement.

Unfortunately, The Israeli Civil Administration displace the Bedouins, who live in the hillsides and the valleys of the West Bank, maintaining their nomadic lifestyle, although a majority of Bedouins are originally from the Negev, they now dwell in a strip known as the "Bedouin belt", which includes south Hebron and the eastern slopes (east of Hebron, Bethlehem, Jerusalem and Ramallah) and they traditionally spend the winter in the Jericho or the Jordan Valley areas. All these areas are exposed to various degrees; hence, the land used is limited to animal herding. The erratic rainfall and high evaporation in these areas leads to insecurity in the conditions of pastures and a constant threat of draught.¹⁷

3.1 Bedouins.

- There are six main Bedouin tribes in the West Bank, Sinaa, Jahaleen, Kaabneh Al Rashaydeh, Al Azazmi and Al Ramadeen. It is estimated that there are between 25.000-30.000 Bedouins, with 150.000 sheep and goats. Nomadic Bedouins who maintain a semi-permanent residence compromise 5.2% of families. Only one third of the Bedouin communities are connected to a permanent electrical source. The remainders rely on small and expensive generators. The per –capita water consumption is 15 liters per day; this is compared to 35 liters in other rural villages and 65-70 liters in urban areas. JLAC has adopted two different Bedouin cases in October of this year. 18

- Al Rashaydeh Tribe: is one of the main Bedouin tribes in Palestine. After Al Nakbah (catastrophe) in 1948, the Bedouins were being displaced from their homeland (Al Nakab region) and they settled in Bethlehem. But after the expansion of the settlements and the bypass roads, the region where the Bedouins settled becomes a region that doesn't meet their basic needs of life, so they were forced to move to the Jordan Valley and Jericho. They lived as other Bedouins near ALoja region since there are water and suitable lands for grazing. Unfortunately, The Israeli Civil Administration displacing them out - for the second time - claiming that this area is a natural reserved area. Most of them moved to ALFasayel in the Valley but still didn't flee from the arbitrary Israeli policy, since the Israeli Civil Administration expelled them from the region, claiming that this region is classified as state property. 19

- By the time that the Bedouins formed tents and new water tanks without permission, the Israeli authority bulldozed their tents and destroyed all their life resources. Nowadays, they live in too narrow regions that lack any social service; in addition to that they are prevented from constructing any installation such as clinic, school, etc...²⁰

- AL-Kaabneh Tribe: After AL Nakbah in 1948, AL Kaabneh existed in the region between Jerusalem and east Ramallah. After 1967, they were displaced by the Israeli authority towards the region that extends from eastern Ramallah and Jericho, which is called ALoja. After that, they were displaced to western Jericho. Where they faced a number of displacements forcing most of them, to abandon their profession, as grazers and sheep raisers and moved to work in Israeli settlements. The rest of them existed now in specific locations in Jericho and ALoja. 21

Al-Kaabneh, who is living now in Jericho, by the year 2008, they received from the Israeli Civil Administration notifications affirmed that they are located on state property illegally, and they have to move to another region. But unfortunately, it is impossible for them to find another region to settle in. So JLAC adopted their case and gained a decision from The Israeli Supreme Court to freeze the temporary displacement. In case that Israel implemented its decision and applied the displacement, Al Kaabneh will have the sole choice of living in area A, which has no space for grazing their sheep and do not fit their sort of living, which will also oblige them to squeeze themselves on the personal property of another Palestinian and violate his right to property as they will be using his land that he/

she owns, this is considered an Israeli attempt to expel the Bedouins towards area A, creating new internal problems on the use of area A and leading to internal conflicts between the Bedouins and the owners of the pieces of land inside area A since it is known that area A is . 22

3.2 Internal Displacement.

1. This is the last stage that is considered as stage of the direct confrontation, which highlights the intentions of the occupying powers towards the Bedouins, who blocked the Israeli policy in evacuating the lands from the Palestinian population in area c, which will be submission under Israeli control according to the final solution (according to Israeli vision of a Permanent solution).
2. In this stage, Israel begins to apply obligator displacement policy towards the Bedouins, in addition to its policy of destroying all essential elements of life, in order to force them to survive in their places that shrunk due to Annexation wall. Recently, the Bedouin groups existed in Hebron, Jerusalem, Jericho and Bethlehem.
3. In Hebron, the Israeli army destroyed the Bedouin tents, water tanks and sometimes the caves, where the Bedouins rearing their sheep.
4. In Jerusalem area, the Bedouins had been forced to gather in specific regions that don't meet their basic needs.
5. In the Valley, most of the Bedouins groups had received threat notices from the Israeli Civil Administration to evacuate their places. Unfortunately, the Civil Administration wasn't yet satisfied with the threat notices but also the Israeli bulldozers eliminated everything belongs to Bedouins groups, exactly as it was happening in Fasayel region for Al-Rashaydeh and Arab Kaabneh around Jericho city. 23

*****Recommended questions to Israel:**

- 1- **The increasing Restrictions on movement embedded by the new procedures forms one source of the Apartheid and the Question is: the Israeli Apartheid Policy to where????**
- 2- **Where will the displacement policy towards the Bedouin end, since the beginning was an attempt to change the nature of their life?????**
- 3- **In the last amendment of the temporary Law related to the Nationality and Residency, the age of the spouses was restricted to 25 for females and 35 for males, how old will spouses be in the next amendment, and how old should spouses be to get married?????**