



Euro-Med Human  
Rights Monitor  
الأورومتوسطي لحقوق الإنسان

# The Gaza Strip:

## Undocumented Citizens



The Euro-Mediterranean Human Rights Monitor

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# Introduction



An identification card (ID) is an official document the state issues to its citizens to verify their identity. It is, certainly, the most important national document for citizens. The ID card usually contains the name of the person, their date of birth, place of residence, nationality and other information that confirms their identity. In some countries, the ID card can be used as a substitute for a passport when moving from one country to another, as is the case in the European Union.

ID cards enable citizens to enjoy privileges under the right of citizenship, those who lack them are deprived from exercising a basic set of their rights. Considering the situation in Palestine, thousands of Palestinians—specifically

in the Gaza Strip – are denied identity documents because they were not included in the Israeli-conducted population census in September 1967. These persons were able to enter Gaza either before 2000 through visitor permits given to them by the Israeli authorities and remain in Gaza, or after 2000 during the periods when the border wall between Egypt and Gaza was breached or smuggled through tunnels between the two sides.

Since Israel is an occupying power by international law, the provisions and charters of international law relating to situations of belligerent occupation apply to it. This includes the Fourth Geneva Convention of 1949, which Israel ratified, and the Hague Convention of 1907, which stipulates not changing the occupied territories' status quo in various levels, especially the legal situation.

Over 5,000 Palestinians in the Gaza Strip lack identity documents and are thus deprived of their civil and political rights ever since they returned to the occupied Palestinian territories (oPt). Many of those, who suffer chronic and serious diseases, died after they had been unable to travel for medical treatment outside the oPt, considering the collapse of the health sector in Gaza, which is incapable of dealing with many difficult diseases that need delicate surgical interventions. They also cannot benefit from medical referrals to Israel, which are usually granted for those who need urgent operations or have serious or chronic diseases.

In terms of education, undocumented families cannot enroll their children

in universities outside the oPt as they cannot travel since they cannot obtain a passport.

Likewise, persons lacking identity documents cannot move to work abroad, nor can they meet family members, which means a dispersal of many families and depriving them from reunification.

This problem gets even worse when combined with the continuing official impotence towards solving this humanitarian issue, especially since it has been stagnant for many years.

In this report, Euro-Med Monitor sheds light on the undocumented persons in the Gaza Strip, and how dangerous it is at the level of rights, freedoms and reviews a set of testimonies of people suffering this problem. The report highlights the legal aspects of the issue based on international conventions and agreements that dealt with this problem, as well as problems related to the occupation and its impact on exacerbating this violation.

# Origins of the problem



To illustrate the origins of the problem of the undocumented persons, it is necessary to go through the periods through which the Israeli occupation was able to prevent Palestinian citizens from obtaining identity documents:

- First: From the beginning of the occupation of the Gaza Strip and the West Bank to the Oslo Accords (1994-1967)



- Second: After the Oslo Accord II to the second intifada (2000-1995)
- Third: From the second intifada to present (persons without identity documents in the Gaza Strip)
- **First: From the beginning of the occupation of the Gaza Strip and the West Bank until the signing of the Oslo Accords (1994-1967)**

In June 1967, Israel occupied the Gaza Strip and the West Bank, after the Gaza Strip had been under Egyptian rule and the West Bank under Jordanian rule. Israel declared the oPt a “closed area” and forced the Palestinians residing in these lands to obtain permits from the Israeli military authorities when entering or leaving the oPt.

In September 1967, the Israeli army conducted a census of the Palestinians residing in the oPt. Based on this census, Israel established the Palestinian Population Registry and started granting identity cards to those enlisted in the Registry. Every person whose name is not in the Registry was denied having an identity card. The Israeli military authorities issued a decision not to grant Israeli citizenship to holders of Palestinian identity cards. Israel granted those who have IDs have right to residency, work, private property and inheritance in the oPt.

As for the Palestinians whose names are not included Registry, they are not entitled to enter the oPt except on an Israeli-granted temporary, fixed-term permits. Many Palestinians were not present in the oPt at the time of




the census, and therefore not registered in the census due several reasons including: 1) they were either displaced from the Gaza Strip and the West Bank during the war and were unable to return at the time of conducting the census, as the number of those displaced during the war was estimated at about 2 ;300,000) they were originally outside the oPt at the time the census was conducted for education or other reasons; 3) they obtained travel permits that expired later and they did not return to the oPt.



Euro-Med Monitor team interviewed Zahra Abu Alwan, 75, one of the people who left the Gaza Strip before the Israeli occupation of the Strip in 1967. She and her husband had left Gaza for work, and they could not obtain an ID because they were not present during the census.

Abu Alwan said: "In 1965, my husband and I went to Kuwait for work. We were not present in Gaza during the war in 1967. We returned to the Gaza in 2000 through a visitor permit. Since 2000, we have been without identity documents. I have a son who lives abroad and I have not been able to see him for more than 20 years, because I cannot leave Gaza since I have no ID card. My husband had a balance disorder as a result of diabetes complications. He suffered for a long time. We went to many doctors in Gaza, but no one could find the appropriate treatment. We urgently needed to transfer



him for treatment abroad, but not having an ID prevented that.

Furthermore, my husband suffered diabetes for more than 30 years, and symptoms of this disease had started to appear on him dramatically. After several tests, doctors told us that his leg must be amputated as such cases cannot be treated in Gaza's hospitals, and only if he was transferred abroad his condition might be treated. We tried again and again to transfer him for treatment abroad, but to no avail, because he had no ID card.

Unfortunately, we didn't have much time, and my husband's foot was amputated. Although, my husband's condition worsened, and we tried in every possible way to save his life; but, not having an ID card had stood in the way. His condition had become dangerous, and we still couldn't transfer him for treatment abroad, which led to his death."

Although thousands of Palestinians were not included in the Population Registry due to the aforementioned Israeli measures, the Israeli restrictions on the registering new Palestinians have intensified even more. The Israeli authorities used to cancel the names of Palestinians who had left the oPt and stayed abroad more than what was permitted in their exit permits. From 1967 to 1994, the Israeli army removed approximately 140,000 people from the Registry, thus depriving them of having identity documents. It should also be noted that, until this moment, there are no procedures that can be resorted to to protest the Israeli practices of revoking residency permits.

Also in 1967, the Israeli authorities established a special system for family unification – a system enables registered Palestinians to submit permanent residency applications on behalf of their Palestinian relatives who had permanent residency in the oPt and lost them because their travel permits were expired while they were abroad. However, the Israeli authorities did not activate this system, but rather severely and arbitrarily restricted its application.

For example, the Israeli authorities prevented all children and men between 60 - 16 years from the right to benefit from this system, and denied them the ability to return to the oPt and obtain residency.

During the period from 1967 to 1973, about 140,000 family unification requests were submitted to the Israeli authorities. Only 45,000 of which



were accepted. And during the period from 1973 to 1983, about 150,000 applications were submitted, but only 1,000 were accepted annually. This means only 10,000 applications were accepted throughout the period of ten years.

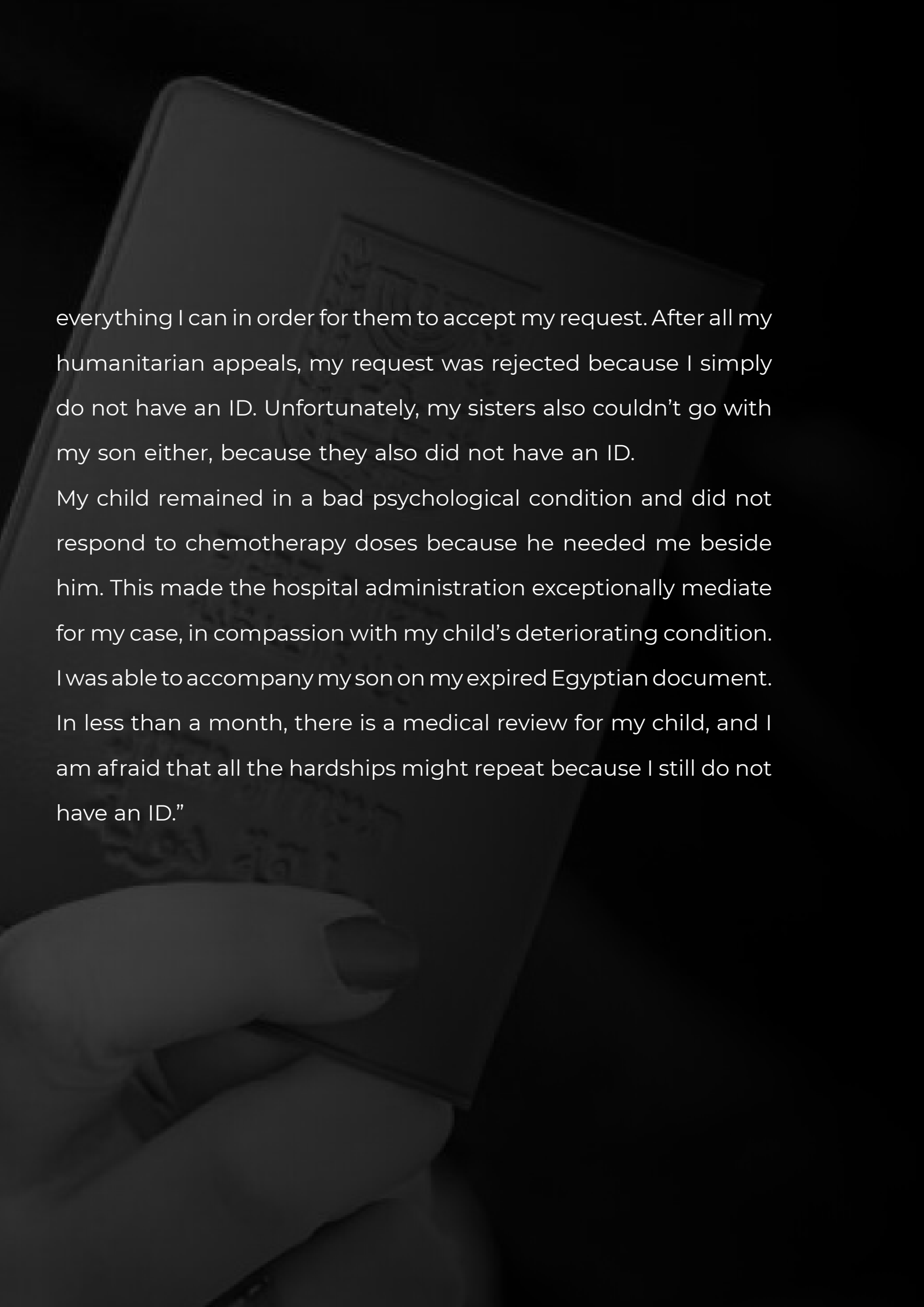
Israel continued to restrict issuing Palestinian residency permits, temporary visitor permits, or accepting family unification requests. From 1995 to 1996, the Israeli authorities stopped issuing visitor permits and processing family unification requests.



Along with her family, Salma Abu Tair, 41, suffered the consequences of the suspension of accepting family unification requests upon their arrival in Gaza. This deprived her and her family from obtaining an ID card, which affected her and exposed her to great suffering after her child got cancer as she faced many difficulties trying to accompany him on his treatment trip.

Abu Tair said to our team: “I used to live in Algeria since my father is a Palestinian and my mother is an Algerian. We were allowed to visit Gaza once every five years on an Egyptian document given to us after we were displaced in 1967. In 1999, we came to Gaza with a visitor permit and submitted requests for family unification in order to obtain an identity document. However, since then, our requests are still setting on the shelves. In 2007, we got special identity cards in Gaza that are not recognized internationally or even by the Palestinian Authority.

I have a child with cancer. A month ago, we received a treatment referral from Augusta Victoria Hospital in Jerusalem, and I presented my papers to accompany him on his medical trip. I did

A dark, moody photograph of a hand holding a document. The document has a large, circular stamp in the center, which appears to be an official seal or logo. The text is overlaid on the image in a white, sans-serif font. The background is black, making the document and the hand stand out.

everything I can in order for them to accept my request. After all my humanitarian appeals, my request was rejected because I simply do not have an ID. Unfortunately, my sisters also couldn't go with my son either, because they also did not have an ID.

My child remained in a bad psychological condition and did not respond to chemotherapy doses because he needed me beside him. This made the hospital administration exceptionally mediate for my case, in compassion with my child's deteriorating condition. I was able to accompany my son on my expired Egyptian document. In less than a month, there is a medical review for my child, and I am afraid that all the hardships might repeat because I still do not have an ID."



- **Second: After the Oslo Accord II and until the second intifada (2000-1995)**

In 1995, the Palestinian Authority (PA) and Israel signed the Oslo Agreement II which addressed some of the powers and responsibilities related to the population registry in the Gaza Strip and the West Bank. Under the agreement, Israel transferred the registration and documentation of the Palestinians to the PA in a way the later maintains the population registry according to the form and data it receives from the first. The agreement also stipulates that the PA works to administer the registry in terms of future registration, documentation and issue all relevant documents and certificates.

In addition to the powers entrusted to the PA, it committed itself to a set of tasks, represented by informing Israel with all developments related to the population registry, from granting documents to changing the residency addresses of any citizen and other related detailed matters.

It should be noted here that the PA can only grant documents, such as IDs, certificates, etc., to those previously registered by Israel. As for new names, the PA does not have the right to register and grant residency except after obtaining approval from Israel, pursuant to what is stated in the agreement. In the context of its mission to deal with the newly registered residents in the oPt, the PA requires Israel to provide identity cards in an annually increasing quota. In 1995, Israel refused the PA's request to increase the quota and imposed arbitrary restrictions on the registration of new residents and the

acceptance of the constantly accumulating family unification requests. In protest against Israel's practices, the PA suspended dealing with Israel, which in turn led to the accumulation of more than 17,500 family unification applications during the period from 1996 to 1998.

At the end of 1998 and throughout 1999, Israel made some facilitations, approving 3,000 family unification requests annually, which increased to 4,000 during 2000. However, Israel suspended processing the remaining family unification requests after the outbreak of the second Palestinian Intifada in September 2000.



Euro-Med Monitor interviewed Walid Abdel-Ghani Joudeh, 34, who, along with his family, has no identity document even though they entered Gaza legally on a visitor permit, because of the suspension of processing family unification requests due to the events of the second Intifada. Lacking identity document had a great impact on Walid's education ambitions. He could not complete his studies abroad, even though he scored a high degree in high school.

Walid said to Euro-Med Monitor team: "My parents left the Gaza Strip in 1965 to Kuwait for work. Then, we lived in Iraq until 2000, when I arrived with my parents in Gaza on a visitor permit. Shortly after that, and specifically after the events of the second Intifada, Israel froze all the family unification procedures.

In 2004, I finished high school and I got an average of %95.4, which qualifies me to study the best majors abroad. I got many scholarships to study abroad, including a scholarship in Turkey and another in Tunisia to study dentistry. I also received a third scholarship in Japan to study medical equipment engineering, except that not having an ID prevented this.

I decided to study Information technology (IT) in a university in Gaza and graduated with distinction. But, still, I was not able to complete my postgraduate studies abroad like the rest of my colleagues. Not having an ID prevented me from achieving my ambition to complete my studies and get a degree from one of the most powerful universities.

In addition, I have a brother who lives in Ireland, and neither I nor my family have been able to visit or see him for 21 years."

- **Third: From after the second Palestinian “Intifada” until now (persons without identity documents in the Gaza Strip)**

Due to the outbreak of the second Palestinian Intifada in late September 2000, Israel adopted a new policy of not granting visitor permits to Palestinians abroad not registered in the population registry. This prevented many families from entering Gaza to visit their relatives.

Likewise, due to the second Intifada, the Israeli authorities did not process family unification requests of families that entered Gaza before 2000 through visitor permits. This also deprived these families from obtaining identity documents.

Israel’s failure to grant visitor permits pushed many Palestinians living abroad and wishing to settle in Gaza to enter the Strip after 2000 during the periods when the border wall between Egypt and Gaza was breached or through the tunnels that linked the two sides between 2014-2008.

Since that time, these groups have been unable to obtain identity documents, due to Israel’s refusal to grant them because their names were not included in the Population Registry. Thus, they are unable to enjoy citizenship rights despite being Palestinians.

These Palestinians have become trapped inside Gaza as the Israeli authorities refuse to grant them ID cards and passports to travel for medical treatment,

education, work or visiting relatives.

It goes without saying that it is impossible for Palestinians without IDs living in Gaza to enter Israel for the medical treatment that is not available in the less-equipped hospitals in Gaza. They also cannot travel to Egypt through the Rafah border crossing, because the Egyptian side is still placing restrictions on undocumented Palestinians. Egypt requires Palestinians to present ID cards based on the Israeli-established population registry to allow them into Egypt.

It is worth noting that the Israeli authorities considered the Palestinians not registered in the Population Registry and entered Gaza after 2000 are ineligible to be included in the quota that they pledged to process in 2007, which consisted of 50,000 family unification requests, under the pretext that their entry into Gaza was illegal (without visitor permits).

According to figures Euro-Med Monitor obtained from the Palestinian Ministry of Civil Affairs office in Gaza, Israel approved 12,326 family unification applications for the residents of Gaza between October 2007 and the end of 2008, issued identity cards with the same number.

However, all the requests processed by the Israeli authorities did not include the Palestinians who entered the Gaza Strip “illegally”, but those who entered “legally” on Israeli visitor permits.

Since 2008, Israel has frozen the regularization of the legal status of Palestinian citizens in the Gaza Strip who have lost their identities, and more than 5,000 cases remain pending today, out of 55,000 cases.



Manal Fayyad, 57, is a teacher and has no ID. She has been seeking to obtain one, but in no vein, since her arrival in Gaza in 2000 until 2008, when the Israeli authorities suspended working on this file.

In an interview with Euro-Med Monitor she said: “My parents were Palestinians displaced to Saudi Arabia in 1967 due to the war. I was born in Saudi Arabia and stayed there until 2000, when I came to Gaza via the Rafah crossing as a visitor on a visitor permit. When the Intifada took place, the crossings were closed, and I could not leave Gaza.

Since 2000, I have been living without an identity document. I tried so hard to obtain one until 2009 when the Israeli attack on Gaza stopped, and the Israeli authorities announced at the time that they would stop taking any action regarding the problem of people without IDs.

More than 20 years have passed since I have been far from my family. I was not allowed to visit them because I am a person without a passport in the first place. My father died in 2011 in Saudi Arabia and I could not travel to see him for the last time. Although I work in the United Nations Relief and Works Agency for Palestine Refugees (UNRWA) and had applied for a visitor permit, through the facilities and privileges granted to the agency’s employees, all attempts were unsuccessful.”



Statistics and Numbers on

# the Issue of Undocumented Persons

**390** thousand  
Palestinians

were not registered by the Israeli authorities  
in the 1967 population census, 50 thousand  
of them were from the Gaza Strip

More than

**5000** in the Gaza Strip  
have no identity  
documents

Since 2008,

**2008** examining all requests  
related to persons without IDs  
have been frozen





# ‘Blue ID cards’ and external-use only or ‘zero number’ passports



After 2008, and due to the internal fighting between Hamas and Fatah, which was later known as the political split, in the Gaza Strip, the Israeli authorities completely stopped issuing identity cards and all dealings with Gaza. While the problem of undocumented persons was solved in the West Bank completely, more than 5,000 cases in Gaza are still suffering until this moment.

In the context of finding alternative identity documents, the Hamas authority in Gaza issued identification cards (blue IDs) to facilitate the internal daily transactions, such as marriage, treatment, study,

employment, and government transactions, for those without identity documents in the Strip. However, these cards are not recognized by the PA and its institutions. Blue IDs Bearers cannot travel for any reason, including medical treatment, education, or religious observance.

On the other hand, the PA issued passports to those without identity documents in Gaza called the “external-use only” or “zero number” passports. Those passports lack a real number in the ID field, where there is a fake number that starts with two zeroes.

The problem with this passport is that it is not recognized by Israel, Egypt or Jordan; therefore, it has no value since the crossing points in Gaza are directly connected to Egypt through the Rafah crossing, and to Israel and Jordan through the Erez crossing.



Khatam Al Qudra, 42, said in an interview with Euro-Med Monitor that she cannot travel to visit her family in Jordan because she has no ID. Her “zero number” passport does not enable her to move anyway.

She said: “My parents did not get a Palestinian ID because they were displaced in 1967 to Jordan, where I spent my life as a refugee in Hattin camp and got a temporary Jordanian passport for two years. In 2000, I came to Gaza to be with my husband. Since then, I could not leave Gaza, as my temporary passport expired, and I was unable to renew it.

All my family members are in Jordan, and I have not met them for more than 20 years. My father and mother had passed away while I am still stuck here. I had a severe depression for more than six months because I couldn’t travel and see my family. After I obtained a permission from the Jordanian side, Israel refused to allow me to travel because I had a ‘zero passport’. Thus, I remained here as if I were in prison.”

Among the most prominent problems faced by people without identity documents in the Gaza Strip is the difficulty of making banking transactions. Based on the Palestinian Monetary Authority's instructions, banks refuse to lend people without identity documents, approve their guarantees, allow conducting banking transactions for them except within very narrow limits. In March 2019, a popular movement began after there was positive news about allowing people with blue IDs to perform Hajj and Umrah. This news was proven later to be incorrect as the Egyptian authorities refused to allow these groups to travel.

The right to travel for this group is still restricted due to Israeli practices that delay taking any positive measures towards this file. Moreover, their suffering is inherited. A child from a mother and father without identity documents will suffer the same consequences for the rest of his/her life as long as the problem persists, regardless of the fact that this child was born in the Gaza Strip.

# Implications of lacking identity documents



There is no doubt that lacking an identity document has a set of effects represented in losing many basic rights guaranteed at the level of national and international laws and norms.

Basic rights that might be lost due to the lack of identity documents are mostly related to movement and travel whether for visiting relatives, family unification, work, medical treatment or education.

In terms of working abroad, dozens of those who do not have an ID in the Gaza Strip have lost the right to travel abroad for the purpose of work, as they cannot move because they do not have a passport which is only issued to the person if he possesses an ID issued by the Israeli authorities.



Journalist Muthanna Al-Najjar, 36, told Euro-Med Monitor he is unable to obtain an ID even though his entire family has IDs.

Al-Najjar said: "My family came from Iraq in 1994 with visitor permits to settle in Gaza. From that moment on, all my family members including myself sought to obtain IDs. It was a shock for me that all my family members got IDs except for me. I tried again and again to check with the Civil Affairs Department in order to know the reasons for being rejected. The only answer I got was due to 'security reasons', which I have no idea about until this moment.

As a journalist and activist in Gaza, I had many opportunities to travel to attend courses or to cover events and many opportunities related to my professional work. But, unfortunately, the passport, that I do not have, remains the block in way of all my dreams and aspirations.

I am a holder of the blue ID issued by the Ministry of the Interior in the Gaza Strip. It only represents an identification card which I cannot travel on through the Erez crossing that connects us with the Israeli occupation or the Rafah crossing that connects us with Egypt.

In addition, my father was a patient man who needs to travel to get medical treatment abroad. But because he had no ID, he was unable to travel, and he died from his illness because he was being prevented from receiving the treatment. Many people like me are still looking forward to the end of this crisis and obtaining our right to travel like other citizens".



Likewise, with regard to the right to study abroad, Euro-Med Monitor field team collected testimonies of students from the Gaza Strip who were unable to travel to complete their studies abroad and achieve their academic ambitions, even though they obtained high grades that qualify them to study high-level majors abroad.

Bahaa Al-Saadouni, 22, is a pharmacy student who got a high degree in high school, and dreamed of studying medicine, but not having identity document prevented that.

In an interview with Euro-Med Monitor he said: «I am a Palestinian from a Palestinian father and an Egyptian mother. My parents migrated to Egypt during the 1967 war, and they remained there until we came to Gaza in 2000. We entered Gaza on the Egyptian document. From that moment, we have sought to obtain the Palestinian ID. We tried in various ways, but all the attempts were futile. All we got was a blue identity card to facilitate our daily life within the borders of Gaza.

My real suffering began was when I finished high school and got a high degree that qualifies me to study medicine abroad, but my dreams vanished when I tried to travel using the Egyptian document that we have, which was rejected, because I do not have a passport.”





Muhammad Abdul-Jawad Haroun, 40, is a dentist whose lack of ID had a negative impact on his academic, professional and family life.

In an interview with Euro-Med Monitor he said: “My family and I had lived in Kuwait until 1991, when the second Gulf War began at the time. After the war ended, harassment began to befall us as Palestinians in Kuwait. The country began deporting Palestinians from its lands for political reasons. This prompted us to travel to Iraq.

In 2003, I graduated from dentistry college at Baghdad University. At the time the American war on Iraq started. I had to stay in Iraq for about four years because all countries refused to receive me because I did not have a passport or an ID.

Then I submitted my papers to Yemen since I could not stay any longer in Iraq due to the seriousness of the situation there. After coordination between Yemen and Iraq, I was able travel to Yemen which accepted my presence on its lands even though I did not carry a Palestinian ID. I stayed in Yemen for six years practicing medicine, but I did not obtain residency for the same reason – lack of identity documentation.

In 2000, my father arrived in Gaza and my mother stayed with me in Yemen. She was not able to reach Gaza until after ten years with many difficulties. After the fall of the political regime in Egypt in 2011, I was able to reach Gaza. Despite my presence in my country since that time, I still have no identity document. I was unable to attend many conferences abroad, and I was unable to complete the postgraduate studies that I was intending to take abroad”.

Also, lack of identity documents has denied many people meeting and visiting their families. If a person is residing abroad, he cannot visit his family and relatives residing in Gaza. Similarly, those who are in Gaza cannot meet their family and relatives regardless of the reasons and circumstances of the visit.

Reda Baraka, 28, entered Gaza to visit her relatives but was unable to leave and return to her family until this moment because she has no ID. She said in an interview: “My parents were Palestinians displaced to Egypt in 1967 and have an Egyptian document. In 2014, I was visiting my relatives in the Gaza Strip, where I entered Gaza using the Egyptian document. When I tried to return to Egypt, my application was rejected because I needed a passport, which can only be issued with an ID. My family is in Egypt and I am stuck in Gaza, I could not travel, and it is almost impossible to get an ID. I am still waiting for the officials to look into my case”.

# Rights deprived

## due to lack of identity document

for Palestinian Citizens in the Gaza Strip



**Work  
Abroad**



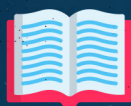
**Travel  
and Mobility**



**Family  
Reunification**



**Medical  
Treatment  
Abroad**



**Education  
Aboard**



**Referrals  
for Medical  
Treatment**  
Inside Israel



## Legal background

When talking about the legal aspect of the issue of undocumented persons, it is important to refer to Israel's obligations under international law; the rights lost due to lacking identity documents, such as the right to family reunification, the right to freedom of movement, the right to possess an identity document and effective citizenship, the right not to be subjected to collective punishment; and the Israeli authorities as an occupying power.

- **First: Israel's obligations under international law**

Since Israel is an occupying power from the international law point of view, specifically in the oPt, including the Gaza Strip, the provisions of international humanitarian law and international human rights law fully apply to the procedures and practices committed by the Israeli authorities on these lands.

Since Israel is an occupying power through its effective control over these lands, it is considered bound to respect international law in all its dealings with the occupied population under its control. This includes laws and treaties that represent international humanitarian law with regard to the occupation power which are the Fourth Geneva Convention of 1949 relating to the protection of civilians in times of war, and the Hague Convention of 1907.

As well as Israel should adhere to the laws and treaties of international

human rights law, which Israel has ratified, such as the International Covenant on Civil and Political Rights, the International Covenant on Social, Economic and Cultural Rights, and the International Convention on the Elimination of All Forms of Racial Discrimination.

We mean here by abiding by the rules of international humanitarian law and international human rights law, is that any violation of the provisions contained in these laws – documented in this report in terms of the arbitrary refusal to grant identity cards to Palestinian citizens in the Gaza Strip, which affects the demographics in the Strip and robs these citizens of their basic guaranteed rights – is a major breach of the obligations that must be fulfilled by the Israeli authorities as the occupying power.

- **Second: The right to family reunification**

International humanitarian law and international human rights law recognized the right to family reunification, given that family is the basic unit of the society.

International humanitarian law guarantees this right as Article 46 of the 1907 Hague Convention, which is directed to the occupying power, stipulates: “Family honour and rights, the lives of persons, and private property, as well as religious convictions and practice, must be respected. Private property cannot be confiscated”.



Also, Article 27 of the Fourth Geneva Convention on the Protection of Civilians in Times of War came to recognize this right, stating: “protected persons in all circumstances have the right to respect for their persons, honor, family rights, religious beliefs, customs and traditions. They must be treated humanely at all times”.

The same applies to international human rights law, which also came to recognize this right and guarantee it in many conventions and treaties. The International Covenant on Civil and Political Rights states in Article 23: “The family is the natural and fundamental group unit of society and is entitled to protection by society and the State”.

General Comment No. 19 in Article 23 Paragraph 5 related to the family issued by the Committee on Civil and Political Rights in the thirty-ninth session of 1990 came to recognize the right to family reunification as it stipulated: “The right to found a family implies, in principle, the possibility to procreate and live together. When States parties adopt family planning policies, they should be compatible with the provisions of the Covenant and should, in particular, not be discriminatory or compulsory. Similarly, the possibility to live together implies the adoption of appropriate measures, both at the internal level and as the case may be, in cooperation with other States, to ensure the unity or reunification of families, particularly when their members are separated for political, economic or similar reasons”.

### • **Third: The right to freedom of movement**

The International Covenant on Civil and Political Rights guarantees the right to freedom of movement, including the right of individuals to leave their country and return to it freely without restrictions as Article 12 stipulates: “2. Everyone shall be free to leave any country, including his own. 3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant. 4. No one shall be arbitrarily deprived of the right to enter his own country”.

International Convention on the Elimination of All Forms of Racial Discrimination also recognized the right of individuals to freedom of movement, as Article 5 paragraph d of the convention stipulated: “In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights: ... (d) Other civil rights, in particular: ... (ii) The right to leave any country, including one’s own, and to return to one’s country;”

The Convention on the Rights of the Child also came to guarantee this right when it stipulated in Article 2” :10. A child whose parents reside in different



States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (ordre public), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention”.

Based on these texts, it becomes clear that international law preserves citizens’ right to freedom of movement to and from their country, and that the occupation must be committed to guaranteeing these rights, as long as these individuals have actual and real links to those lands, regardless of whether or not they are registered in the census which is an Israeli idea that only aims to deny the rights of the actual citizens of these lands.

Looking at the Israeli practices, we find that they violated international law and its provisions by confiscating the right of thousands of Palestinians to reside, move and be united with their families.

- **Fourth: The right to possess an identity and legal nationality**

The International Convention on the Elimination of All Forms of Racial Discrimination has guaranteed the right of individuals to acquire nationality and citizenship. Article 1 Paragraph 3 stipulates: “Nothing in this Convention may be interpreted as affecting in any way the legal provisions of States Parties concerning nationality, citizenship or naturalization, provided that such provisions do not discriminate against any particular nationality”.

The International Covenant on Civil and Political Rights also guaranteed the right of children to obtain a nationality, as Article 24 of the convention stipulated: “3. Every child has the right to acquire a nationality”.

This is what the Israeli authorities did not adhere to when they prevented many children from obtaining an identity and a nationality after freezing their status along with their families, as they passed the age of childhood and lost their basic right to obtain a nationality that enables them to enjoy their full rights.

- **Fifth: The right not to be subjected to collective punishment**

Collective punishment is the imposition of penalties, harassments or restrictions of any kind on a collective basis, which is what the Israeli authorities have been committing against the Palestinian citizens in the Gaza Strip, by collectively denying them their right to obtain identity and the basic rights that result from it.

The Hague Convention of 1907 came to prohibit this type of punishment, as it stipulated in Article 50: “No general penalty, pecuniary or otherwise, shall be inflicted upon the population on account of the acts of individuals for which they cannot be regarded as jointly and severally responsible”.

The Fourth Geneva Convention of 1949 also came to affirm the prohibition of this type of penalties, as Article 33 of the Convention stipulates: “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”.

- **Sixth: The Israeli authorities as an occupying power**

Israel is an occupying power from the international law point of view. This is affirmed by many Security Council resolutions and legal texts contained in the agreements governing the occupation to which Israel is a party.

Accordingly, the Israeli authorities, as an occupying power, is only entitled to take necessary measures related to the security and preservation of the rights and personal freedoms of the occupied population. In this regard, Article 64 of the Fourth Geneva Convention stipulates: “The penal laws of the occupied territory shall remain in force, with the exception that they may be repealed or suspended by the Occupying Power in cases where they constitute a threat to its security or an obstacle to the application of the present Convention”.

This means that the occupying power has the right to impose necessary laws in the occupied lands. However, these laws must be drawn up with the aim of enabling the occupying powers to fulfill their obligations towards the occupied population. On the contrary, the Israeli authorities have done the opposite by imposing laws and procedures aimed at violating the rights of the occupied population, which is inconsistent with the obligations of the occupation authorities under the Convention.

Also, according to the International Committee of the Red Cross' commentary on the Fourth Geneva Convention, the concept of the rules of international humanitarian law relating to the conduct of the occupying power during the occupation is based on the principal of preserving the freedoms and rights of civilians residing in the occupied territories, without prejudice to them in general.

# Recommendations

Based on the contents of this report, Euro-Med Monitor recommends the following:

1. The Israeli authorities should abolish the arbitrary restrictions on the right of Palestinian citizens to reside in the Gaza Strip, end the freeze on family unification applications, and start looking into them immediately by enabling these citizens to obtain identity documents.
2. The Egyptian authorities should review its policies regarding the Rafah crossing in terms of banning those who do not have Palestinian identity documents issued by the Israeli authorities to travel and allow this group to travel from and to Gaza since they are Palestinian citizens.
3. The Palestinian Authority should put in place a new mechanism for resuming and updating the requests of those who do not have IDs, make the necessary efforts in order to address this file, and solve the problem of more than 5,000 people without identity documents in the Gaza Strip.
4. The international community should pressure Israel to fulfill its obligations as an occupying power and resolve the issue of those who do not have identity documents, in line with the rules stipulated in international humanitarian law and international human rights law.



Euro-Med Human  
Rights Monitor  
الأورومتوسطي لحقوق الإنسان

Maison des Associations Rue  
des Savoises 15 CH-1205  
Genève  
جنيف - سويسرا

info@euromedmonitor.org  
www.euromedmonitor.org