

RIGHTS

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IDS

Israel's Unilateral Control of Palestinian Population Registry on Both Sides of the Green Line & in the Diaspora



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Balasan Initiative
for Human Rights

Introduction

Right after the Nakba¹ of 1948, through which Israel founded itself on the mass displacement and dispossession of 750,000 Palestinians and the destruction of 530 Palestinian villages of mandatory Palestine, and then since the outset of its occupation of the occupied Palestinian territory (oPt) in 1967, it sought to impose control over two vital, interconnected elements: the land, and the people; the geography, and the demography to ensure the permanence of its prolonged occupation and colonization of Palestine. Multiple Israeli governments sought to exclusively control the Palestinian population registry, as a means of altering the Palestinian demographic elements and preventing a unified Palestinian population. To achieve this, Israel has pursued a number of policies towards this end, from use of force and forcible displacement, to administrative and ‘legal’ methods’, eventually dividing Palestinian people into several categories and controlling all aspects of their lives, depending on the category, and therefore, the Identity Document (ID) they carry, as decided solely by Israeli authorities. This is what we will refer to as the ID-coded system, which we seek to dissect in this report.

One of its outcomes is that it is not uncommon to encounter terms like ‘stateless’ or ‘illegal’ Palestinians, even though they and their ancestors have lived in Palestine for generations. A Palestinian from the Gaza Strip, for instance, cannot reunite with their family in the West Bank; and if they move without Israel’s consent or authorized documentation, they are considered illegal and deprived of basic human rights, such as freedom of movement, opening a bank account, seeking medical treatment, or registering for insurance... etc. The responsibility of recognizing a Palestinian or authorizing their existence in Palestine lies completely under Israel’s Coordinator of Government Activities in the Territories (COGAT)². According to the 1993 Oslo Accords, the Palestinian Authority (PA) is supposedly tasked with administering the population registry and providing services to Palestinians in the occupied territories.

In practice, for a Palestinian passport, ID, or birth certificate to be internationally recognized and accepted by Israel, the individual must be registered with both the PA’s Ministry of Interior and COGAT’s Population Registry Office³. COGAT retains the ultimate authority to reject, nullify, or alter any registry entries, effectively controlling the official recognition and details of Palestinian identities. The PA lacks the authority to change the designation of a Palestinian’s region or to add any of the nearly six million Palestinian refugees in the diaspora to its population registry if they attempt to return. Only Israel holds these powers exclusively, maintaining strict control over Palestinian mobility and demographics⁴.

In the current context of Israel’s relentless war on the Gaza Strip since October 7th 2023, and the deteriorating situation in the West Bank ever since, global attention and concerns have surged with questions about Palestinians—who they are, where they reside, and how their identities are defined. Such concerns are particularly pronounced among foreign audiences previously unfamiliar with the nuances of the situation. Questions persist: Why are the Palestinians in the Gaza Strip, “separate” from the Palestinians in the West Bank. What about the Palestinians who survived the Nakba and stayed in their lands, now holding Israeli nationality, or those dispersed in the diaspora across refugee camps and various global locales?

The answers to these questions entail extensive and intricate explanations that are challenging to grasp without a thorough understanding of history and a live analysis of the present. This report, thus, aims to unravel the multifaceted complexities surrounding Palestinian identity, framed within the context of demographic control of the Palestinians, their assigned identities and registry protocols. All of this can only be understood within the context of colonization, systemic segregation, identity erasure, and aggressive gentrification against the Palestinian people in and out the Palestinian lands.

¹ The Nakba “Catastrophe” of 1948 refers to the mass displacement and dispossession of 750,000 Palestinians and the destruction of 530 Palestinian villages in historic Palestine by the Israeli militias, to establish what is to be recognized later as present day Israel.

² The Israeli Government: “Population Registry in Judea and Samira” https://www.gov.il/en/Departments/Units/population_registry_unit

³ Euro Med Human Right Monitor: “Write down, I am an Arab: Even the simple right of issuing Palestinian ID cards, Israel controls”, 2016. <https://euromedmonitor.org/en/article/4871/Write-down,-I-am-an-Arab:-Even-the-simple-right-of-issuing-Palestinian-ID-cards,-Israel-controls>

⁴ *ibid.*

1- Background

Formal IDs, universally symbols of personal and governmental recognition, signify a different meaning in the Palestinian context, as it imposes numerous restrictions on Palestinians, illustrating the deep-rooted segregation and discrimination within the same piece of land. This segregation stems from the protracted Israeli occupation, which started with the establishment of Israel on historic Palestine in 1948, in what Palestinians refer to as *Nakba*, the Catastrophe, where Israeli militias killed 15,000 Palestinians, ethnically cleansed 531 Palestinian villages and forcibly displaced approximately 800,000 Palestinians from their homes⁵, most of whom currently live in refugee camps either in the West Bank, Gaza Strip or the nearby countries (Jordan, Syria and Lebanon). The 1948 *Nakba* had eventually dictated the distinct yet interconnected fates of Palestinians, creating different realities based on one's geography and identity⁶.

The aftermath of the *Nakba* left the Palestinians with only 22% of their historic land, the West Bank and Gaza Strip⁷. The West Bank was placed under the Jordanian authority, and the Gaza Strip was managed by Egypt.⁸ Palestinians in these areas received ID cards and travel documents from the respective governing bodies. However, the Six-Day War in 1967 where Arab states failed to seize back the occupied lands, marked a pivotal shift; Israel's occupation for the remaining 22% of the Palestinian lands led to the issuance of distinct ID cards for Palestinians based on their residence in the West Bank, Gaza Strip, or East Jerusalem. Israel introduced a color-coded ID system, a mechanism of control that has deeply influenced Palestinians' lives. The green IDs were designated for Palestinians in the West Bank and the Gaza Strip, signifying their residency, while blue IDs were issued to those in East Jerusalem, each set dictating the holder's freedom of movement, ability to unite with family members, access to healthcare, education, and employment opportunities among many other aspects shaping Palestinians' fates.

The first *Intifada*⁹ in 1987 was a significant uprising against Israel. As a result of this uprising, restrictions on movement between the Gaza Strip and the West Bank intensified as the Israeli military started imposing restriction on Palestinian movement to Jerusalem and into areas inside the Green Line¹⁰. In 1993, Israel imposed a general closure on the Gaza Strip and the West Bank, during which no one could leave them or enter Israel without individual permit. This closure has remained in effect until today¹¹.

Immediately afterwards, the Oslo Accords, an interim framework for negotiations between Israel and the Palestinian Liberation Organization (PLO) initiated in the early 1990s, aimed to pave the way towards Palestinian self-governance in certain areas. Although it introduced the PA, and promised gradual autonomy, the accords led to further differentiation in IDs and permits based on residency in designated areas (A, B, and C), built on the artificial division of the occupied Palestinian territory, and distinctions between the Gaza Strip, West Bank and East Jerusalem's Palestinian 'residents'¹².

The PA began issuing its own ID cards to citizens of areas under its control. Meanwhile, Israel took full control over the population registry and movement between the Gaza Strip, the West Bank, and Israel. The movement between the Gaza Strip, the West Bank and East Jerusalem has become impossible without Israeli permits. The sovereignty that the PA obtained according to the Oslo Accords was limited and incomplete. In reality, Palestinians must obtain ID cards and permits to enter East Jerusalem and Israel, and by extension to travel abroad, through District Civil Liaison Offices (DCLs). These offices are remnants from the period of «official» occupation (1967–1991) under the Civil Administration arm of the Israeli military, which governed Palestinian civilian life. The process involves navigating a bureaucratic maze filled with arbitrary decision-making that is entirely opaque to Palestinians, making it unaccountable and impossible to appeal.

In the post-Oslo era, local DCLs have devolved into mere liaison centers that simply pass ID and permit requests to various Israeli authorities, such as the Ministry of Interior, the military, the border patrol, the police force, and the secret service (Shabak). These institutions form the core of the ID regime apparatus. Therefore, the bureaucracy surrounding ID cards is just one example of the «charade of prosthetic sovereignty» granted to the PA. Despite the establishment of the PA government in 1993, IDs are still issued

5 UNRWA: "Who Are Palestinian Refugees?" <https://www.unrwa.org/palestine-refugees>

6 PCBS: "Special Statistical Bulletin on the 65th Anniversary of the Palestinian Nakba", 2013. <https://www.pcbs.gov.ps/post.aspx?lang=en&ItemID=788>

7 PCBS: https://www.pcbs.gov.ps/Portals/_pcbs/PressRelease/nakba%2060.pdf

8 The New Arab: The 1967 Arab-Israeli War and the making of today's Middle East: <https://www.newarab.com/analysis/1967-war-and-todays-middle-east>

9 Intifada: means the Palestinian Uprising; In the Palestinian context, "Intifadas" is understood to mean civil uprisings which most notably took place during the years of 1987 and 2000.

10 The Green Line is the armistice line of 1949 which drew the de facto border between Israel and what was left of historic Palestine

11 NRC: Legal Memo: "Movement between the West Bank and the Gaza Strip", 2016. https://www.nrc.no/globalassets/pdf/legal-opinions/legal_memo_movement_between_wb_gaza.pdf

12 Palestinians in Jerusalem are considered 'Residents of Jerusalem' because Israel gave them "permanent residency status" - a status inferior to citizenship, and is easily revokable.

by the Israeli military. For West Bank and Gaza Strip IDs, the PA's role is largely administrative, primarily involving the physical printing of the IDs. Ultimately, it is the Civil Administration in the Bet II settlement that decides whether to issue them. Israel's control over the Palestinian population registry is central and pivotal to its strategy to manage movement and demographics in the occupied Palestinian territories¹³.

The post-Oslo era (1994 onwards) witnessed severe restrictions and checkpoints, which have extremely limited Palestinian movement, particularly with the construction of the Annexation Wall¹⁴ in 2002 and the establishment of numerous checkpoints between the West Bank and occupied Jerusalem. Following Hamas¹⁵ takeover of the Gaza Strip in 2007, Israel and Egypt imposed a blockade on the Gaza Strip, further restricting the movement of people and goods and deepening the division between Gaza and the West Bank. This has had severe implications for family reunification, access to healthcare, and economic and trade activity. In occupied East Jerusalem, Palestinians are typically granted permanent residency status, an inferior, peculiar status that considers the indigenous Palestinian population as "residents", rather than citizens, and is easily revocable at the discretion of Israeli authorities. Palestinian refugees continue to be prevented from returning to their homes and those in the Diaspora are at the whim of Israel's arbitrary policies when it comes to allowing them to visit their homeland, even if they only want to visit the oPt and not Israel.

2- Israel's ID - Coded System

Palestinian identity can be traced back to the Ottoman era, even before the introduction of the nation-state concept, and Palestinians used to be easily identified as one people, living in similar conditions, sharing the same language, culture, ancestors and having the same lifestyle all across Palestine.

As an elemental colonization tool, the Israeli occupation has carried extensive and intensive tactics to divide the Palestinians into different categories and social groups. The key tool and/or on-ground translation to the Israeli segregation policies is the ID status given to the Palestinians on both sides of the Green Line. A Palestinian's life today is heavily dependent on which part of the country her/his ancestors fled to during the 1948 catastrophe, or where their ancestors lived in Palestine, or were present during the population census in 1967. It sounds ironically simple, but when this reality is translated into real life terms such as residence IDs, property rights, travel/movement freedom, economic and social advantages among many other factors, we realize that the Palestinian ancestral tragedy extends beyond an ID label. To understand this segregation on the ground, it is imperative to analyze each category of the Palestinian people, the ways they live and how it translates in reality, impacting a wide set of fundamental human rights. These categories are: Palestinians of "1948 Areas", Palestinians of East Jerusalem, Palestinians in the West Bank, Palestinians in the Gaza Strip, and Palestinian refugees and those living in the Diaspora.

2.1 Palestinians of "1948 Areas"

The Palestinians of "1948 Areas" are those who stayed in their lands and survived the 1948 *Nakba*, and now live in what has become known and recognized as Israel. They had to prove continuous residence in Israel between 1949 and 1952 in order to qualify for Israeli citizenship, granted, in theory at least, in 1952. Ilan Pappé notes that "[t]he worst offense for Palestinians inside Israel during the late 1940s and early 1950s was not being in possession of one of the newly-issued identity cards,"¹⁶ as that would be terms for loss of property ownership and, in some cases, expulsion. Israeli ID cards were issued to approximately 160,000 Palestinians who were not expelled from Israel— the population that comes to be referred to by Israel as 'Arab-Israelis', by themselves as 'Palestinians from the inside' or '1948 Palestinians'.¹⁷ They were granted ID cards and citizenships not to incorporate them into Israeli civic and political life, but to maintain an Arab population within Israel that would not pressure Israel for the Palestinian right of return. They are represented with their political parties in the Israeli Knesset. However, the 750,000-plus Palestinian

¹³ Lina Alsaafin, "The color-coded Israeli ID system for Palestinians," Al-Jazeera, 2017. <https://www.aljazeera.com/news/2017/11/18/the-colour-coded-israeli-id-system-for-palestinians>.

¹⁴ "Annexation Wall" refers to the wall that Israel started to build in the oPt in 2002 under 'security' pretexts, deviating up to 85% inside the oPt and designed to place as much Palestinian land and as many Israeli settlements as possible to the Israeli side of the wall, effectively annexing large swathes of Palestinian land, but leaving out Palestinians. The International Court of Justice delivered an advisory opinion 2004, where the court elaborated on the illegality of the Wall, and its primary objective of annexation.

¹⁵ HAMAS: Harakat al-Muqawama al-Islamiya, a Palestinian political faction of the "Islamic Resistance Movement".

¹⁶ Ilan Pappé: "The Ethnic Cleansing of Palestine" (2007), page 236.

¹⁷ Overdue Books: "Returning Palestine's "Abandoned Property" of 1948", 2011. <https://www.palestine-studies.org/en/node/78440>

refugees who had been expelled or fled during the Nakba were prevented from returning to their homes, then considered 'absentees' and thus, they were denied Israeli citizenship and any possibility of return. Between 1952 and 1967, the only Palestinians mandated ID cards were those inside Israel, living under military rule until 1967.¹⁸

Palestinians of "1948 Areas" hold Israeli citizenship and are theoretically entitled to equal rights with Jewish Israelis. However, in reality, they are treated as second or third-class citizens, facing discrimination entailed by more than 60 Israeli laws based on national origin and religion¹⁹. Over the decades, Palestinian citizens of Israel have been confined to overcrowded neighborhoods with limited room for expansion, making way for Jewish citizens. These neighborhoods face severe restrictions, including difficulties in obtaining building permits and face severe threats of house demolitions, with an estimated 60-70 thousand Palestinian homes currently at risk²⁰. Although Palestinians make up only 20% of the Israeli population, as of 2015, their homes accounted for 97% of all demolition orders issued by Israeli courts²¹. In terms of family reunification, Israeli laws bar Palestinian citizens of Israel or Palestinian Jerusalemites from extending their legal status to their spouses from the West Bank or the Gaza Strip²², while Israeli Jews from anywhere in the world have the right to move to Israel with their spouses and obtain 'automatic' citizenship. Israeli laws, thus, are designed to engineer demographics in order to maintain a Jew majority while exacerbating the decline of the Palestinian existence. Palestinians of "1948 Areas" are underrepresented in local elections, and live in persistent conditions of extreme violence and high crime rates, as a means of creating a coercive environment that would encourage them to take the 'silent transfer' option, facilitating the Judaization²³ of their areas.

This category of Palestinians cannot openly and publicly express their nationality, roots, or political affiliations, facing extreme suppression of their rights, such as freedom of speech. One example has been recently witnessed with the war on in the Gaza Strip, ongoing since 7 October 2023, where many of them got arrested for posting or even speaking about their opposition to Israel's war on Gaza, as seen in the cases of the famous Palestinian artist Dr. 'Dalal Abu Amna'²⁴ and university professor, Dr. 'Nadera Shalhoub'²⁵. They cannot express their identities or even represent themselves as Palestinians in the Knesset or any other governmental platform. However, compared to Palestinians in East Jerusalem, the Gaza Strip, and the West Bank, Palestinians of "1948 Areas" enjoy freedom of movement, and other economic advantages.

2.2 Palestinians in East Jerusalem

Israel took over the western part of Jerusalem in 1948 after having expelled its Palestinian population, some of whom fled to the eastern part of Jerusalem. Israel then occupied the eastern part of Jerusalem in 1967 and illegally annexed it. The indigenous Palestinian population who had inhabited Jerusalem long before the creation of Israel were considered by the newly established Israeli authorities as 'residents' in their home city. The 'temporary residency' status implies that they are 'Jordanians residing in Israel.' At the time of Israel's 1967 census, only 66,000 Palestinians within the new boundaries of East Jerusalem who were physically present there were granted residency status, excluding those who fled from the war, or who were abroad for reasons such as study, work, or vacation. From 1967 to 1973, Israel allowed only a small number of these individuals to return as war refugees²⁶. The permissions for new Jerusalem ID cards were severely limited, and between 1973 and 1993, no new entries were permitted. This policy was part of a broader strategy described by Jeff Halper as "a program of de-Arabization in Jerusalem,"²⁷ which includes revoking ID cards, expanding municipal boundaries to favor Jewish-Israeli residents, and implementing restrictive construction policies and demolitions, making it nearly impossible for Palestinians to obtain commercial permits or conduct constructions, effectively stifling their community development. Israeli demographic policy is a primary part of the de-Arabization in East Jerusalem and fulfills Israel's

18 Ibid

19 IMEU: "Palestinian Citizens of Israel", 2021. <https://imeu.org/article/fact-sheet-palestinian-citizens-of-israel>

20 Ibid

21 Ibid

22 Nationality and Entry into Israel (Temporary Order) Law, 5762-2003

23 Imposing an exclusive Jewish identity and character to an area mainly by creating a predominant Jewish population

24 The National News: "Palestinian Singer Dalal Abu Amneh Under House Arrest Following an Instagram Post", 2024. <https://www.thenationalnews.com/arts-culture/music-stage/2023/10/22/dalal-abu-amneh-israel-gaza#:~:text=Abu%20Amneh%2C%20who%20is%20an,has%20since%20been%20taken%20down.>

25 Nadera Shalhoub-Kevorkian arrested and being investigated for incitement to violence and terrorism. <https://www.theguardian.com/world/2024/apr/26/political-arrest-palestinian-academic-nadera-shalhoub-kevorkian-israel-civil-liberties-threat#:~:text=Prof%20Nadera%20Shalhoub%20Kevorkian%20was,terrible%E2%80%9D%20and%20designed%20to%20humiliate.>

26 NRC: "The Legal Status of East Jerusalem", 2013. <https://www.nrc.no/globalassets/pdf/reports/the-legal-status-of-east-jerusalem.pdf>

27 Washington Report on Middle East Affairs, 2016. <https://www.wrmea.org/2016-june-july/waging-peace-halper-on-judaization-de-arabization-in-israel-palestine.html>

goal of establishing a Jewish majority. As a matter of policy, Israel actively seeks to reduce the Palestinian population in East Jerusalem. 'Israel has engineered a clear governmental policy that sought to maintain a demographic balance of 60 percent Jews to 40 percent "Arabs" within the Israeli declared boundaries of the Jerusalem municipality— which it unilaterally declared as the unified capital of Israel in 1980.'²⁸

A limited number of Palestinians living in East Jerusalem were eligible to apply for Israeli citizenship initially in 1967, and before the Oslo Accords, but obtaining it required them to swear allegiance to the State of Israel, demonstrate Hebrew proficiency, renounce any other nationality (a requirement not imposed on Israeli Jews), and submit extensive documentation—a process too burdensome for many, leading the vast majority to decline the offer. Given the unresolved status of Jerusalem in the Oslo Peace Process, which did not recognize the area as part of any sovereign Palestinian territory, the PA is unable to grant Jerusalemite Palestinians any forms of Palestinian citizenship or ID. Consequently, most Palestinian Jerusalemites are left stateless, using temporary Jordanian passports or Israeli-issued travel documents for international travel (*Laizzez-Passer*). Thus, despite holding blue ID cards that externally resemble those issued to Israeli citizens, these IDs do not confer the same rights or status²⁹.

The Israeli policies in occupied East Jerusalem have also involved constructing the Annexation Wall, revoking residency rights, freezing the family unification policies, and disproportionately allocating municipal budgets and services, all of which significantly disadvantage the Palestinian population relative to their Jewish counterparts in West Jerusalem. All these measures have effectively hindered the natural growth and development of the Palestinian community in East Jerusalem.

Captivated in small neighborhoods, Palestinian Jerusalemites do not enjoy the rights of regular Israeli citizens, given the Israeli policies that restrict every activity a Palestinian can take in their day-to-day lives, especially in the vicinity of the Old City of Jerusalem. Israeli authorities do not issue urban plans for Palestinian neighborhoods in occupied East Jerusalem, which means it is almost impossible for Palestinians to "build legally" with the regular procedure where a building permit would be obtained. In addition, they lack basic services and infrastructure due to the Israeli Jerusalem Municipality's discriminatory policies. As such, there are effectively no lands left available for their development and population growth due to Israel's allocation of lands for settlements, and "green spaces", whereby Palestinians are left with a mere 13% of their land available for construction – which is already occupied with construction and is overpopulated.

Meanwhile, Israeli settlements throughout Jerusalem have expanded steadily since 1967, with 201,000 settlers living in 16 settlements and suburbs within the Annexation Wall by 2010, a case that is even as triple larger today³⁰.

The already inferior status given to Palestinians in East Jerusalem is easily revocable by Israeli authorities, for a variety of pretexts. One major pretext is the "center of life" requirement; the constant need to prove as Palestinians that their "center of life" is not outside Jerusalem; Palestinians can lose their residency status by moving their "center of life" outside of Israel or Jerusalem, even if they have lived abroad for less than seven years and have not obtained residency status or citizenship from another country.³¹ Living abroad includes living in the West Bank, as Israel treats this as «residing abroad». Failure to prove so may revoke their Jerusalem residency status.³²

Under the "center of life" system, the burden of proof always lies on the Palestinians to prove to Israeli authorities that they have continuously lived in East Jerusalem, and they are treated as suspects as the norm. Moreover, Jerusalemites must obtain an Israeli re-entry visa when traveling abroad, and are subject to revocation of residency rights when living abroad for more than seven years.³³ With expanded restrictions on Palestinians, and since 1967, more than 14,500 Palestinians have had their residency revoked at the discretion of the Ministry of the Interior, resulting in their forcible transfer outside the city³⁴. In recent years, Israel has passed more arbitrary laws that would allow it to revoke the status of more Palestinian Jerusalemites and expel them from their city, like the "Breach of Allegiance" law, which allows the Minister of Interior to revoke the residencies of Palestinian Jerusalemites based on very broad criteria of 'breach of

28 Al-Haq, "Living Under Israeli Policies of Colonization in Jerusalem," June 2013, <https://www.alhaq.org/advocacy/6359.html>.

29 Amnesty International: "Israel's apartheid against Palestinians: a cruel system of domination and a crime against humanity", 2022. <https://www.amnesty.org/en/latest/news/2022/02/israels-apartheid-against-palestinians-a-cruel-system-of-domination-and-a-crime-against-humanity/>

30 UNCTAD: "The Palestinian Economy in East Jerusalem", 2013. https://unctad.org/system/files/official-document/gdsapp2012d1_en.pdf

31 Al-Haq, "Residency Revocation: Israel's Forcible Transfer of Palestinians from Jerusalem.", 2017. <https://www.alhaq.org/advocacy/6331.html>

32 Ibid.

33 Ibid.

34 Amnesty International: "Israel's apartheid against Palestinians: a cruel system of domination and a crime against humanity", 2022. <https://www.amnesty.org/en/latest/news/2022/02/israels-apartheid-against-palestinians-a-cruel-system-of-domination-and-a-crime-against-humanity/>

allegiance' to Israel. Definitions include committing, or participating, or incitement to commit a terrorist act, or belonging to a terrorist organization, as well as committing acts of treason specified in the Israeli Penal Code 1977³⁵. Furthermore, for Palestinians, the "permanent resident" status is not transferable through marriage. This only entitles couples to «family unification» treatment, a process that has never been easy and has been frozen since 2003. In May 2002, the Israeli Government enacted decision no.1813 on 'illegal' residents of Israel and family unification, which effectively bans family unification if the spouse is Palestinian.³⁶

The children that come from these marriages are not automatically registered like Israeli Children; sources estimate that more than 10,000 Palestinian children in East Jerusalem are unregistered because of such provisions.³⁷

Palestinian Jerusalemites are also subjected to Israel's police violence, hindered from moving freely even within Jerusalem, specifically where Jewish neighborhoods and settlements are located. Their education has been controlled by Israeli authorities since 1967, which seek to "Israelize" the curriculum of Palestinian schools entirely. Schools that refuse to abide by Israel's conditions are subjected to cruel penalties (cutting off funding and even closure). Furthermore, both Christian and Muslim Jerusalemites face extreme barriers to freedom of worship, exemplified by increasing violations during religious holidays and bans from entering Al-Aqsa Mosque and the Church of the Holy Sepulcher, while Israeli Jews can practice their faith and celebrate their religious holidays freely and safely.

2.3 Palestinians in the West Bank

Palestinians in the West Bank, residing within the boundaries delineated by the Green Line³⁸, face different forms of oppression imposed by Israel's ID bureaucracy. Although the Oslo Accords nominally granted the PA sovereignty over the West Bank, in reality, the PA's control is largely confined to civil matters and primarily involves tax revenue collection.

The Israeli military retains overriding authority, particularly in "security" and territorial issues *inter alia*. Post-Oslo, the area of the West Bank was broken down into three categories (A, B and C)³⁹. Officially, Jewish-Israelis are permitted to move around freely in Oslo Designated Areas B and C, where they reside illegally as settlers in occupied territory (accounting for more than 70% of the West Bank) but are not supposed to enter Area A and the Gaza Strip, although this can be overruled by military orders. The 'rules' are sporadic and inconsistent, but Israelis can actually enter anywhere in Area A, and reside and move freely between Area C and anywhere inside of Israel, i.e., they can move anywhere around mandatory Palestine, unlike Palestinians who risk imprisonment, ID-card revocation, deportation, eviction, and a range of other punishments, should they be caught with the 'wrong' ID card or without a permit.

In general, Jewish-Israeli mobility is largely unbounded either in Israeli or Palestinian spaces, whereas Palestinians are mostly forbidden from moving within their own spaces, let alone in/out of Israel. This policy should be understood as a means of fragmenting, separating and segregating Palestinians inside Israel and East Jerusalem from Palestinians in the West Bank and the Gaza Strip, and between and within the latter two.

The West Bank is interspersed by numerous Israeli settlements, which exacerbate the fragmentation of Palestinian communities. For one, settlements are equivalent to loss of lands *en masse* for Palestinians. They constantly expand, at accelerated paces notably after October 7th. Alone in 2024, Israel has illegally claimed 23.7sq km (9.15sq miles) of West Bank land as its own so far this year, the largest land seizure approval since three decades⁴⁰.

Settlements are a state-sponsored policy by consecutive Israeli governments, and with the generous incentives that are offered by the Israeli government to encourage settlers to move in, their population expands, and so does the need for infrastructure to accommodate the growing numbers. Settlements,

35 ADALAH: "New Israeli law that lets the interior minister revoke Palestinian residency in Jerusalem for 'breach of loyalty' is illegal", 2018. <https://www.adalah.org/en/content/view/9425>

36 Ayyub N. Right of Residency." Civic Coalition for Defending Palestinian Rights in Jerusalem, Jerusalem, 2008.

37 Office for the Coordination of Humanitarian Affairs (OCHA). "East Jerusalem: Key Humanitarian Concerns." March 2011, https://www.ochaopt.org/sites/default/files/ocha_opt_jerusalem_report_2011_03_23_web_english.pdf.

38 UNOCHA: "The Green Line is the barrier route across the West Bank", 2011. <https://www.ochaopt.org/content/map-barrier-route-west-bank-july-2011>

39 OCHA: "Area C Map", 2011. https://www.ochaopt.org/sites/default/files/ocha_opt_area_c_map_2011_02_22.pdf

40 AlJazeera: "Israeli seizures of West Bank land for settlers peaking, watchdog says", available at: <https://www.aljazeera.com/news/2024/7/3/israeli-seizures-of-west-bank-land-for-settlers-peaking-watchdog-says>

built illegally on occupied territory according to international law, enjoy the best services and full access to resources, notably water, while Palestinians, on the very same land, their own land, are denied even basic services and conditions needed to sustain life. Settlements are also surrounded with a buffer zone, taking up more Palestinian lands, where Palestinians are prohibited from approaching and are criminally liable if they are “caught” in buffer areas, in addition to the Annexation Wall and heavy militarized presence.

One grave aspect of settlements in the West Bank is settler violence and terrorism, which has always been employed to terrorize Palestinian communities and create a very coercive environment to push them to leave. Settler violence has caused the killing of Palestinians, injuries, assaults, damage to lands and property and actual forcible transfer of communities. Settler violence poses a continuous threat to Palestinians living across the West Bank, which is witnessing a stark increase especially following October 7th, whereby at least 20 communities in the West Bank were displaced since then. This is the outcome of public hate speech and incitement against Palestinians from Israel’s top political echelons, coupled with the tools: the Israeli Minister of National Security relaxed the gun permit rules and promised 10,000 free weapons for Israelis, including settlers. According to UN OCHA, the average settler attacks are now 35 per/week – one third involving firearms. Such attacks are carried out with the accompaniment and even protection of the Israeli army, and without any accountability.

As such, settlements result in a segmentation that is enforced through a network of checkpoints and the continuous expansion of these settlements, effectively confining Palestinians to isolated enclaves with tightly controlled entry and exit points managed by the Israeli military. Such restrictions severely limit Palestinian mobility, not only between cities within the West Bank but also to other parts of occupied Palestine. Palestinians must navigate these checkpoints daily, facing a regime that curtails their freedom and disrupts social and economic life. The green ID cards that are allocated for Palestinians in the West Bank require special permits from the Israeli military to enter East Jerusalem and Israel- In that sense, the norm is that entry to their Capital and anywhere in Israel is barred, the permit is the exception. The Israeli-imposed permit system symbolizes the stark discrimination against Palestinians in the West Bank. It creates significant barriers that affect every aspect of their lives, from daily commutes to major life events. Palestinians endure long waits at checkpoints and complex bureaucratic hurdles to obtain necessary permits, starkly contrasting with the freedom of movement granted to Israeli citizens and settlers, who navigate the same landscapes with few if any restrictions.

Economic activities are also heavily restricted; Palestinians cannot trade, import, or export goods without going through Israeli borders and intensive checks, which include imposing high taxes and maintaining stringent movement barriers. In the West Bank, the relentless violations and aggressions are palpably evident. Nightly military raids and continuous land expropriation further erode Palestinian autonomy.

The boundaries of the Israeli regime are nebulous, wide-reaching, and ever-evolving in their control over Palestinians. This pervasive influence extends throughout the territory, permeating various aspects of Palestinian individual and collective life. A simple example of this is marriage⁴¹. A Palestinian from East Jerusalem- who is only a couple of kilometers away from a Palestinian in the West Bank- cannot, by law, be united and extend their legal status to a spouse who resides within the Green Line, due to the freeze on family unification described previously in this report. All of these measures simply illustrate the depth of the social and political division enforced by Israeli policies with the ID system. The permit system in Palestine is emblematic of Israel’s brazen discrimination against Palestinians and severe limitations on Palestinians’ freedom of movement. While Palestinians are locked in a blockade, stuck for hours at checkpoints, or waiting for yet another permit to come through, Israeli citizens and settlers can move around as they please⁴².

2.4 Palestinians in the Gaza Strip

The situation in the Gaza Strip, as impacted by Israel’s color-coded ID system, reflects a severe and systemic infringement on the rights and freedom of Palestinians. The Gaza Strip, lies under complete Israeli siege since 2007, delineated and isolated from the rest of the Palestinian territories and Israel, suffers

41 Tawil-Souri, H.: “Colored Identity: The Politics and Materiality of ID Cards in Palestine/Israel”, 2011. https://www.academia.edu/661856/Colored_Identity_The_Politics_and_Materiality_of_ID_Cards_in_Palestine_Israel

42 Amnesty International: “Israel’s apartheid against Palestinians: a cruel system of domination and a crime against humanity”, 2022. <https://www.amnesty.org/en/latest/news/2022/02/israels-apartheid-against-palestinians-a-cruel-system-of-domination-and-a-crime-against-humanity/>

from stringent movement restrictions that are heavily enforced through the ID system. Around 80 percent of Gaza's population are Palestinian refugees who were displaced during the Nakba. They are generally issued green ID cards, even though they are the same color as those issued for those living in the West Bank, the cards include the birth and residency origin. Thus, Palestinians from the Gaza Strip are automatically distinguished from those of the West Bank, where even more extreme restrictions apply to them.

This system has effectively locked nearly two million Palestinians within the 365 square kilometers of the Gaza Strip, turning it into what many international observers describe as 'the world's largest open-air prison'⁴³. The Israeli government controls entry and exit from the Strip, severely limiting access to medical care, educational opportunities, and economic activities that are often available only beyond its borders, where even calories are measured when food is allowed to enter the Gaza Strip. This has not only stifled the economic development of the strip but has also led to dire humanitarian consequences⁴⁴. The ID system plays a crucial role in separating families and prevents any family unifications. Palestinians from the Gaza Strip who may have family members in the West Bank, East Jerusalem, or inside Israel find it impossible to obtain the necessary permits to visit relatives due to their ID classification. Moreover, thousands of Palestinian Diaspora who came to the Gaza Strip to reunite with their families were not given IDs, and therefore, lived a ghost life in their home, without access to the most basic rights like education and health. Palestinians from the Gaza Strip who reside in the West Bank cannot change their address in their IDs from the Gaza Strip to the West Bank, making them 'illegal' residents in their own country⁴⁵. This impacts all aspects of their daily life; they are always wary of being 'caught' with the wrong ID at any of the checkpoints spreading across the West Bank, which would lead to their arrest, deportation or imprisonment for up to 7 years, and they cannot travel abroad through any crossing point.

This enforced separation by Israeli policy further fragments the Palestinian social fabric. The repercussions of this ID system are profound, extending beyond mere travel restrictions to influencing almost every aspect of life in the Gaza Strip- from healthcare accessibility and employment opportunities to broader socio-economic stability. The overarching impact of these policies effectively marginalizes and disenfranchises the Palestinian population in the Gaza Strip, perpetuating conditions of poverty and dependency without adequate political or humanitarian redress. This system, by design, maintains a demographic and political division, strategically designed to fragment Palestinian society and maintain control over its segments and prevent the establishment of a viable Palestinian state.

2.5 Palestinians in the Diaspora

The Palestinian Diaspora represents a widespread community of Palestinians who have been displaced through several waves of escalated events, wars or *Intifadas*. The Palestinian Diaspora encompasses individuals who were displaced during past conflicts and their descendants, as well as those who have left more recently due to ongoing hardships and displacements imposed by Israel. Estimates indicate that nearly 50% of Palestinians live outside of Palestine - among them, 5.59 million live in Arab countries (44.0% of total) and about 700,000 (5.5%) live throughout the world⁴⁶. As a result of this worldwide displacement, Palestinians have been exposed to varied cultural, social, and political conditions and have been granted different civil rights and legal status.

Palestinians who live in Syria and Lebanon are considered stateless. In Jordan, many Palestinians living in refugee camps are stateless while others could attain citizenship. None of these refugees could return to Palestine as a result of Israel's denial of the right of return for them. Palestinian refugees in Lebanon, and Syria, often face severe restrictions on employment, social services, and civil rights. In Jordan, many Palestinians have integrated into society, enjoying citizenship and full rights. Palestinian refugees and Diaspora members who obtain foreign passports can technically enter Palestine as foreigners, requiring a three-month Israeli tourist visa, although they are regularly subjected to harassment, humiliation and arbitrary "entry denial" because of their Palestinian origins. Recently, Israel has announced its plans to introduce the Electronic Travel Authorization (ETA) for incoming visitors, currently a pilot program that will become mandatory for all visitors from visa-exempt countries on August 1st, 2024. The ETA system will

43 NRC: "Gaza: The world's largest open-air prison", 2018. <https://www.nrc.no/news/2018/april/gaza-the-worlds-largest-open-air-prison/>

44 Al-Jazeera: "The color-coded Israeli ID system for Palestinians", 2017. <https://www.aljazeera.com/news/2017/11/18/the-colour-coded-israeli-id-system-for-palestinians>

45 Israel's Military Order No. 1650 on the Prevention of Infiltration.

46 Arab Reform: "The Palestinian Diaspora and the State-Building Process", 2018. <https://www.arab-reform.net/publication/the-palestinian-diaspora-and-the-state-building-process/>

collect information of incoming travelers before their arrival and grant them authorization for entry online. While the ETA system has been implemented by many other countries around the world, there is a major concern that Israel will use this tool in screening out travelers before their arrival in an arbitrary manner, facilitating its denial of entry policy against Palestinians who are dual nationals, or those whom it punishes for having affiliations with the Palestinian cause. Countless testimonies of travelers who sought to visit Palestine, even those who have family and friends in the oPt, reflect an Israeli policy of humiliation and harassment at the entry points. With such systematic humiliation and denial of entries, Israel seeks to create a traumatic experience for anyone considering to visit Palestine, and to sever the connection between Palestinians worldwide with their families and homeland. The right of return for Palestinian refugees is a cornerstone of Palestinian national identity and has been recognized as an inalienable right at various international forums, including the United Nations. However, the implementation of this right has been met with persistent refusal by Israel, citing demographic and security concerns as reasons to prevent allowing Palestinian refugees to return to their own original homeland.

The ID system, thus, serves as an arbitrary policy to further fragment the Palestinian society in Palestine and cut it off from its continuation in the Diaspora. It seeks the erasure of any unified Palestinian identity.

3- Legal Analysis

Since Israel's occupation of the West Bank, including Jerusalem in 1967, International Humanitarian Law (IHL) and International Human Rights Law (IHRL) are the main sources of laws applicable to the situation at hand. Their applicability has been authoritatively addressed and confirmed by the International Court of Justice (ICJ),⁴⁷ United Nations Security Council (UNSC),⁴⁸ and the United Nations General Assembly (UNGA). Although Israel upholds that it is unbound by this framework, on the basis that the oPt falls out of its territorial scope, and that the Palestinian Authority is responsible for the oPt, the ICJ has authoritatively settled the issue of applicability in its Advisory opinion of 2004, where it has resolved that Israel continues to have the status of Occupying Power (OP) in the oPt and is bound, as such, by customary international law, IHL, IHRL and human rights treaties it has ratified.

As an OP in the «Occupied Territories» of the West Bank and the Gaza Strip, captured during the 1967 war⁴⁹, Israel is obliged Under the Fourth Geneva Convention (which Israel ratified in 1951), to treat the civilian population, namely the Palestinians, in the West Bank and Gaza Strip as “Protected Persons”, a status that entitles them to extensive protections by the occupying Power under the laws of war.⁵⁰ The status of OP imposes specific legal responsibilities on its holder under international law which Israel systematically fails to respect and uphold. Israel's engineered ID system plays a critical role as an instrument of occupation, serving as a tool for demographic and geographic control in the oPt. This system, which categorizes Palestinians into different groups based on their ethnicity and residency status, directly impacts their daily lives and fundamental rights, leading to systematic and numerous violations of customary international law, IHL and IHRL, international criminal law, the UN Charter and multiple International Conventions. The ID system places people in different classifications and groups, and applies one favorable system to a certain group, i.e. Israelis, wherever they are on both sides of the Green Line, all while denying another group, Palestinians, from their rights, also wherever they are across the Green Line, including who hold an Israeli citizenship. As such, the ID system qualifies as an institutionalized regime of systematic oppression and racial domination by one racial group over another, and a tool of segregation and institutionalized discrimination based on ethnicity and religion, practices which, according to the legal standards confirmed multiple times by experts and leading organizations, constitute elements of Apartheid under International Law, and under the International Convention on the Suppression and Punishment of the Crime of Apartheid (Apartheid Convention). This was recently confirmed by the ICJ in its advisory opinion on the legal consequences arising from Israel's policies and practices in the Occupied Palestinian Territories⁵¹, which besides declaring that Israel's occupation of the Gaza strip and the West Bank, including East Jerusalem, is unlawful, along with the associated settlement regime, annexation and use of natural resources, also

47 Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I. C. J. Reports 2004, p. 136; Paras. 95, 92

48 UNSC Resolution 446

49 Human Rights Watch. «Center of the Storm: A Case Study of Human Rights Abuses in Hebron District.» April 2001 <https://www.hrw.org/reports/2001/israel/hebron6-04.htm>

50 Human Rights Watch. «Israel, the Occupied West Bank and Gaza Strip, and the Palestinian Authority Territories.» April 2002. <https://www.hrw.org/reports/2002/israel2/israel0402-03.htm#:~:text=Palestinians%20Civilians%20as%20%22Protected%20Persons,under%20the%20laws%20of%20war>

51 ICJ Advisory Opinion 19 JULY 2024: LEGAL CONSEQUENCES ARISING FROM THE POLICIES AND PRACTICES OF ISRAEL IN THE OCCUPIED PALESTINIAN TERRITORY, INCLUDING EAST JERUSALEM <https://www.icj-cij.org/sites/default/files/case-related/186/186-20240719-adv-01-00-en.pdf>

declared that Israel's legislation and measures violate the international prohibition on racial segregation and apartheid⁵². The ICJ mandated Israel to end its occupation, dismantle its settlements, provide full reparations to Palestinian victims and facilitate the return of displaced people. The advisory opinion reaffirms peremptory norms prohibiting annexation, settlements, racial segregation and apartheid, and should be seen as declaratory in nature and binding on Israel and all States supporting the occupation.⁵³ While Israel is not a State Party to the Apartheid Convention, the prohibition on the crime of Apartheid is accepted as a part of customary international law, applicable to all member States.⁵⁴ Moreover, Israel has ratified The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), by which it is prohibited from violating the principle of non-discrimination. This principle is also binding for Israel under its IHRL obligations, namely under article 2 of the International Covenant on Civil and Political Rights (ICCPR), as well as under the Universal Declaration of Human Rights (UDHR).

The ID system effectively deprives Palestinians' from their inalienable right to self-determination, which is a core principle of international customary law, binding to all States, and additionally confirmed in multiple international conventions and treaties that are binding to Israel. The inability of Palestinian people to exercise their right to self-determination as a whole as a result of Israel's population control does not only apply to Palestinians inside the oPt and Israel. It extends to Palestinian refugees, who were forcibly displaced by Israel, and are still prevented from returning to their homes, 7 decades since their expulsion. The exclusion of Palestinian refugees remains at the heart of Israel's demographic policies, resulting in multiple grave violations against this population, including their right to return, their right to self-determination, the right to leave and return to their country, their right to a nationality, and their right to freedom of movement and residence. Such rights are anchored in four separate bodies of international law: the law of nationality, as applied upon state succession; humanitarian law; human rights law; and refugee law (a subset of human rights law which also incorporates humanitarian law)⁵⁵, and multiple international conventions and treaties under them.

Furthermore, Under IHL, the Fourth Geneva Convention prohibits the OP from transferring parts of its own civilian population into the territory it occupies⁵⁶, and it mandates the protection of the rights of the occupied population. Israel's relentless settlement policy and the associated population control measures violate these provisions by forcibly displacing Palestinians and restricting their ability to return to their homes, effectively altering the demographic composition of the occupied territories. This constitutes a grave breach of the Geneva Conventions and can amount to a war crime under the Rome Statute of the International Criminal Court. Israel's ID revocation policies result in forced displacement, violating the Right to Nationality and the right to reside in one's homeland, as protected under Article 15 of the UDHR and Article 49 of the Fourth Geneva Convention, which prohibits the forcible transfer of protected persons from occupied territories. Banning family reunification policies further illustrate the use of the ID system as a means of demographic control, imposing severe restrictions on the ability of Palestinians to live with their spouses and family members if they hold different residency statuses. This fragmentation of families breaches the right to marry and found a family, as enshrined in Article 16 of the UDHR. It also violates Article 10 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), and Article 23 of the ICCPR, is infringed upon by policies that prevent family reunification and impose arbitrary residency requirements. Economic and social rights are heavily impacted by the ID system. The movement restrictions imposed through the ID regime, including the need for special permits and the extensive network of checkpoints, hinder Palestinians' ability to work, trade, and access essential services. This segmentation of Palestinian communities disrupts economic activities and exacerbates poverty and unemployment, violating the Right to an Adequate Standard of Living (Article 25 of the UDHR) and the right to work and just conditions of work (Article 6 of the ICESCR). The right to freedom of movement, as guaranteed by Article 12 of the ICCPR, is severely restricted for Palestinians through checkpoints, the Annexation Wall, and the permit system while Israelis, including settlers who reside illegally inside the oPt, enjoy free movement on both sides of the Green Line, exacerbating the stark, systematic discrimination between Palestinians and Israelis.

The ID system also contributes to discrimination in resource allocation. Palestinians face restrictions on access to water, agricultural land, and infrastructure, which are often allocated preferentially to Israeli settlers. This discrimination violates Article 27 of the Fourth Geneva Convention, which prohibits discriminatory treatment based on race, religion, or nationality. Additionally, the collective punishment resulting from the ID system's movement restrictions, such as limited access to education, healthcare, and employment, breaches Article 33 of the Fourth Geneva Convention.

⁵² UN OHCHR: Experts hail ICJ declaration on illegality of Israel's presence in the occupied Palestinian territory as "historic" for Palestinians and international law <https://www.ohchr.org/en/press-releases/2024/07/experts-hail-icj-declaration-illegality-israels-presence-occupied>

⁵³ *ibid*

⁵⁴ Amnesty International: "Israel's apartheid against Palestinians: a cruel system of domination and a crime against humanity", 2022. <https://www.amnesty.org/en/latest/news/2022/02/israels-apartheid-against-palestinians-a-cruel-system-of-domination-and-a-crime-against-humanity/>

⁵⁵ BADIL: Palestinian Refugees and the Right of Return: An International Law Analysis, Gail J. Boling (2001). https://www.badil.org/phocadownload/Badil_docs/bulletins-and-briefs/Brief-No.8.pdf

⁵⁶ Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949

4- Conclusions & Recommendations

As was established by the analysis of this report, it is evident that Israel retains exclusive control over Palestinian population registry on both sides of the Green Line, besides controlling the entry conditions - if permitted- of Palestinian Diaspora members and preventing the return of Palestinian refugees. It is also evident that this artificial categorization of Palestinians into different, coded IDs is discriminatory of nature, and seeks to divide Palestinians on the one hand, and forcibly transfer them on the other.

Israel's system of control has been built and maintained over decades by successive Israeli governments across all territories they have controlled, regardless of the political party in power at the time. Indeed, Israel has subjected different groups of Palestinians to different sets of discriminatory and exclusionary laws, policies and practices at different times, responding to the territorial gains it made first in 1948 and then in 1967, when it annexed East Jerusalem and occupied the rest of the West Bank and the Gaza Strip.

Over decades, Israeli demographic and geopolitical considerations have shaped policies towards Palestinians in each of these territorial domains in different ways. This means that, today, Israel's system of control is not applied uniformly across all areas. Palestinians experience this system in different ways and face differing levels of repression based on their status and the area in which they live. They are subjected to different forms and shapes of discrimination that are both strategic and necessary to build a Jewish majority state, gradually forcing Palestinians to transfer from their homeland. The segregation and fragmentation resulting from this ID regime not only shakes the fabric of Palestinian society but also visibly violates international laws and conventions. However, Israel enacts these policies and legalizes them with international impunity. The implications of the population registry policies extend beyond mere administrative or state-built control; they manifest in denial of basic rights, economic marginalization, and the erosion of Palestinian presence all across Palestine.

In short, the ID system operates as a tool of carefully-designed, systematic segregation and oppression, perpetuating a hierarchy that privileges Jewish Israelis while depriving Palestinians of the right to exist. This institutionalized discrimination has, for instance, prevented thousands of Palestinian families from living under the same roof, sharing the same official document, land and rights over the past 75

years. It has also deprived all Palestinians of freedom of movement, tracing and enforcing a reality where 'permits' become an undignified dream and 'checkpoints' become the humiliating norm. The list of the implications of this arbitrary ID system on the Palestinian life just keeps piling up with time, leaving Palestinians at the mercy of a regime that is both unaccountable and immune to any legal challenges in the favor of Palestinians.

It is in this context, and in this precise moment, that international accountability is primordial, not only for safe-guarding the legitimacy and integrity of international law, which Israel has been deliberately discarding without any consequences, but also for restoring the inalienable rights that Palestinians are entitled to over their own lands, that have been violated deliberately and systematically over seven decades, in violation of almost the entire international legal system applicable to this situation.

The international community bears legal responsibility to respect and ensure respect for the said law in all circumstances, and accordingly to disseminate knowledge and repress breaches and grave breaches of it.⁵⁷ States are under the obligation of non-recognition, noncooperation and non-assistance.⁵⁸ Therefore, Third States must not recognize any of Israel's acts that seek to impose permanent sovereignty over any part of the oPt, nor the systems that it imposes on Palestinians to ensure such irreversible permanence. States must declare such acts null and void. With the dangerous, imminent shift to *de jure* annexation, which will exacerbate the impacts of the ID system, it is imperative that States immediately take a proactive approach, ranging from diplomatic pressure, downgrading trade and cooperation relationship agreements, and adopting lawful counter-measures and sanctions to hold Israel accountable for its grave violations.

The prohibition of racial segregation, of which the ID system is an integral part of, is even more so a rule of *jus cogens* entailing obligations *erga omnes* — that is, obligations owed to the international community as a whole and it must act to end it as such.

But in this particular moment, where Israel is committing acts of what the ICJ referred to as a plausible genocide case in the Gaza Strip⁵⁹, along with war crimes and crimes against humanity, as well as war crimes and crimes against humanity in the oPt, and with the imminent threat of annexation of the oPt, all contributing to a very alarming deterioration in an already multi-layered system of oppression

57 ICRC: "Respect and Ensure Respect" <https://casebook.icrc.org/glossary/respect-and-ensure-respect>
58 Responsibility of States for Internationally Wrongful Acts 2001, I.L.C. article 41
59 International Court of Justice (ICJ), Case 192 - Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel), Order of 26 January 2024

against Palestinians, the international community bears an elevated responsibility: for the delay in holding Israel accountable for the past decades, and for the reluctance to do so immediately now. It is in this context of impunity for decades' long violations and crimes that Israel has been able not only to maintain its systems of oppression against Palestinian people and their lands, but also to extend them and elevate the scale of the violations.

While it is true that there are welcome political and legal motions globally, including the recognition of the State of Palestine by an increasing number of European states, the ongoing cases before the ICJ and the announcements by the ICC, they are still hindered with political considerations, inadequate in terms of their ability to cover all violations thematically and geographically, and remain unable to impose respect of international law and halt the grave violations on the ground. This will not materialize without Third States respecting their obligations under international law, and imposing targeted sanctions against Israel to coerce it to end all its violations, just as mandated under international law.



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