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Israel/Occupied Territories: Amnesty International condemns discriminatory laws passed by the Israeli Knesset

In a single day, 27 July 2005, the Israeli parliament (Knesset) passed two new laws, the *Civil Wrongs/Civil Torts (Liability of the State) Law* and the *Citizenship and Entry into Israel Law*, whose effect is to take discrimination against Palestinians to a new level.

In their current form both laws violate Israel's obligations under international law, including human rights treaties to which Israel is a state party and which it is bound to uphold.

According to the new **Civil Torts (Liability of the State) Law**, some three and a half million Palestinians who live under Israeli military occupation in the West Bank and Gaza Strip are considered "residents of a conflict zone". As such, they are denied the right to claim compensation for death, injury, or damage to property inflicted on them by Israeli forces.

The law, which applies retroactively to incidents going back to September 2000, applies only to Palestinians – not to Israelis who reside in the Occupied Territories in violation of international law.

Previous amendments to the original Civil Torts law had already significantly restricted the ability of Palestinian victims to claim compensation. To date, the overwhelming majority of the tens of thousands of Palestinians who – through no fault of their own – have been injured, or whose property was destroyed or damaged, or whose relatives were killed as a result of unlawful actions by Israeli forces in the Occupied Territories, have received no reparation. In fact, most cases are not even investigated by the Israeli authorities and Israeli soldiers responsible for killings and other abuses of Palestinians' rights have not been brought to justice.

The 54 Israeli Knesset members who voted in favour of the new law on 27 July took a deliberate step that discriminates against Palestinian victims. Its effect will be to deny a fundamental right to victims such as the ten children of Noha Maqadmeh, who became orphans and were rendered homeless after their pregnant mother was killed in her bed when her home collapsed as Israeli soldiers blew up a neighbouring house in the al-Bureij refugee camp in the Gaza Strip on 3 March 2003. Six nearby houses were also destroyed in the blast, leaving some 90 other people homeless and now with no prospect of any reparation for the wrong done to them.

An amendment to the **Citizenship and Entry into Israel Law (Family Reunification Law)** was also approved by 59 Israeli lawmakers on 27 July. It bars family unification for Israelis who are married to Palestinian women aged under 25 and to Palestinian men aged under 35.

This law discriminates explicitly against Palestinians and also implicitly against Palestinian citizens of Israel, who constitute some 20 percent of the Israel's population, and against Palestinian Jerusalemites,¹ as it is they almost exclusively who marry Palestinians from the Occupied Territories. This law formally institutionalizes a form of racial discrimination based on ethnicity or nationality. As such, it violates the absolute prohibition on discrimination set out in international human rights law, including the International Covenant on Civil and Political Rights (ICCPR), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Rights of the Child (CRC), and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Israel has ratified all of these treaties and is obliged to implement them.

The UN Committee on the Elimination of Racial Discrimination and the UN Human Rights Committee have previously called on Israel to revoke such legislation.

By voting in favour of this new law, Israeli parliamentarians have taken another step towards transforming a set of discriminatory provisions which the Interior Minister introduced in March 2002, ostensibly as temporary measures, into permanent statute law.

The exceptions allowed under the new law are based on age and gender and are arbitrary in nature. They will benefit only a small percentage of Israeli-Palestinian couples who seek family reunification, as most such couples get married at ages below those in the law. Yet, even in these cases, when individuals meet the age criteria, their applications for family reunification may be rejected if the Israeli authorities determine that they or any of their relatives are a "security risk". Up to now, many applications for family reunification have been rejected on such grounds, though the applicants are given no detailed reasons for their rejection and have no opportunity to challenge the decision.

The new law will continue to affect thousands of couples, denying them the right to enjoy a normal family life by forcing many Israeli citizens to live apart from their Palestinian spouses or to move abroad in order to live together.

Israeli officials have sought to justify the discriminatory provisions of the new law by reference to security considerations, notably the need to prevent Palestinians considered to pose a security threat from settling in Israel. In practice, however, they were able to deny admission to Israel to such Palestinians under existing legislation. Recent statements by Prime Minister Ariel Sharon and other government ministers and officials suggest that the new law may in fact to be motivated primarily by demographic considerations.²

Amnesty International reiterates its call to the Israeli government to amend both the *Civil Wrongs/Civil Torts (Liability of the State) Law* and the *Citizenship and Entry into Israel Law* in order to make them non-discriminatory and bring them into line with Israel's obligations under international law.

1 - Palestinians who remained in Israel after the establishment of the state in 1948 became Israeli citizens. Palestinian Jerusalemites received a special status as permanent residents after Israel occupied and annexed East Jerusalem in 1967. Today, there are about 230,000 Palestinian Jerusalemites. They are liable to lose their permanent resident status, and with it the right to live in Jerusalem, if they leave the city - for example, to go and live with their Palestinian spouses in the Occupied Territories.

2 - At a meeting on 4 April 2005 to discuss this law, Prime Minister Sharon stated: "There is no need to hide behind security arguments. There is a need for the existence of a Jewish state", and Finance Minister Netanyahu stated: "Instead of making it easier for Palestinians who want to get citizenship, we should make the process much more difficult, in order to guarantee Israel's security and a Jewish majority in Israel." (As reported by the Israeli daily *Ha'aretz*. The report has not been denied by the Israeli

government). Also see a statement concerning this law issued by the Prime Minister Office on 15 May 2005: "...Prime Minister Sharon said that the Jewish nature of Israel must be preserved and that the issue at hand is the existence of Israel..."

<http://www.pmo.gov.il/PMOEng/Government/Government+Secretary/Press/govmes150505.htm>.