



JORDAN

Stateless Again

Palestinian-Origin Jordanians Deprived of their Nationality

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Stateless Again

Palestinian-Origin Jordanians Deprived of their Nationality

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Summary

Jordanian citizens of Palestinian origin in the Hashemite Kingdom of Jordan ... have the full rights of citizenship and all its obligations, the same as any other citizen irrespective of his origin.

—King Hussein, Amman, July 31, 1988

We are Jordanians if the government needs us, but Palestinians if we want something from the government.

—Dr. Walid, Amman, January 29, 2009

More than half of the 6.3 million population of Jordan is of Palestinian origin—that is, from areas west of the River Jordan, including the West Bank, today’s Israel, and Gaza. With the exception of persons from Gaza, the vast majority of those persons of Palestinian origin have Jordanian citizenship. However, since 1988, and especially over the past few years, the Jordanian government has been arbitrarily and without notice withdrawing Jordanian nationality from its citizens of Palestinian origin, making them stateless. For many of them this means they are again stateless Palestinians as they were before 1950.

Some Jordanian officials have said they are doing so in order to forestall supposed Israeli designs to colonize the West Bank, by maintaining the birthright of Palestinians to live in the West Bank. Yet the real reason may be Jordan’s desire to be able to rid itself of hundreds of thousands of Jordanian citizens of Palestinian origin whom Jordan could then forcibly return to the West Bank or Israel as part of a settlement of the Palestinian refugee problem caused by the 1948 and 1967 Arab-Israeli wars. At least that appeared to be the interpretation of a high-ranking Ministry of Interior official who in July 2009 said that certain Jordanians of Palestinian origin would remain Jordanian nationals only until such time that a refugee settlement had been reached.

So far, Jordan has withdrawn its nationality from thousands of its citizens of Palestinian origin—over 2,700 between 2004 and 2008 alone. It has done so, in the individual cases Human Rights Watch identified, in an arbitrary manner and in violation of Jordan’s nationality law of 1954. Under that law Palestinian residents of the West Bank in 1949 or thereafter received full Jordanian nationality following Jordan’s incorporation of the West Bank in April 1950.

The West Bank came under Israeli occupation in 1967, and Jordan ceased to exercise control over the area, although it maintained its claim to sovereignty, and Jordanian law continued to apply in the West Bank. In 1983 Jordan introduced color-coded travel cards for Jordanians of Palestinian origin in the West Bank, in order to facilitate their travel to and from the West Bank under Israeli occupation: a green one for West Bank residents, and a yellow one for West Bankers who had moved to the East Bank. The introduction of this system of green and yellow cards in practice created three tiers of citizenship rights, differentiating original East Bank Jordanians and the two groups of West Bank-origin Jordanian nationals (whom Jordanian law still formally considered its nationals and citizens with equal rights). Jordanians residing in the West Bank sometimes lost their right to live in the East Bank. Today, possession of a green or yellow card can serve as the official basis for withdrawing nationality.

In July 1988, at the height of the first Palestinian intifada, or uprising, against Israeli military occupation, the late King Hussein decided to sever “administrative and legal” ties with the West Bank. The motivations behind that decision, as well as its constitutionality, remain disputed, but include a sharp decline in Jordan’s economic fortunes at the time, and the growing international recognition of the Palestinian Liberation Organization as the representative of the Palestinian people. King Hussein explained his decision as one of deference to Palestinian wishes for national autonomy.

One consequence of this severing of ties with the West Bank was that Jordanians of Palestinian origin residing in the West Bank at that time lost their Jordanian nationality. However, Jordanians of Palestinian West Bank or Jerusalem origin then living in Jordan’s East Bank or residing in a third country generally maintained their Jordanian nationality. That is changing today for an undetermined number of Jordanians of Palestinian origin living in Jordan, as officials cancel, in a haphazard and arbitrary manner, the so-called national number that each Jordanian acquires as proof of Jordanian nationality.

Hundreds of thousands of Jordanians of Palestinian origin appear liable to have their national number revoked, including some 200,000 Palestinian-origin Jordanians who returned to Jordan from Kuwait in 1990-91.

Officials base withdrawal of nationality on the 1988 severance of ties with the West Bank. They also claim that League of Arab States decisions prohibit dual Arab nationality and that Palestinians may thus not hold Jordanian nationality too. In 1988 the Arab League adopted a decision prohibiting dual Arab nationality, but Palestine has not been recognized as a state under international law, and the Arab League decision is not binding law in Jordan.

Withdrawal of nationality in fact has not been based on Jordanian law, but on vague interpretations of the 1988 severance decision and on new, unwritten conditions that lack a clear legal basis. Jordanian officials claim that Jordanians of Palestinian origin must renew their residency permit for the West Bank as issued by the Israeli military's Civil Administration in order to maintain their Jordanian nationality. This Israeli permit grants the right to reside in the West Bank, and, therefore (for those permit-holders residing elsewhere) the right to return to the West Bank should a Palestinian state come into being. Some Jordanians have been unable to renew this permit, and on this basis had their Jordanian nationality withdrawn. Others had never obtained that permit, having lived in Jordan all their lives, or have an open-ended residency permit from the Israelis that does not require renewal, but nevertheless had their nationality withdrawn.

No official informs those whose nationality has been withdrawn of that decision: rather, they are told that they are no longer Jordanian nationals during routine interactions with the bureaucracy such as renewing passports, registering a child's birth, renewing a driver's license, or trying to sell shares. At best, officials explain that it is due to a failure to renew Israeli residency permits. There is no clear means of administrative redress. Some of those affected who have influence in high places have managed to have the decisions reversed, but judicial redress is difficult, if not impossible. The High Court of Justice, with jurisdiction over reviewing the legality of administrative decisions, has ruled that the 1988 disengagement was an act of sovereignty and thus not subject to its jurisdiction, but this precedent notwithstanding, it has taken cases against alleged arbitrary withdrawal of nationality. Lawyers described to Human Rights Watch, however, that toward the late 1990s the court rarely ruled in favor of those contesting their loss of nationality.

Withdrawal of nationality dramatically complicates the lives of those affected: children lose access to free primary and secondary education, and university education may be out of reach due to vastly higher costs for non-nationals. Some say that healthcare costs are higher than for Jordanians. The same goes for renewal of drivers' licenses, with higher fees and shorter validity. To live in Jordan, Palestinian non-nationals require a residency permit subject to approval by the General Intelligence Department (GID). Non-Jordanians cannot be employed by the state, and have greater difficulty on the private job market, as many employers will require proof of nationality to hire those of Palestinian origin, or clearance by the GID. Palestinians cannot practice one of the organized professions such as law, as membership in the corresponding professional association is mandatory but restricted to Jordanian nationals. Palestinians can still obtain Jordanian passports, valid for two or five years, but only as travel documents, not proof of nationality, and at higher fees than Jordanians.

Jordan should halt the arbitrary withdrawal of nationality from Jordanians of Palestinian origin. The government should appoint a commission to investigate and publicly report on the legal status of Jordanians of Palestinian origin who lived outside of the West Bank at the time of Jordan's 1988 severing of ties with the West Bank. Jordan should reinstate Jordanian nationality to those arbitrarily deprived thereof, and provide them with fair compensation.

Recommendations

To the Government of the Jordan

- Halt the withdrawal of nationality from Jordanians of Palestinian origin who hold or once held that nationality.
- Appoint a commission tasked with performing an independent audit of all cases in which nationality was withdrawn, pursuant to the July 31, 1988 disengagement from the West Bank.
- Clarify, based on the commission's findings, the meaning of the disengagement instructions specifying that "residents" in the West Bank at the time of disengagement lose their right to nationality, and review the constitutionality and legality of those instructions.
- Restore Jordanian nationality to all persons who were arbitrarily deprived thereof, based on the findings of the independent commission. Each person deprived of their nationality should be entitled to a fair hearing, with the right of appeal to the courts if their nationality remains revoked.
- Provide individual compensation for financial losses incurred as a result of arbitrary withdrawal of nationality, including fair consideration of foregone opportunities in education, work, and family life.
- Publish any regulation, instruction, decree, or other governmental orders pertaining to maintaining or withdrawing nationality based on the disengagement instructions, even if they have since been abrogated.
- Remove any distinction in the laws and regulations on nationality based on gender. The rules should be "leveled up" when removing these distinctions, that is, to the higher level of protection.
- Accede to the 1961 Convention on the Reduction of Statelessness and the 1954 Convention relating to the status of Stateless Persons.
- Work toward an equitable and just solution to the Palestinian refugee problem within the framework of international law.
- Immediately restore the access of all children in Jordan to free, primary education and to secondary education that is available and accessible, without discrimination on the basis of national origin.

- Allow non-Jordanians to freely exercise their civil, economic, social, and cultural rights in Jordan, including access to healthcare and their property rights, without discrimination on the basis of national origin or citizenship.

To the Government of Israel and the Palestinian Authority

- Work toward an equitable and just solution to the Palestinian refugee issue within the framework of international law.
- Pending such a solution, the Government of Israel should ensure that Jordanians of Palestinian origin and Palestinians living in Jordan are not removed from the population registry in the Occupied Territories, including East Jerusalem, and should consider including persons of Palestinian descent born in Jordan in the population registry as a matter of humanitarian concern.

Methodology

Human Rights Watch reviewed 11 cases in which nationality was withdrawn by interviewing the persons concerned in private and reviewing documents pertaining to their cases, such as official correspondence and copies of identity and travel documents. In two cases, officials restored the nationality. We reviewed Jordanian media reports on withdrawals of nationality, which have cited official figures indicating that such withdrawals in recent years number in the thousands. Our 11 cases reflect experiences of persons from different walks of life and social status. Their stories are diverse but consistent with other cases detailed in the media, reflecting the arbitrary nature in which nationality was withdrawn. We interviewed eight men and three women.

All but two persons interviewed requested anonymity, fearing further exclusion from citizenship rights they currently still enjoy and hopeful of restoring their nationality through private channels. Accordingly, their names have been replaced with pseudonyms.

We conducted interviews during visits to Jordan in January, April, and May 2009 and followed up with telephone interviews in July and October. Interviews were conducted in Arabic. During our visits, we also consulted with two former Jordanian Ministry of Interior officials, the Freedoms Committee of the Jordanian Engineers Association, and three independent observers and academics, Khair Smadi, Dr. Fawzi Samhour, and Abbas Shiblak, who provided historical and legal context. In addition to interviews, we reviewed Jordanian, Israeli, League of Arab States and international laws, regulations, and decisions pertaining to nationality and Israel's residency system in the West Bank.

In May 2009 we requested a meeting with the head of the Follow-up and Inspection Department of the Ministry of Interior to seek answers to specific questions, but received no answer. In November we sent the government a detailed letter of our concerns, but received no response at this writing.

I. Background

The ethnic roots of Jordan's population are diverse. Modern-day Jordan's line of kings are descendants of the sharif of Mecca in the Hijaz, in today's Saudi Arabia. Jordan's population includes Arab Syrians and Palestinians as well as Circassians and Chechens, a relatively new element of Jordanian society, having arrived around 1880-1900 as refugees from Russian advances in the Caucasus.¹ Jordanians are overwhelmingly Muslim, with Arab Christian and Druze minorities. Jordanians hail from nomadic tribes, as well as settled urban and rural communities. Many tribes have family branches spanning the East Bank and West Bank of the Jordan River.

The area known today as Jordan was part of the Ottoman Empire until the latter's defeat in World War I. Based on a British-French agreement to divide the empire, the Sykes-Picot agreement, the French would administer Syria, and the British Palestine. "[I]t was unclear at the time where one ended and the other started," David Fromkin, an historian of the era, observed.² In June 1920 Britain and France began to discuss the borders between their spheres of influence, and in December that year agreed that British-administered Palestine would include Transjordan.³ In June 1922 Britain produced a White Paper that "formally detached Transjordan from Mandatory Palestine."⁴ However, Transjordan, although administered separately, was technically part of the mandate over Palestine that the League of Nations had offered Britain.⁵ In 1923 Abdullah bin Husain from the Hijaz, whose family had fought with the British against the Ottoman Empire, became the ruler of Transjordan, although formal independence came only in 1946. Following the end of Britain's mandate over Palestine and the ensuing Arab-Israeli war of 1948, Transjordan captured the West Bank and East Jerusalem, and in December 1948 leaders in Palestinian society, at a conference in Jericho, decided to place the West Bank and East Jerusalem under the sovereignty of

¹ "The People of Jordan," King Hussein's website, <http://www.kinghussein.gov.jo/people1.html> (accessed October 12, 2009).

² David Fromkin, *A Peace to End All Peace*, (New York: Avon Books, 1990), p. 441.

³ Franco-British Convention on Certain Points Connected with the Mandates for Syria and the Lebanon, Palestine and Mesopotamia, signed December 23, 1920. Text available in *American Journal of International Law*, Vol. 16, No. 3, 1922, pp. 122-126.

⁴ Benny Morris, *Righteous Victims. The Zionist-Arab Conflict, 1881-2001*, (New York: Vintage Books, 2001), p. 88.

⁵ Fromkin, *A Peace to End All Peace*, p. 505. Fromkin observes, on p. 514, "The recurring suggestion that Palestine be partitioned between Arabs and Jews ran up against the problem that 75 percent of the country had already been given to an Arab dynasty [the Hashemites ruling Transjordan] that was not Palestinian. The newly created province of Transjordan, later to become the independent state of Jordan, gradually drifted into existence as an entity separate from the rest of Palestine."

Transjordan (which in 1949 changed its name to the Hashemite Kingdom of Jordan).⁶ Following elections in the West Bank, East Jerusalem, and the East Bank, a joint session of East Bank and West Bank parliamentarians in April 1950 affirmed that decision.⁷

Of the estimated 700,000 Palestinians, who in 1948 fled their homes or were expelled during the fighting in what today is Israel, about one-third to one-half fled to the West Bank and between 70,000 and 100,000 to Transjordan.⁸ An estimated 300,000-440,000 persons lived in Transjordan at that time.⁹ With the extension of sovereignty over the West Bank and

⁶ King Abdullah appointed the Palestinian delegates to the conference. See Oroub Al Abed, "Palestinian Refugees in Jordan," *Forced Migration Online Research Guide*, February 2004, <http://www.forcedmigration.org/guides/fm0025/> (accessed August 26, 2009), p. 3.

⁷ Raja'i Dajani, "Withdrawal of Nationality ... and Its Effects on the Rights and Freedoms of Individuals [سحب الجنسية ... وتأثيرها على حقوق وحريات الأفراد]," unpublished paper presented at the Professional Associations Complex, February 24, 2008, p. 3. Copy on File with Human Rights Watch. The joining of the West Bank under Jordanian sovereignty has variably been described as unification or annexation, implying an improper action. A website of the Israeli Ministry of Foreign Affairs calls it an "annexation" while at the same time quoting from the Jordanian parliamentary resolution declaring the "union" of the West Bank and East Bank:

In April 1950, Jordan annexed the areas it had occupied by military force in 1948. On 24 April 1950, the Jordan House of Deputies and House of Notables, in a joint session, adopted the following Resolution annexing the West Bank and Jerusalem:

In the expression of the people's faith in the efforts spent by His Majesty, Abdullah, toward attainment of natural aspirations, and basing itself on the right of self-determination and on the existing de facto position between Jordan and Palestine and their national, natural and geographic unity and their common interests and living space, Parliament, which represents both sides of the Jordan, resolves this day and declares:

First, its support for complete unity between the two sides of the Jordan and their union into one State, which is the Hashemite Kingdom of Jordan, at whose head reigns King Abdullah Ibn al Husain, on a basis of constitutional representative government and equality of the rights and duties of all citizens....

See "Jordanian Annexation of West Bank – Resolution Adopted by the House of Deputies," Ministry of Foreign Affairs, Foreign Relations, Historical Documents, Volumes 1-2: 1947-1974, chapter 10, <http://www.mfa.gov.il/MFA/Foreign+Relations/Israels+Foreign+Relations+since+1947/1947-1974/10+Jordanian+Annexation+of+West+Bank+Resolution+A.htm> (accessed December 8, 2009). For a brief discussion of international recognition of this move, see Sanford R. Silverburg, "Pakistan and the West Bank: A Research Note," *Middle Eastern Studies*, vol. 19, no. 2, April 1983, pp. 261-263.

⁸ There is a range of estimates for the number of Palestinians displaced from their homes in the period 1947-48, from 420,000 at the low end, to 950,000 at the high end. McGill University's Palestinian Refugee ResearchNet provides some estimates for displaced Palestinians in that period: see <http://prn.mcgill.ca/background/index.htm> (accessed October 12, 2009). See also Morris, *Righteous Victims*, p. 252: "About 700,000 Arabs—the figure was later to be a major point of dispute, the Israelis officially speaking of some 520,000, the Palestinian themselves of 900,000-1,000,000—fled or were ejected from the areas that became the Jewish state."

On the figure of about one-third fleeing to the West Bank, the United Nations Relief and Works Agency cites 506,200 registered refugees in Jordan for 1950, including 100,000 in the East Bank (see below), with the remainder in the West Bank. The 406,000 are between one-third and one-half of the overall number of refugees—914,221—registered with UNRWA that year. See "Number of Registered Refugees," United Nations Relief and Works Agency, <http://www.un.org/unrwa/refugees/pdf/reg-ref.pdf> (accessed December 8, 2009). Gilbar writes, "The most reasonable estimate is that 630,000-680,000 left their homes during 1948. Of these, 360,000-380,000 moved to the West Bank and the Gaza Strip." Gad G. Gilbar, "Population Growth and Migration, the Palestinian Communities, 1949-1987" in Gad G. Gilbar, ed., *Population Dilemmas in the Middle East* (Oxford and New York: Frank Cass, 1997), p. 11.

On the figure of 70,000, see *ibid.*, p. 12. On the figure of 100,000 Palestinian refugees moving to the East Bank, see United Nations Relief and Works Agency, "Jordan Refugee Camp Profiles," <http://www.un.org/unrwa/refugees/jordan.html> (accessed December 8, 2009): "In 1948, an estimated 100,000 refugees crossed the Jordan River and initially took shelter in temporary camps, in mosques and schools, or in towns and villages."

⁹ The figure of 300,000 is given in C.B. Dear and M.R.D. Foot. *The Oxford Companion to World War II* (Oxford University Press, 2001), s.v. "Transjordan," <http://www.encyclopedia.com/doc/1O129-Transjordan.html> (accessed December 8, 2009). The

East Jerusalem, Jordan (unlike Egypt in its administration of Gaza, captured at the same time), conferred its nationality and full citizenship on Palestinians residing there, and those from the West Bank or from areas now within the state of Israel, but now living in the East Bank.

Following the 1967 Arab-Israeli war in which Israel occupied East Jerusalem and the West Bank, “200,000 or more, mostly denizens of refugee camps, had fled the war and its immediate aftermath to the East Bank.”¹⁰ Jordan accepted those refugees and continued to treat them as its nationals. A smaller group had fled from Gaza to Jordan were received as refugees and not granted Jordanian nationality.

After 1967, Jordan created a Ministry of Occupied Territories to continue paying salaries and pensions of West Bank municipal employees. In the 1970s Jordanian authorities began registering West Bank residents displaced by the 1967 war to the East Bank; estimates cite between 217,000 and 250,000 West Bankers arriving in the East Bank.¹¹ Israel for its part in August 1967 registered Palestinian residents of the occupied West Bank, but not those who had fled or remained outside. Only those registered in the 1967 census obtained the right to residence in the West Bank.¹²

In June 1983 Jordan introduced a system of color-coded cards for Jordanians from the West Bank to facilitate their travel between Jordan’s East Bank and the Israeli-occupied West Bank. West Bank residents received a green card, and persons originally from the West Bank, or having fled there in 1948, residing in the East Bank received a yellow card (this is explained in more detail in Chapter II). The necessity for the cards remains unclear, though the officials have said that the cards were meant to facilitate travel to and from the West Bank under Israeli occupation. They did not entail legal differentiation of citizenship rights, though that was their practical effect then, differentiating the freedom of movement. Increasingly, it is their implied legal effect today.

In December 1987 the Palestinian intifada against the Israeli occupation began. Its demonstration of Palestinian national aspirations, the increasing role of the Palestine

figure of 440,000 “largely indigenous, Transjordanian population” is given in Laurie A. Brand, “A Crisis of Identity,” in *Journal of Palestine Studies*, vol.24, no 3 (1995), p. 47.

¹⁰ Morris, *Righteous Victims*, p. 336.

¹¹ Helen Chapin Metz, ed. “Jordan: A Country Study,” section “Council of Ministers,” GPO for the Library of Congress, 1989, <http://countrystudies.us/jordan/> (accessed August 26, 2009); and Article 74, a division of the Alternative Information Center, “Facts and Figures – 1967 Displaced Persons,” issue 12b, 1995, <http://www.badil.org/Publications/Article74/1995/art12b.htm> (accessed August 26, 2009).

¹² BADIL, “From the 1948 Nakba to the 1967 Naksa,” *Occasional Bulletin* No. 18, June 2004, p.3.

Liberation Organization (PLO) in realizing those aspirations, including on the international stage, and economic troubles for Jordan contributed to the late King Hussein's decision in 1988 to relinquish Jordan's claims to the West Bank. In an address on July 31, King Hussein announced that Jordan would "respect the wish of the PLO, the sole legitimate representative of the Palestinian people [according to an Arab League decision of 1974], to secede from us as an independent Palestinian state."¹³ Responding to this PLO request to secede, Jordan severed its legal and administrative ties to the West Bank, a process generally known as "disengagement" and "severance of ties" (*fakk al-irtibat* in Arabic).

Under instructions issued pursuant to the disengagement, residents of the West Bank at the time lost their Jordanian nationality and citizenship rights, becoming instead stateless Palestinians under Israeli occupation.

In August 1990 Iraq invaded and occupied Kuwait, which hosted an estimated 400,000 Palestinians at the time, most of them from the West Bank and holding Jordanian nationality. A US-led coalition, including Arab states, ended Iraq's occupation of Kuwait in February 1991. Jordan's and the PLO's failure to support Kuwait, however, led to Kuwait ending residency rights of Palestinians, and around 250,000 Palestinians, 200,000 of whom were Jordanian nationals, returned to Jordan by the end of 1991 (including Rania al-Yasin, now Jordan's queen). The Jordanian citizens among them had their full citizenship rights recognized upon arrival.

In 1993 the PLO and Israel concluded the Oslo Accords, which, expanded over the next few years, established a Palestinian Authority (PA), held elections for a Palestinian Council, and granted limited self-rule to Palestinians in the West Bank and Gaza while maintaining the overall Israeli military administration under occupation. In 1994 Jordan and Israel concluded a peace treaty.

The peace process between Israel and the PA had already seriously deteriorated by the time a new intifada broke out in September 2000. In response, Israel increased its military presence in the occupied territories, and Jordan briefly closed its borders to the West Bank, fearing a fourth wave of Palestinians streaming into the kingdom.

¹³ King Hussein bin Talal, Address to the Nation, Amman, July 31, 1988, www.kinghussein.gov.jo (accessed May 6, 2009).

Alternative Homeland

Following the king's decision to disengage from the West Bank in 1988, Jordanians have resented claims put forward by some Israelis that Jordan is an "alternative homeland" for Palestinians, thus eliminating the need for a separate Palestinian state. The corollary of the idea of an "alternative homeland" for Palestinians is to permanently incorporate the West Bank into Israel and for the Palestinians living there to move to Jordan. Apart from opposition to Israeli expansionism and a further uprooting of Palestinians in the West Bank, some have cited Jordan's poverty of resources, and the need for a "demographic balance" as an added factor behind the government's desire to reduce its population by withdrawing nationality.¹⁴

Over the past two years, Jordanian officials have defended withdrawing nationality from Jordanians of Palestinian origin—that is, those whose family roots lie in the West Bank, including East Jerusalem—as a means to counter Israeli designs to thwart a Palestinian state, and supposed Israeli plans to maintain the option of transferring the West Bank's Palestinian population to Jordan. On July 3, 2009, journalist Bassam Badarin wrote in *Al-Quds Al-Arabi* that Minister of Interior Nayif al-Qadi considered allegations of arbitrary withdrawals of nationality part of "an Israeli conspiracy."¹⁵ The same *Al-Quds Al-Arabi* article cited an unnamed former prime minister as arguing that "the highest interests of state" required a "demographic balance" in Jordan, implying no more Palestinian migration to the kingdom.¹⁶ Other officials are more explicit in what these highest interests of state are. The Interior Ministry spokesperson, Ziyad al-Zu'bi, in July 2009 said his ministry was implementing the disengagement by withdrawing nationality to "prevent Judaization of Palestinian territory and the establishment of an alternative homeland."¹⁷ The *Jordan Times* quoted unnamed "Interior officials" as defending withdrawal of nationality of Jordanians of Palestinian origin as a means to "counter Israeli policies to 'empty the Palestinian lands from their legitimate residents.'"¹⁸

¹⁴ Jihad al-Rantisi, "The Nationality Withdrawal Phobia [فيليا سحب الجنسية]," *Al-Hadath*, <http://www.al-hadath.com/look/article.tpl?IdLanguage=17&IdPublication=1&NrArticle=6895&NrIssue=688&NrSection=2> (accessed July 8, 2009), and for "demographic balance": Bassam Badarin, "Withdrawal of Nationalities in Jordan: Those Who Lost Their National Numbers Refuse to Become Bidun", *Al-Quds Al-Arabi* (Amman), July 3, 2009, <http://www.alquds.co.uk/archives/2009/07/07-02/qfi.pdf> (accessed October 6, 2009)..

¹⁵ Bassam Badarin, "Withdrawal of Nationalities in Jordan, *Al-Quds Al-Arabi* (Amman), July 3, 2009.

¹⁶ Ibid.

¹⁷ "'Interior' Clarifies Disengagement Instructions Concerning Yellow and Green Cards", *Al-Arab Al-Yawm* (Amman), July 18, 2009, <http://ammonnews.net/article.aspx?ARTicleNo=41930> (accessed July 18, 2009).

¹⁸ Khetam Malkawi, "House Panel Backs Ministry Procedures on 'Citizenship Revocation,'" *Jordan Times*, July 17, 2009.

II. International and Jordanian Law

International law

Right to nationality

International law gives every person the right to a nationality. Article 15 of the Universal Declaration of Human Rights stipulates, “Everybody has the right to a nationality.”¹⁹ Article 24 of the International Covenant on Civil and Political Rights (ICCPR) and article 7 of the Convention on the Rights of the Child (CRC) also affirm, “Every child shall have the right to acquire a nationality.”²⁰

Like international law, the 2004 Arab Charter for Human Rights, which came into force on March 15, 2008, following ratification by seven Arab League member states, including Jordan, recognizes “the right to nationality” but does not specify how nationality is acquired.²¹ The American Convention on Human Rights and the African Charter on the Rights and Welfare of the Child are clearer in that a person acquires the nationality of the territory in which she is born unless she has claims to another nationality.²² In one of the leading cases on the right to a nationality, *The Yean and Bosico Children v. Dominican Republic*, the Inter-American Court of Human Rights recognized the “inherent right” of all human beings to a nationality and stated,

The determination of who has a right to be a national continues to fall within a State’s domestic jurisdiction. However, its discretionary authority in this regard is gradually being restricted with the evolution of international law, in order to ensure a better protection of the individual in the face of arbitrary

¹⁹ Universal Declaration of Human Rights (UDHR), adopted December 10, 1948, G.A. Res. 217A(III), U.N. Doc. A/810 at 71 (1948), art. 15.

²⁰ International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, art. 24. Convention on the Rights of the Child (CRC), G.A. res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force September 2, 1990, art. 7.

²¹ League of Arab States, Arab Charter for Human Rights, May 22, 2004, reprinted in 12 Int'l Hum. Rts. Rep. 893 (2005), entered into force March 15, 2008, art. 29.

²² American Convention on Human Rights (“Pact of San José, Costa Rica”), adopted November 22, 1969, O.A.S. Treaty Series No. 36, 1144 U.N.T.S. 123, entered into force July 18, 1978, reprinted in Basic Documents Pertaining to Human Rights in the Inter-American System, OEA/Ser.L.V/II.82 doc.6 rev.1 at 25 (1992), art. 20.2: “Every person has the right to the nationality of the state in whose territory he was born if he does not have the right to any other nationality.” African Charter on the Rights and Welfare of the Child, OAU Doc. CAB/LEG/24.9/49 (1990), entered into force November 29, 1999, art. 6.4: “States Parties to the present Charter shall undertake to ensure that their Constitutional legislation recognize the principles according to which a child shall acquire the nationality of the State in the territory of which he has been born if, at the time of the child's birth, he is not granted nationality by any other State in accordance with its laws.”

acts of States. Thus, at the current stage of the development of international human rights law, this authority of the States is limited, on the one hand, by their obligation to provide individuals with the equal and effective protection of the law and, on the other hand, by their obligation to prevent, avoid and reduce statelessness.

... The Court considers that the peremptory legal principle of the equal and effective protection of the law and non-discrimination determines that, when regulating mechanisms for granting nationality, States must abstain from producing regulations that are discriminatory or have discriminatory effects on certain groups of population when exercising their rights. Moreover, States must combat discriminatory practices at all levels, particularly in public bodies and, finally, must adopt the affirmative measures needed to ensure the effective right to equal protection for all individuals.²³

While issues of nationality are primarily within each state's jurisdiction, a state's laws must be in accord with general principles of international law.²⁴ Nationality, according to the International Court of Justice (ICJ), is "a legal bond having as its basis a social fact of attachment, a genuine connection of existence, interests and sentiments."²⁵ The court first articulated criteria for defining an individual's nationality in the *Nottebohm* case, which gives "preference to the real and effective nationality, that which accord[s] with the facts, that based on stronger factual ties between the person concerned and one of these States whose nationality is involved." A "genuine and effective link," as the "real and effective nationality" has been termed, is determined by considering factors originally set out by the ICJ, including the "habitual residence of the individual concerned but also the centre of interests, his family ties, his participation in family life, attachment shown by him for a given country and inculcated in his children, etc."²⁶ States are required by international standards described below to avoid acts that would render stateless anyone who has a genuine and effective link to that state.

²³ Inter-American Court of Human Rights, *Case of the Yean and Bosico Children*, Judgment of September 8, 2005, Series C, No. 130 http://www.es.cr-net.org/usr_doc/Judgement_Sept_8_05.pdf (accessed December 8, 2009), paras 140-141.

²⁴ Under Article 1 of the Hague Convention on Certain Questions Relating to the Conflict of Nationality Laws, "It is for each State to determine under its own law who are its nationals. This law shall be recognized by other States in so far as it is consistent with international conventions, international custom, and the principles of law generally recognized with regard to nationality."

²⁵ International Court of Justice, *Nottebohm Case, Liechtenstein vs. Guatemala*, I.C.J. Rep. 4, 1955.

²⁶ *Ibid.* In the *Nottebohm Case*, brought by Liechtenstein against Guatemala, the court developed this analysis to determine an individual's nationality.

Although international law does not specify the conditions necessary to acquire a state's nationality, it is clear that "[n]o one shall be arbitrarily deprived of his nationality,"²⁷ such as through the use of procedures that have no basis in law, or according to laws that discriminate arbitrarily or do not allow a fair procedure and hearing. This test of arbitrariness is important for determining whether Jordanian authorities are acting in accordance with human rights law by withdrawing nationality from Jordanians of Palestinian origin.

Prevention of statelessness

In addition to the prohibition on arbitrary deprivation of nationality, the 1961 Convention on the Reduction of Statelessness provides additional guidance on situations in which nationality must not be withdrawn: states must not "deprive a person of his nationality if such deprivation would render him stateless."²⁸ To the contrary, article 1 of the convention stipulates that a state "shall grant its nationality to a person born in its territory who would otherwise be stateless."²⁹ The convention also declares that states must not "deprive any person or group of persons of their nationality on racial, ethnic, religious or political grounds" and that a "transfer of territory shall include provisions designed to ensure that no person shall become stateless as a result of the transfer."³⁰ Jordan has not yet acceded to this convention. It is, however, a party to the Convention on the Rights of the Child, which requires it to "respect the right of the child to preserve his or her identity, including nationality."³¹

Jordanians of Palestinian origin whose nationality is withdrawn become stateless because, under international law, Palestine in 2009 is not a state and has not been one at any time since Jordan's independence.³²

²⁷ ICCPR, art. 24, and Arab Charter for Human Rights, art. 29.

²⁸ Convention on the Reduction of Statelessness, 989 U.N.T.S. 175, entered into force December 13, 1975, art. 8.

²⁹ *Ibid.*, art. 1.

³⁰ *Ibid.* arts. 9 and 10.

³¹ CRC, art. 8.

³² As Ray Takkenberg, a legal scholar, points out in his study of the legal status of Palestinian refugees, the UN Convention Relating to the Status of Stateless Persons of 1960 would include Palestinians under the definition of stateless person as someone "who is not considered as a national by any State under the operation of its law." However, the drafters of the convention, who considered the Palestinians to be stateless, decided to exclude them from the ambit of the convention. According to Takkenberg, this fact is demonstrated by an article in the convention that excludes from its provisions persons receiving protection or assistance from UN bodies, with the exception of the UN High Commissioner for Refugees. UN Convention Relating to the Status of Stateless Persons, 360 U.N.T.S. 117, entered into force June 6, 1960, art. 1.2.ii. Jordan is not a state party to the convention.

Economic and Social Rights

Most people take their nationality for granted. Nationality, however, is an essential right and the basis for the enjoyment of other rights. Non-citizens may not have the same rights as nationals living in the same country.³³ Non-citizens are commonly prevented from participating as voters or candidates in public life, and have no permanent right to stay in a country other than that of their nationality.

Nationality is thus a foundational right for travel, establishing residence, and for participating in public life. Many states limit access to other rights on the basis of nationality, such as access to health, non-compulsory education, work, or property. In many countries, foreign residents may not enjoy more than emergency healthcare, or be entitled to secondary or university education, and may not enjoy the same access to work opportunities, or have the ability to own and sell property.

Jordan is a party to the International Covenant on Economic, Social and Cultural Rights (ICESCR) and to the Convention on the Rights of the Child, which spell out the right to education and health in articles 13 and 12 (ICESCR), and articles 28 and 24 (CRC), respectively, and the right to work in article 7 (ICESCR). Article 17 of the Universal Declaration of Human Rights recognizes that “[e]veryone has the right to own property alone as well as in association with others.”³⁴ “The ICESCR and the CRC prohibit discrimination on the basis of national origin in the exercise of these rights.”³⁵ Moreover, Jordan is also a party to the Convention Against Discrimination in Education, under which states specifically agree “[t]o give foreign nationals resident within their territory the same access to education as that given to their own nationals.”³⁶

UN human rights bodies have also made clear that there must be no discrimination between spouses “in respect of the acquisition or loss of nationality by reason of marriage.”³⁷

³³ Not all nationals need have full citizenship rights. For example, minors usually cannot vote, and adults are not entitled to free public education.

³⁴ UDHR, art. 17.

³⁵ International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976, art. 2; CRC, art. 2.

³⁶ Convention Against Discrimination in Education, adopted December 14, 1960, UNESCO General Conference, 11th Session, Paris, entered into force May 22, 1962, art. 3 [accepted by Jordan April 6, 1976]

³⁷ Human Rights Committee, General Comment No. 19, Protection of the family, the right to marriage and equality of the spouses (Art. 23), 39th session (1990). See also, for example, *Abdulaziz and Others v United Kingdom*, European Court of Human Rights (9474/81) (1985).

International law also protects children against arbitrary interference in his or her family.³⁸ The CRC contains a specific prohibition against separating a child from his family, as could occur when a father loses his Jordanian nationality, and is deported to the West Bank:

States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child.³⁹

Jordanian law

Nationality law

Jordan's constitution, in article 5, mandates that nationality be defined by law.⁴⁰ Since independence in 1946, Jordan has passed laws to regulate acquisition and loss of its nationality. The 1954 Law on Nationality, amended several times through 1987, grants nationality to all persons born of a Jordanian father and to all persons born of a Jordanian mother and a stateless father. A child whose father acquires non-Jordanian nationality remains Jordanian under the law.⁴¹ It is therefore a violation of domestic law for Jordan to withdraw Jordanian nationality from the children in consequence of withdrawing it from their Palestinian-origin father.

The law gives nationality to all Palestinians resident in Jordan between December 20, 1949, and the issuance of the law in 1954, as long as they were not Jewish⁴² (the law superseded a 1928 Law on Nationality, which had been amended effective from December 20, 1949, to include Palestinians in the West Bank and East Jerusalem⁴³). As noted above, Jordan extended its sovereignty, and consequently all applicable domestic law, to the West Bank and East Jerusalem in April 1950.

Jordan's law prescribes narrow circumstances for losing one's nationality. Entering the "service of an enemy state," or the "military," or "civil service of a foreign state" are grounds for revoking nationality. However, in the case of foreign military and civil service, Jordan

³⁸ CRC, art.16.

³⁹ Ibid., art. 9.

⁴⁰ Jordanian constitution, art. 5: "Jordanian nationality shall be defined by law."

⁴¹ Nationality Law, art. 10.

⁴² Law No. 6 of 1954 on Nationality, *Official Gazette*, no. 1171, February 16, 1954, p. 105, arts. 3 and 9.

⁴³ Law No. 56 of 1949 Additional to the Law of Nationality, *Official Gazette*, no. 1004, December 20, 1949, p. 422.

must give the person concerned warning to leave the other state's service and he or she must have refused to do so before losing Jordanian nationality.

1988 disengagement

In his speech on July 31, 1988, King Hussein announced the severance of Jordan's administrative and legal ties to the West Bank, relinquishing claims to Jordanian sovereignty there. Jordan has not passed any law on the details of the disengagement.⁴⁴

Two days before the king's disengagement speech, the Ministry of Interior had issued disengagement instructions comprising 22 articles. Article 2 of the instructions provides for withdrawal of Jordanian nationality from residents of the West Bank: "Every person residing in the West Bank before the date of **31/7/1988** will be considered as [a] **Palestinian** citizen and not as **Jordanian**."⁴⁵ In his speech King Hussein stressed that disengagement "naturally do[es] not relate in any way to the Jordanian citizens of Palestinian origin in the Hashemite Kingdom of Jordan. They have the full rights of citizenship and all its obligations, the same as any other citizen irrespective of his origin."⁴⁶

In this report, Human Rights Watch does not address the legality of the 1988 announcement of Jordan's disengagement from the West Bank that turned approximately one million Jordanians living in the West Bank into stateless Palestinians.⁴⁷ Instead, we document the ongoing and current withdrawal of Jordanian nationality from Jordanians of Palestinian origin living in Jordan.

Kuwait returnees 1990-91

The disengagement instructions did not explicitly address the question whether Jordanians of Palestinian origin residing outside the kingdom (or the West Bank) at the time of

⁴⁴ Critics therefore charge that the substance and manner of that decision violate Jordanian law. Article 1 of the 1952 constitution states that the kingdom is indivisible and that "no part of it may be ceded." More importantly, only a law passed by parliament could decide on such a step, these critics say, since article 33.ii. of the constitution requires parliamentary approval for all decisions affecting the rights of Jordanians. The government maintains that King Hussein relinquished the West Bank and East Jerusalem in an administrative act, not an agreement or a treaty, and therefore the constitutional article does not apply. For a critique, see Dajani, "Withdrawal of Nationality."

⁴⁵ Jordan, Disengagement Instructions for the Year 1988, July 28, 1988, <http://www.unhcr.org/refworld/docid/43cdo4b94.html> (accessed April 29, 2009), art. 2. Human Rights Watch has not been able to obtain an original Arabic copy of the regulations. Bold highlights in original.

⁴⁶ King Hussein, "Address to the Nation," July 31, 1988, www.kinghussein.gov.jo.

⁴⁷ The population of the West Bank was estimated at 860,000 and of East Jerusalem at 130,000. See David McDowell, "A Profile of the Population of the West Bank and Gaza," *Journal of Refugee Studies*, vol. 2 no. 1, 1989, p. 20. Events after 1988, including the establishment of the Palestinian Authority, have made the possibility of addressing Jordanian actions 21 years ago highly unfeasible.

disengagement remain Jordanians. This question affects in particular the estimated 250,000 Jordanians of Palestinian origin who returned to Jordan during Iraq's occupation of Kuwait in 1990 or shortly after its end in February 1991.⁴⁸

Barring explicit language to the contrary, holders of Jordanian passports living outside Jordan (and outside the West Bank) in July 1988 might reasonably be considered Jordanian, since there is no legal basis for withdrawing their nationality. The case is particularly strong for those who resided abroad—that is, who were not absent temporarily from their permanent residence in the West Bank.

Jordan's High Court of Justice in a 1990 decision affirmed that it considered permanent residence in the West Bank at the time the disengagement instructions were issued as the decisive criterion for establishing the right of Jordanian nationality. The court rejected the petition by a Palestinian woman whom the Jordanian authorities had deported from Jordan to the West Bank in 1989. The judges found invalid her claim that she was a Jordanian citizen and thus had a right to reside in Amman, because "she permanently lived and resided [in the West Bank] before 31.7.1988," and had come to Jordan only thereafter.⁴⁹

The question of whether those living outside Jordan and the West Bank on July 31, 1988, and who have returned since to Jordan retain Jordanian nationality remains ambiguous in practice. In a July 2009 *Jordan Times* article relying on parliamentary sources visiting the Ministry of Interior to discuss withdrawal of nationality, journalist Khetam Malkawi wrote that "other [Palestinians] in the diaspora with Jordanian passports were considered Jordanian" under the disengagement instructions.⁵⁰ Writing in 1991, Ann Lesch equally concluded that Jordanians of Palestinian origin could return from Kuwait to Jordan if they held five-year passports. She distinguishes these "Jordanians/Palestinians" from Palestinians holding a temporary two-year Jordanian passport as a travel document that does not convey nationality:

⁴⁸ Youssef M. Ibrahim, "Jordan a Grim Refuge for Kuwait Palestinians," *New York Times*, October 3, 1991, <http://www.nytimes.com/1991/10/03/world/jordan-a-grim-refuge-for-kuwait-palestinians.html> (accessed October 8, 2009). See also "As of September 1991, over 280,000 Jordanians and Palestinians returned to Jordan since Iraq's invasion of Kuwait in August 1990." Middle East Watch (now Human Rights Watch/Middle East and North Africa Division), *Nowhere to Go. The Tragedy of the Remaining Palestinian Families in Kuwait*, October 1991, p.18.

⁴⁹ High Court of Justice, Decision 164/90, cited in *The Palestine Yearbook of International Law 1990-1991*, p. 70.

⁵⁰ Malkawi, "House Panel Backs Ministry Procedures on 'Citizenship Revocation,'" *Jordan Times*.

Those who have five-year Jordanian passports can move to Jordan ...
Palestinians who have two-year Jordanian passports, indicating that they
came from the West Bank, may be refused admission to Amman.⁵¹

Ministry of Interior Spokesperson Ziyad al-Zu'bi, however, told *Ammonnews.net* on July 18, 2009, that “every person residing in the West Bank before 13 [sic] July 1988 is considered to be a Palestinian national, and not a Jordanian, including those Palestinians present in the kingdom [of Jordan] or outside holding green bridge cards.”⁵² At least Jordanians of Palestinian origin holding a yellow card or no card would presumably be considered Jordanian, although no Jordanian law or regulation known to Human Rights Watch conditions nationality on holding either a green or yellow card.

To assess the ongoing withdrawal of Jordanian nationality, two more issues merit discussion: the legality of Jordanians holding dual nationality, and the color-coded system of bridge crossing cards Jordan issues to persons from the West Bank as a condition of nationality.

Dual nationality and the Arab League

In January 1954 the League of Arab States’ political committee decided to grant Palestinian refugees in camps “unified travel passports,” but indicated that dual Arab nationality was to be avoided: “if they have the freedom to choose the Arab state that grants them these passports, then this State must inform the other Arab states thereof to prevent duality [of nationality].”⁵³ That same year, however, Jordan passed its own Law on Nationality whose article 17 specifically allows Jordanians to acquire another nationality.⁵⁴ To acquire Jordanian nationality, however, applicants must forfeit their old nationality.⁵⁵ A 1969 decision of the League of Arab States suggests that a prohibition of duality of Arab nationalities does not include the stateless Palestinians: “the acquisition of some Palestinians of another nationality does not deprive them of their Palestinian nationality.”⁵⁶ Abbas Shiblak, an academic expert on the residency rights of Palestinian refugees and former League of Arab

⁵¹ Ann M. Lesch, “Palestinians in Kuwait,” *Journal of Palestine Studies*, vol. 20, no. 4 (Summer 1991), p. 53.

⁵² “‘Interior’ Clarifies Disengagement Instructions Concerning Yellow and Green Cards”, *Al-Arab Al-Yawm*, <http://ammonnews.net/article.aspx?ArticleNo=41930>.

⁵³ League of Arab States, Political Committee, “Granting Palestinian Refugees in Camps Unified Travel Documents,” Decision no. 715/Dal 20, January 27, 1954 (accessed August 12, 2009).

⁵⁴ Jordan Law on Nationality, art. 17.

⁵⁵ *Ibid.*, arts. 4 and 5.

⁵⁶ League of Arab States, Conference of Supervisors of Palestinian Affairs, “Acquisition of Another Nationality No Grounds for Removal from Relief Lists”, Decision no. 2491/Dal 51, March 3, 1969 (accessed August 12, 2009).

States director-general of the Office of Palestinian Affairs, attributes this change of policy to a growing “specific Palestinian national identity” at the time.⁵⁷ At a meeting at the Ministry of Interior in Jordan in April 2009, human rights officials there presented Human Rights Watch with conflicting views. One said dual Arab nationality was prohibited for Jordanians, while another said he knew Jordanians with dual Syrian-Jordanian, and, in another case, Qatari-Jordanian nationality.⁵⁸ According to Shiblak, today the “PLO would no longer stand against any Arab government willing to grant citizenship to Palestinian residents.”⁵⁹

Given the clear possibility in Jordan’s Law on Nationality for Jordanians to acquire another nationality, and given the evolution of League of Arab States and PLO positions toward dual Arab nationalities, including holding Palestinian “nationality” together with that of an Arab state in particular, there appear to be no grounds for denying Palestinians who became Jordanian through incorporation of the West Bank into Jordan in 1950 their Jordanian nationality on grounds of dual (Arab) nationality.

Palestine is not, under international law, a sovereign state that can bestow citizenship on Palestinians. Residents of the West Bank who left before 1950 are stateless, provided they did not acquire another nationality, as are all Palestinian West Bank residents after 1988.

Bridge crossing cards and Israeli permits

Another issue that is unclear under Jordanian law is whether the conditions for holding Jordanian nationality include holding certain Jordanian bridge crossing cards and certain Israeli permits. On June 1, 1983, Jordan created a system of yellow and green cards for its nationals of West Bank origin, issued at the Allenby bridge crossing over the Jordan River. Since negotiations over the Oslo accords between Israel and the Palestinians commenced in 1993, Jordan has based decisions on which cards to issue also on the permission Israel grants to West Bankers to maintain a right to residence there.

Jordanian authorities issued yellow cards to Jordanians of West Bank Palestinian origin residing on the East Bank, and green cards to residents of the West Bank. These cards were designed to facilitate the movement of people from the Israeli-occupied West Bank to

⁵⁷ Abbas Shiblak, Center for Refugees and the Palestinian Diaspora (Shaml), “League of Arab States Resolutions on Residency Status of Palestinian Refugees in Arab States”, 1997, Introduction.

⁵⁸ Human Rights Watch interview with the head of the human rights department and another official of the department at the Jordanian Ministry of Interior, Amman, April 2009.

⁵⁹ Abbas Shiblak, “The Palestinian Refugee issue: A Palestinian Perspective,” Chatham House Briefing Paper MENAP/PR BP 2009/1, February 2009, p. 9.

Jordan's East Bank (with a green card), and to allow Palestinian-origin East Bankers to visit the West Bank (yellow card).⁶⁰

Jordan's bridge crossing card system for Palestinian-origin East Bankers and West Bankers did not legally connote gradations in citizenship rights granted to its holders. Jordan's nationality law does not condition holding or maintaining Jordanian nationality on obtaining one color-coded card or the other, or residence in a particular area under Jordanian sovereignty.

In practice, however, the color-coded cards already introduced conditional Jordanian nationality. Green card holders lost their rights to full citizenship, including the right to reside on the East Bank. The *Palestine Yearbook of International Law 2000/2001* notes,

In 1983, the Jordanian government created a dual system: yellow cards, which represented full residency and full citizenship rights for persons who had left the West Bank for the East Bank before June 1 of that year; and green cards, providing a renewable two-year Jordanian "passport" and no right of residence for those who left the West Bank after June 1, 1983.⁶¹

The Palestinian human rights group BADIL, in 2004, also noted that these cards had implications for the extent of citizenship rights for Jordanians of Palestinian origin in the East and West Banks: "Palestinians who were living in [the East Bank of] Jordan at that date and who had obtained full residency and full citizenship ('family book') were, therefore, entitled to a yellow card."⁶²

Yusif Dawudiya, a former UN official whose nationality was withdrawn, explained the situation to Human Rights watch:

The rule was that if you have an Israeli identity number before June 30 [sic], 1983, the date of the PLO-Jordanian accords, you are entitled to a yellow [sic]

⁶⁰ BADIL Resource Center for Palestinian Residency and Refugee Rights, "Closing Protection Gaps: A Handbook on Protection of Palestinian Refugees in States Signatories to the 1951 Refugee Convention," August 2005, p. 16.

⁶¹ *Palestine Yearbook of International Law 2000/2001*, p. 226.

⁶² BADIL, correspondence sent to Citizenship and Immigration Canada (CIC), October 27, 2003, cited in Immigration and Refugee Board of Canada, Jordan: Jordan's treatment of failed refugee claimants who are returned to Jordan or persons who have exited the country illegally or whose permission to leave has expired; whether there is a distinction made between citizens of Jordan, stateless Palestinians from the Occupied Territories, and stateless Palestinians who reside in Jordan under UNRWA registration; possibility of torture or the existence of a risk to life or a risk of cruel and unusual treatment or punishment upon return, 9 March 2004, JOR42458.E, reproduced at <http://www.unhcr.org/refworld/docid/41501c2623.html> (accessed 13 August 2009).

card.⁶³ Until 1983 passports were the proof of nationality. In 1983 the Jordanians introduced the family book and in 1992 they introduced the national number as proof of nationality.⁶⁴

The introduction of this system created two-tiers of citizenship rights among two groups of Jordanian nationals whom Jordanian law still formally considered its nationals and citizens with equal rights. This change to differentiated citizenship rights did not happen overnight, though. BADIL in 2007 noted,

In the West Bank, Palestinians – including 1948 refugees – held the same status as Jordanian citizens vis-à-vis Jordan. This situation began to change gradually in 1983, with the introduction of the dual (yellow/green) card system in Jordan and was drastically revised in 1988, when King Hussein renounced his claim of sovereignty over the West Bank and severed Jordan's legal ties therewith.⁶⁵

After Jordan's disengagement from the West Bank in July 1988, holders of green cards were considered Palestinians and not Jordanians. This was despite the fact that the disengagement instructions only withdrew Jordanian nationality from those persons who on July 31, 1988, resided in the West Bank, but not, for example, Jordanians of West Bank origin with green cards who had been living for some time, and were presently residing, in the East Bank or abroad.

Israeli-issued residency permits

Israel conducted a census in September 1967 of persons in the occupied West Bank.⁶⁶ West Bank residents who had fled in 1967, or were outside the West Bank at the time for other

⁶³ Dawudiya, like others, mentioned that the green and yellow colors were swapped in 1988, though we were unable to find further evidence thereof. By that reckoning, West Bank residents between 1983 and 1988 received a yellow card, and West Bankers living in the East Bank received a green card, the opposite of later arrangements.

⁶⁴ Human Rights Watch interview with Yusif Dawudiya, Amman, January 29, 2009.

⁶⁵ BADIL, "Closing Protection Gaps," p. 20.

⁶⁶ The Palestinian Central Bureau of Statistics, 2008, "The Population, Housing and Establishment Census – 2007," Press Conference on the Preliminary Findings (Population, Buildings, Housing Units and Establishments), Ramallah, http://www.pcbs.gov.ps/Portals/_pcbs/PressRelease/census2007_e.pdf (accessed December 8, 2009), p. 10: "Under the Israeli occupation, a comprehensive enumeration of the Palestinians population was done in September, 1967. 599 thousand inhabitants were enumerated in the West Bank."

reasons, were not included. Israel granted only those registered in the census the right to residency in the West Bank.⁶⁷

West Bankers outside the occupied territory at the time of the census could only gain residency rights in the West Bank through a family unification (*lamm sham*) procedure. Israel has changed eligibility for family unification over the years and by 1992 had allowed fewer than 20,000 persons to gain residency rights in the West Bank.⁶⁸ Article 74, a Palestinian rights organization, summarized these changes in restrictions thus:

Originally, any family member [in the West Bank] could apply to have a person outside the country brought in. Later, the categories were narrowed. Only what Israeli law calls “first degree” relatives were allowed to apply: parents, spouses, siblings, and children. Still later, only spouses were permitted. By the mid-1980s, only husbands were permitted to apply for wives.⁶⁹

Between 1967 and 1999, Israel revoked the residency status of more than 100,000 Palestinians in the occupied territories.⁷⁰ Between 1967 and 1995, any Palestinian who moved to the West Bank and was classified as resident alien did not obtain guaranteed residency until the Oslo agreements provided Palestinian inhabitants of the occupied territories residency status. These agreements excluded inhabitants of occupied East Jerusalem. Israel retained the authority to make the final determination on requests for permanent residency through family reunification by those Palestinians not registered in the 1967 Israeli census.⁷¹ Israel continues to control the Palestinian population registry, and issues all identity cards, birth certificates, and travel documents for residents of those territories under the jurisdiction of the Palestinian Authority.⁷²

⁶⁷ Abbas Shibliak, “Residency Status and Civil Rights of Palestinian Refugees in Arab Countries,” *Journal of Palestine Studies*, vol. 25, no. 3 (1996), p. 40.

⁶⁸ Alternative Information Center’s division Article 74, “Married Women Without Identity Cards,” issue 1, April 12, 1992, <http://www.badil.org/Publications/Article74/1992/art2.htm> (accessed August 26, 2009).

⁶⁹ Alternative Information Center’s division Article 74, “Residency Rights: Dimensions of the Problem,” issue 1, November 11, 1991, <http://www.badil.org/Publications/Article74/1991/art1.htm> (accessed August 26, 2009).

⁷⁰ Shibliak, “Residency Status and Civil Rights of Palestinian Refugees in Arab Countries,” *Journal of Palestine Studies*, p. 40, Shibliak speaks of more than 150,000.

⁷¹ BADIL, “Survey of Palestinian Refugees and Internally Displaced Persons 2006–2007,” 2007, p. 17.

⁷² “PA: Israel grants permanent residency to 3,500 West Bank Palestinians,” Deutsche Presse Agentur reproduced in *Haaretz* (Tel Aviv), October 10, 2007, <http://www.haaretz.com/hasen/spages/911438.html> (accessed October 30, 2009).

Roughly 55,000 Palestinians entered the West Bank and Gaza Strip after the 1993 interim Oslo peace accords but did not obtain recognized residency status. Many applied for residency on the basis of family reunification, but Israel suspended family reunifications with the outbreak of the second intifada in September 2000.⁷³ As of October 2005 Israel had refused to process more than 120,000 requests for family unification that West Bank and Gaza residents had submitted for their family members living outside or without residency status within the occupied territories.⁷⁴ In October 2007 Israel reportedly granted official residency status to 3,500 Palestinians who in the prior decade entered the West Bank on Israeli-issued visitors' visas but never left. (Israel did not grant residency to 1,500 Palestinians in an analogous situation in the Hamas-ruled Gaza Strip.)⁷⁵

Israel now permits Palestinians who leave the West Bank via the Allenby bridge to Jordan to stay abroad for three years without revoking their West Bank residency, but cancels their West Bank residency if they stay abroad longer than three years.⁷⁶ In 2005 the Supreme Court upheld the expulsion to Jordan, as an "infiltrator," of a man born in the West Bank who had lost his residency rights by moving to Jordan.⁷⁷

Israeli control over the West Bank is vested in the military commander of the territory, whose military orders (and the regulations issued by the Civil Administration to which he has delegated authority) have the force of law but are subject to judicial review.⁷⁸

⁷³ "Ibid.

⁷⁴ B'Tselem, "The Prohibition on Family Unification in the Occupied Territories," undated, http://www.btselem.org/English/Family_Separation/Index.asp (accessed October 30, 2009).

⁷⁵ "PA: Israel grants permanent residency to 3,500 West Bank Palestinians," Deutsche Presse Agentur, October 10, 2007.

⁷⁶ Immigration and Refugee Board of Canada, Israel/Palestine: Whether a Palestinian who left the West Bank in 1991 using a fraudulent Jordanian passport, and whose family still resides in the West Bank, would be allowed to return to the West Bank, 15 January 2002, ZZZ37971.E, reproduced at: <http://www.unhcr.org/refworld/docid/3df4bed710.html> (accessed October 30, 2009).

⁷⁷ *Abdulla v. IDF West Bank Military Commander*, H.C.J. 7607/05, Supreme Court of Israel, December 14, 2005, discussed in *Yearbook of International Law*, <http://www.icrc.org/ihl-nat.nsf/39a82e2ca42b52974125673e00508144/7b7fa4443f3c8a78c12575bc004914fa!OpenDocument> (accessed October 30, 2009): "The Court rejected a petition of a Palestinian, whose presence in the West Bank was unlawful, against his deportation to Jordan (whose citizenship he holds). According to the State, the petitioner, who was born in the West Bank, immigrated to Jordan and lost his residency rights in the area. As a result, the military commander could deport him from the area pursuant to an existing military decree barring the infiltration of aliens into the West Bank. The Court accepted the lawfulness of the State's position and held that, in accordance with the 1995 Interim Agreement between Israel and the PLO, the petitioner should file a request for reinstatement of his residency rights with the Palestinian Authority, and the latter should forward it to the Israeli Authorities. Nonetheless, the Court criticised the State for its failure to institute an effective judicial monitoring mechanism to review the legality of detainment of aliens prior to deportation. While noting that the Fourth Geneva Convention does not explicitly mandate such judicial review, the Court stated that customary international law requires effective judicial review over such detentions...."

⁷⁸ Following the end of the 1967 Six-Day War, the IDF assumed control of the governmental, legislative, and administrative powers of the Gaza Strip and Judea Samaria. A military court system for these territories was established, and the military prosecutors present there prosecute terror-related and other criminal offences committed by Palestinians in the territories.

Human Rights Watch could not determine with sufficient clarity the history of rules for Israeli residency permits granted. For example, Israeli authorities stamped on the residency card of a Jordanian of Palestinian origin who left the West Bank in August 1980 that his “Return is Not Permitted Before March 1, 1981,” but the basis for that conditional right of return remained unclear. He renewed this residency permit as required by Israeli authorities every year, but, in 1983, its validity was extended from one to three years, again without any clarity in the applicable rules.⁷⁹

An Israeli military order of September 1987 prohibited registering children born in the West Bank on the father’s Israeli-issued identity card, if the mother lacked a valid Israeli-issued residency permit, even if the father was a legal resident.⁸⁰ In May 1989, June 1990, and July 1991 Israel reportedly deported persons who were in the West Bank without valid residency, tearing families apart.⁸¹

Given the vague, changeable, and apparently unknowable criteria that Israel has applied to granting residency to persons from the West Bank, for Jordan to use these criteria, issued by another country, as the basis for the maintenance of Jordanian nationality is arbitrary.

See Israel Defense Forces, Military Advocate General’s Corps, “History,” <http://www.law.idf.il/321-en/Patzar.aspx> (accessed December 8, 2009).

⁷⁹ “Exit Card” issued by the Israeli Authorities for Abbas, copy on file with Human Rights Watch, and Human Rights Watch interview with Abbas, Amman, May 24, 2009.

⁸⁰ Alternative Information Center’s division Article 74, “Residency Rights: Dimensions of the Problem,” issue 1, <http://www.badil.org/Publications/Article74/1991/art1.htm>.

⁸¹ Alternative Information Center’s division Article 74, “Married Women Without Identity Cards,” issue 2, <http://www.badil.org/Publications/Article74/1992/art2.htm>. See also Centre for the Defence of the Individual (HaMoked), Jerusalem, correspondence sent to CIC, November 5, 2003, cited in Immigration and Refugee Board of Canada, Jordan: Jordan’s treatment of failed refugee claimants who are returned to Jordan or persons who have exited the country illegally or whose permission to leave has expired; whether there is a distinction made between citizens of Jordan, stateless Palestinians from the Occupied Territories, and stateless Palestinians who reside in Jordan under UNRWA registration; possibility of torture or the existence of a risk to life or a risk of cruel and unusual treatment or punishment upon return, 9 March 2004, JOR42458.E, reproduced at <http://www.unhcr.org/refworld/docid/41501c2623.html> (accessed 13 August 2009).

III. Withdrawal of Nationality

Withdrawals of Jordanian nationality have affected men and women of Palestinian origin from all walks of life. One thing they share is that their family roots are in the West Bank. Truck drivers, engineers, surgeons, businesspersons, and a UN official have all been the victims of arbitrary withdrawal of their Jordanian nationality, leaving them stateless, insecure, and with fewer rights than their (erstwhile) fellow Jordanians.

The loss of nationality in the 11 cases described here also extends to several dozen of their family members. For example, loss of a father's nationality automatically entailed the loss of his children's nationality, regardless of whether they are minors or adults and whether they had ever lived in the West Bank, and despite the fact that they had acquired Jordanian nationality by birth.

Jordanian officials have provided some statistics indicating that they have withdrawn the nationality of thousands of persons. On June 26, 2009, *Fact International Jordan*, a news website, published an article based on interviews with officials in the Follow-up and Inspection and in the Civil Status and Passports Departments of the Ministry of Interior, citing 300,000 Jordanians of Palestinian origin as the number of files whose review of Jordanian nationality remained outstanding.⁸² But official statistics may not capture the real extent of the problem, since they refer only to cases in which new temporary passports without a national number were issued, or yellow cards replaced with green cards, or family books cancelled. These statistics thus fail to capture the number of all Jordanians liable to become subject to withdrawal of nationality. Hundreds of thousands may be at risk.

According to the *Jordan Times*, Member of Parliament Fakhri Dawud said that authorities had replaced 190 yellow cards with green cards from March 1 through June 30, 2009, compared with 204 such exchanges in the same period in 2008, and 244 in 2007.⁸³ Exchanging yellow for green cards entails a loss of nationality. In July 2008, *Jordan Zad*, a news website, cited what it said were official statistics of 352 cases of loss of nationality for the period between January 1 and June 30, 2008.⁸⁴ Muwaffaq Kamal reported in *Al-Ghadd* that official statistics

⁸² "Jordanians of Palestinian Origin Threatened by Loss of Citizenship," *Fact International*, http://www.factjo.com/FACTJO_en/printable.aspx?id=2218 (accessed October 7, 2009).

⁸³ Khetam Malkawi, "House Panel Backs Ministry Procedures on 'Citizenship Revocation,'" *Jordan Times*, July 17, 2009.

⁸⁴ "352 Jordanians Lose Their Nationality Since the Beginning of the Year Due to the Application of Instructions of the Disengagement Decision on Them", *Jordan Zad*, July 12, 2008, <http://jordanzad.com/jordan/news/117/ARTICLE/2137/2008->

of the Follow-up and Inspection Department showed that 2,732 Jordanians had had their nationality withdrawn based on the disengagement instructions between 2004 and 2008.⁸⁵

Jordanian newspapers have begun to delve into the process of how or why officials decide to withdraw nationality, highlighting some individual cases. The media's portrayal of the fate of individuals and families at the hands of interior officials mirrors the stories of persons Human Rights Watch interviewed. Ahmad al-Jazzar, a surgeon with a specialization unique in Jordan, had his national number withdrawn, *Al-Quds Al-Arabi* reported on July 3, 2009.⁸⁶ Following publication of his story, the Ministry of Interior on July 18 said the surgeon's nationality had been restored, following the renewal of his Israeli-issued residency permit.⁸⁷

In an article in *Al-Ghadd* newspaper, Abu Salim recounts how his wife, who is not named, lost her nationality after trying to get a passport in May 2009. The passport department sent her to the Follow-up and Inspection Department, which claimed that she had failed to renew her Israeli residency permit for the West Bank. She had gone to the West Bank with her two young children around 1993 for a three-week visit, and added her children to her residency permit. While crossing, she was issued a yellow card. She had not left Jordan since that time. Despite having a yellow card, her nationality was withdrawn.⁸⁸

Al-Quds Al-Arabi, in its July 3 article, lists nine persons or families who lost their nationality. In addition to the surgeon al-Jazzar, they include the children of former Jordanian government spokesperson and minister of culture Asma Khadr, and Faris Yusif, who told the paper that officials withdrew his nationality because he had used an "enemy airport," presumably Israeli, when he flew to Venezuela to visit relatives there as a boy many years ago.⁸⁹

With the stroke of a pen, or, as appears more often to be the case, by verbal notification of an arbitrary government fiat, the situation of these Palestinian-origin Jordanians has

07-12.html (accessed December 22, 2009). Both the *Jordan Times* and *Jordan Zaf* cited numbers in the low thousands for cases in which persons acquired Jordanian nationality over the same period, resulting in a net gain of Jordanian nationals.

⁸⁵ Muwaffaq Kamal, "Implementing 'Disengagement' Causes 2,732 Citizens to Lose Their Jordanian Nationality in Five Years", *Al-Ghadd* (Amman), June 28, 2009.

⁸⁶ Badarin, "Withdrawal of Nationalities in Jordan: Those Who Lost Their National Numbers Refuse to Become Bidun", *Al-Quds Al-Arabi*, <http://www.alquds.co.uk/archives/2009/07/07-02/qfi.pdf>.

⁸⁷ "'Interior' Clarifies Disengagement Instructions Concerning Yellow and Green Cards", *Al-Arab Al-Yawm*, <http://ammonnews.net/article.aspx?ArticleNo=41930>.

⁸⁸ Iyad al-[illegible on copy], "Abu Salim: The Nationality of My Wife and Two of My Sons Was Withdrawn", *Al-Ghadd*, June 28, 2009.

⁸⁹ Badarin, "Withdrawal of Nationalities in Jordan: Those Who Lost Their National Numbers Refuse to Become Bidun", *Al-Quds Al-Arabi*, <http://www.alquds.co.uk/archives/2009/07/07-02/qfi.pdf>.

changed overnight from one of secure citizenship to a more circumscribed life with limited rights. To some, the shock of losing their nationality provoked utter disbelief. They returned to various Ministry of Interior branches to correct what they believed must be a mistake. “I sent perhaps 50 complaints to the ministry, with no result,” Darwish Qawasma told Human Rights Watch.⁹⁰ Others became fearful and cautious, preferring to avoid official contact. All but two persons Human Rights Watch interviewed said they did not want their real names mentioned, because, Fadi explained, “this may lead to negative [con]sequences on me and my family in Jordan.”⁹¹

Several persons told Human Rights Watch of the anguish caused by the loss of their nationality. Dr. Walid expressed his despair, saying, “We live in difficulty. Tomorrow, we don’t know what to do. I need to live in peace. I can stay in Jordan or move ... anywhere, but I need to be able to live in peace.”⁹² Yusif Dawudiya echoed this feeling of being unsettled:

I am 70 years old, but I am still fighting an inner battle. I should be settled down [and] enjoy my family, some of whom are in the West Bank ... Now that I lost my nationality I fear that if I go I cannot come back. We are materially and psychologically depressed.⁹³

Accounts

Fadi

“I was born in 1951 in Nablus, and came to the East Bank of Jordan with my mother in 1968, after my father had died. Both my father and I had Jordanian passports. I obtained mine in 1969, when I finished school in Zarqa. That year, I went to Basra in Iraq to attend engineering college, graduating in 1974. In 1974 I went to Kuwait for work.

In 1969, my mother went back to Nablus in the West Bank and applied to the Israelis for a family unification permit granting residency for me, and received it. Once a year, therefore, I went to the West Bank. In August 1984 I went to the West Bank for the last time. In August 1984 the Israelis changed the rules. Before, you had to renew the permit every year in person. Now, you could be absent for at most six years to retain a valid family unification permit [granting legal residency] before it would be canceled. You had to renew it once a

⁹⁰ Human Rights Watch interview with Darwish Qawasma, Amman, January 29, 2009.

⁹¹ Human Rights Watch email correspondence with Fadi, March 23, 2009.

⁹² Human Rights Watch interview with Dr. Walid, Amman, January 29, 2009.

⁹³ Human Rights Watch interview with Yusif Dawudiya, Amman, January 29, 2009.

year, but this could be done remotely. However, once every six years at least, you had to be physically present in the West Bank. By that calculation, August 1990 was the latest that I had to be present in the West bank to retain validity of my Israeli family unification permit. Between 1974 and 1984, the Jordanian embassy in Kuwait routinely renewed my passport. Therefore, I applied for leave from work on August 2, 1990, but Saddam [Hussein, Iraq's president] invaded Kuwait that same day and I couldn't leave. In January 1991 I left for Jordan.

In late April 2007 I went with two of my children, born in 1990 and 1991, to get their identity documents, which are required in Jordan for those over 16 years of age. The older ones, born in 1983 and 1986 already had theirs. The official told me that I had a yellow [bridge crossing] card from my 1984 visit to the West Bank and that I should go to the Follow-up and Inspection Department. There, I was told that in order not to lose my Jordanian nationality, I had to renew my Israeli permit.

In 1991 I had sent my permit [*tasrih*] to the Israelis in the West Bank to have it renewed, but the Israelis rejected this. I have tried through lawyers to get it renewed since 2007. Right now, we are all stateless.”⁹⁴

Darwish Qawasma

“I was born in 1950 in Hebron. I was two months old when I came to Jordan. My father was in the Jordanian army for 25 years, and my brother, born in [East Bank] Jordan, was also in the army.

In February 1967 I got my first Jordanian passport. In 1975 we received a family unification permit from the Israelis. It was valid for three years, and we renewed it every time. We also received a yellow [bridge crossing] card from the Jordanians. In 1984 my grandfather died, and we went to Hebron for the funeral. That was our last visit, and we have not renewed any permits since then. The requirement to renew your family unification card ended sometime in the late 1980s.

In 2007, when I renewed my wife's and my passport, I was sent to the Follow-up and Inspection Department. They wanted certification from the passport department that I have a yellow [bridge crossing] card. I got it, but the Follow-up and Inspection official tore up the certification in front of my eyes and threatened me that the national numbers of my entire

⁹⁴ Human Rights Watch interview with Fadi, Amman, January 29, 2009.

family [with the exception of my Jordanian wife] would be withdrawn. In fact, this is what happened one week later after I went back to their office.

I have 11 children, all born here in Jordan. My wife is originally Jordanian, not Palestinian.”⁹⁵

Abbas

“In 1980 I graduated high school and moved from the West Bank to Kuwait. I had an Israeli-issued residency permit [*tasrih*] that I renewed every year. The last time I renewed it, its validity expired in 1986.

Two weeks before its expiry, I traveled from Kuwait to Amman and from there to the West Bank. At the crossing bridge, I gave the Israeli soldier my permit, and copies of the previous renewals. A while later, she came back and said, “You did not renew your permit.” She had lost the last renewal form. She returned the other ones to me, and sent me back to the East Bank. At the Jordanian crossing, I received a yellow card, for the first time.

I went back to Kuwait, and in 1990, with the Iraqi invasion, I came back to Jordan. In 2005 my wife renewed her passport, and was sent to the Follow-up and Inspection Department, which sent her to the Ministry of Interior’s Legal Department. There, they told her that she had to add our six children to my Israeli permit and that we had to renew it. This is despite her being fully Jordanian. They made me sign an undertaking that I would renew my Israeli permit within six months or pay a fine of 500 dinars. Whether I pay or don’t pay, that changes nothing. It is simply fraud. I did not pay.

In 2007 I received a call from an official at the stock market. He told me I had to go to the Civil Status and Passports Department in the Ministry of Interior and renew my Israeli permit. A parliamentarian went on my behalf, and confirmed that all of us had our nationalities withdrawn, with the exception of my wife.

At that point I engaged an Israeli lawyer and paid him US\$3,000 to retrieve the identity card and permit stored in Beit Il [the settlement in the West Bank that is the seat of the occupation administration]. He did not manage [to] and asked [for] more money. In the end, I have paid \$12,000 with no result.

⁹⁵ Human Rights Watch interview with Darwish Qawasma, Amman, January 29, 2009.

I have a Jordanian ID which expires in 2017. I have a passport that expires at the end of June 2009. After that I will be de facto stateless.”⁹⁶

Zahra

“My father’s been here [in Jordan] forever and we were born here. We never even had a yellow card. Then, last year, suddenly, he was informed that his national number had been withdrawn when we returned on a flight from the United States. We, his children, are adults, but our numbers were also withdrawn nonetheless.”⁹⁷

Umm Randa Abdullah

“My husband was born in 1957 in Qabtiya, close to Jenin, in the West Bank. His family lived in [East Bank] Jordan, but his mother went home to give birth. A few weeks later, she came back with him. His father and grandfather are Jordanian, and worked as public employees.

In 1975 my husband went to work in Qatar. We married in 1983, and I moved with him there. In 1986 we moved back to Jordan and my husband worked for a state-owned company, linked to the Supplies Ministry. Then he worked for two years in a private company until he had a stroke two years ago.

In 2006 we did not have a valid passport for me or the children, so we applied for one, and went to the Amman Passports Department. They told us to go to the Follow-up and Inspection Department, which told us that my husband’s nationality had been withdrawn and we couldn’t get passports for the kids. I am Jordanian and have a passport. My husband currently holds a passport with a national number, due to expire in 2011.”⁹⁸

Yusif Dawudiya

“I was born in 1939 in Bait Dajan by Yaffa [in today’s Israel]. In 1948 the whole family came to Amman. In 1951 or 1952 I got Jordanian nationality. I am an UNRWA [United Nations Relief and Works Agency] registered refugee. I completed primary and secondary education in Jordanian public schools. Then I studied in Cairo.

On December 27, 1961, I began work for UNRWA in Amman. In 1968 they transferred me to Qalandiya [in the West Bank], outside Jerusalem. I also had a UN passport and travelled a

⁹⁶ Human Rights Watch interview with Abbas, May 24, 2009.

⁹⁷ Human Rights Watch interview with Zahra, Amman, January 28, 2009.

⁹⁸ Human Rights Watch interview with Umm Randa Abdullah, Amman, January 26, 2009.

lot. It was a job requirement for me to move there. The Jordanian Ministry of Interior agreed to the move.

In 1984 UNRWA decided, with approval by the government of Jordan, to move me back to Amman. I did not receive a UNRWA expatriate allowance because I was considered Jordanian.

When I crossed the bridge into the East Bank in 1984, however, the official gave me a green card, saying it was only for facilitating my travel between the West Bank and Amman. But once in Amman, my five children were not allowed into government schools until UNRWA wrote letters on my behalf.

In 1985 I received a normal new passport, valid for five years. In 1987 I bought a house in the Sports City neighborhood of Amman and was able to register it in my name.

In 1990, when I went to renew my passport, the Follow-up and Inspection Department called me and told me that I needed a residency permit, because I had a green card and was thus not a Jordanian. Ever since, I have been a non-Jordanian.”⁹⁹

Basil

“I was born in Nablus in 1962, and came to [East Bank] Jordan in 1983, and was given a green card. In 1986 I was served with a notice to do national [military] service, an indication that I am a Jordanian. In March 1986 I arrived at the Amman airport from abroad, and was taken to the army. They took my [military] service book [*daftar al-khidma*] away, and fined me 30 dinars for not reporting for duty. Then they deported me to the West Bank.

Two or three months later I was allowed back into Jordan, and started work in a restaurant. Later, I opened my own restaurant in Zarqa. In 1989 I married, and wanted to register a house, but couldn’t. I have been in the West Bank only once since 1987. I have an Israeli[-issued] permit, it is open-ended and does not have to be renewed. In 1995 I went to the West Bank with my wife to register my two children for the permit, but the Israelis refused.”¹⁰⁰

⁹⁹ Human Rights Watch interview with Yusif Dawudiya, Amman, January 29, 2009.

¹⁰⁰ Human Rights Watch interview with Basil, Amman, January 29, 2009.

Dr. Walid

“I was born in Nablus in 1955. In 1967 my family went to Kuwait. Until 1972, I went back to the West Bank every year, but not after that. After 1976, I went to study medicine in Pakistan, finishing with my specialization in 1987. In 1988 I began work in Saudi Arabia, but in 1991 I was fired when Saddam invaded Kuwait, and went back to Jordan, where I work in a hospital. In 1993 I married a Jordanian and received a family book. In 1994 our first child was born and entered into the family book.

In 1982 or 1983, on a visit to the West Bank, I had received a green card from the Jordanians at the bridge, but never had any problems with staying in Jordan, until I went in 1996. That year I renewed my passport and received one without a national number, which I had had before. They also crossed my name out of the family book and issued a new birth certificate for my child, classifying her as Palestinian.”¹⁰¹

Ali

“I was born in Amman in 1972 and have been an Amman resident from elementary school to university. My mother is from the West Bank and had an Israeli-issued residency permit, listing six unnamed “accompanying” [*murafiq*] persons. The permit expired at some point I think.

About two years ago, in 2007, my brother Muhammad went to get his driver’s license. At the office they asked him to extend his permission to further postpone his [military] “flag service.” When he went to that office, they told him to go to the Follow-up and Inspection Department where officials told him that our mother’s Israeli residence permit was expired, and therefore ours was, too, and therefore our nationality would be withdrawn. This happened on September 23, 2007.

My mother had already passed away when this happened. Nevertheless, we spent money to try to get an Israeli permit for us, but without success. You know, one day the Israelis give permits, the next day they don’t, it is unpredictable.”¹⁰²

May

“I was born in 1978 in Saudi Arabia, and moved to Amman in 1991, having been forced [to leave] by the Saudi government. My family is originally from ‘Ilam, by Tulkarem [in the West

¹⁰¹ Human Rights Watch interview with Dr. Walid, Amman, January 29, 2009.

¹⁰² Human Rights Watch interview with Ali, Amman, May 24, 2009.

Bank]. My father, born there in 1937, was a teacher before moving to Saudi Arabia in 1960. Our family always had a Jordanian passport and it was always renewed. I went to government schools, and in 1995, to Al al-Bait University, a government university. I graduated in 1999, and became engaged. I married in 2001 and continued studying and obtained a masters degree in 2004. That year, I began working as a teacher for disabled children, teaching 4th through 9th graders at a government school.

In July 2000 my father obtained an Israeli visit visa to the West Bank for me and my younger sister. I went to the West Bank on my Jordanian passport containing a Jordanian national number. While there for two weeks, I also got a Palestinian ID, which said that I was not married. I went back to Jordan and received a green card at the bridge crossing. Within two weeks, we were able to change our green to yellow cards at the Follow-up and Inspection Department.

On June 14, 2007, I went again to the West Bank with Jamila, my almost-five-year old daughter, and Rami, my younger son. We went to Ramallah to the Ministry of Interior to get Palestinian IDs for the children. The Palestinian Authority approved the papers and sent them on to Beit Il, the Israeli occupation administration. Israel said that I married in 1999, but obtained my Palestinian ID in 2000 as an unmarried woman, and hence on false grounds, and withdrew my Palestinian ID. In Islam, we consider the marriage to be in force after it is consummated, although we write a contract and get it authenticated by the judge before. I got engaged in 1999 and concluded a contract to be married, but only wed my husband in 2001.

But now the Jordanians did not let me and my children back to Jordan and confiscated our passports, saying we were Palestinians and did not have an Israeli permission allowing us to return to Palestine if let into Jordan. After my husband made calls and spoke publicly from Amman, we were allowed to enter two weeks later and got our Jordanian passports back. In December 2007 we went to renew my passport, and they sent me to the Follow-up and Inspection Department. I had to go four times, but they said I should bring my husband before they could renew it, because he had written about the matter in the newspapers. On February 2, 2009, I finally got a new passport with a national number, and with a yellow card. That too is a mistake since I no longer have a Palestinian ID or permit and am thus no longer Palestinian.”¹⁰³

¹⁰³ Human Rights Watch interview with May, Amman, April 3, 2009.

Rafiq

“I was born in 1953 in Tulkarem, and moved to Kiev [Ukraine] in 1973; I finished my studies there in 1979, and moved to Kuwait in 1980. In 1990 I had to move back to Jordan. I renewed my Israeli residency permit [*tasrih*] every year from 1973 to 1990, when it became impossible because of Saddam’s invasion. In 1986 I added my two daughters to the permit. I even paid 5,000 dinars in bribes to get them on the permit. In 1988 I bought a house in Jordan.

I renewed my Jordanian passport in 1991, 1996, 2001, and 2006. My current passport expires in 2011. On September 9, 2001, I was issued a Jordanian ID with a national number. My mother died in 1996, and I went to Israel with a visit visa permit for three days, not with a yellow or green card. That is the last time I was in the West Bank.

In December 2007 I went to the Follow-up and Inspection Department to renew the postponement of military service for my son, who is in university. The official told me that my nationality was withdrawn because I had not renewed my Israeli residence permit.

I don’t know what to do. We still all have our currently valid passports with national numbers, but they will expire. I do not have Palestinian nationality and I even got a letter from the PA [Palestinian Authority] ambassador, and, a few months ago, from the Palestinian prime minister, to prove that.”¹⁰⁴

¹⁰⁴ Human Rights Watch interview with Rafiq, Amman, May 25, 2009.

IV. Due Process

Arbitrary Application

In all of the examples cited, the person was not a resident of the West Bank at the time of the disengagement in 1988. In many cases, the person had established a presence in Jordan before 1988, or right after 1991, when Jordanians of Palestinian origin were forced to leave Persian Gulf countries, and Kuwait in particular. Around 250,000 Palestinians with Jordanian travel documents arrived in Jordan at the time, the great majority of whom had full Jordanian passports conveying nationality, while others had temporary Jordanian passports not conveying nationality.¹⁰⁵

Withdrawal of nationality from Jordanians of Palestinian origin has taken place since the 1990s, though on the scale of thousands, and not the hundreds of thousands of Jordanians who had returned from Kuwait or lived in Jordan but held green cards.¹⁰⁶ As noted above in Chapter III, 2,732 Jordanians had their nationality withdrawn based on the disengagement instructions from 2004 until 2008 (no statistics are available prior to 2004).¹⁰⁷ The fact that hundreds of thousands of persons are presumably in a similar situation living in Jordan indicates that the process of withdrawal is highly selective in its application. There appears no discernable pattern to the selection.

The withdrawals of nationality also have other arbitrary features. In several cases, only certain individuals within a family had their nationality withdrawn, although all family members were resident in Jordan or abroad as of July 31, 1988. Other family members, such as a brother in the army or a sister who is a public school teacher, who were in the same position regarding their residency, retained their national numbers, and thus their nationality.

Persons who entered another government's service have maintained their Jordanian nationality, despite the legal prohibition thereof. As Dr. Walid assured Human Rights Watch, "There are also Palestinian parliamentarians and even ministers [in the PA] who have their

¹⁰⁵ See Middle East Watch (now Human Rights Watch/Middle East and North Africa), *Nowhere To Go: The Tragedy Of The Remaining Palestinian Families In Kuwait*, October 23, 1991.

¹⁰⁶ I. Bakr, "Sovereignty and Abrogation of Nationality in Jordan" unpublished paper (in Arabic), Amman, 1995, cited in Abbas Shiblak, "Residency Status and Civil Rights of Palestinian Refugees in Arab Countries," *Journal of Palestine Studies*, p.41.

¹⁰⁷ Kamal, "Implementing 'Disengagement' Causes 2,732 Citizens to Lose Their Jordanian Nationality in Five Years", *Al-Ghadd*.

Jordanian national numbers.”¹⁰⁸ Unlike these ministers, Dr. Walid’s brother, who had returned to Jordan from Kuwait in 1991 and began work in 2000 for the Petroleum Company of the Palestinian Authority, had his national number and passport revoked in 2004 because he worked for the PA.¹⁰⁹

In other examples of uneven, and thus arbitrary application, the authorities deprived the Abu Rabb family of their nationality in 2006, but did not deprive the father’s younger brother of his nationality. Both the father and his brother were born in the West Bank, and both had lived in the East Bank since before 1988.¹¹⁰ Fadi obtained Jordanian ID cards containing national numbers for his two younger children between 1999 and 2002, but was unable to do so for his two older children in late April 2007.¹¹¹

Ali tells a similar story. Officials withdrew his nationality, but his older brother, an officer [*mulazim*] in the Jordanian army, retained his nationality, and his older sister, a public school teacher, initially had her nationality withdrawn, but later restored, because she was a government employee.¹¹²

In another example, Basman Basil, who was “deported” from the East Bank to the West Bank in 1986 for failing to report for military service, and given a green card upon reentry to the East Bank in 1987, told Human Rights Watch that he had “three older brothers in Jordan, all of whom have their national number, their [military] service book, although none of them served” in the military.¹¹³

Human Rights Watch obtained contradictory accounts of the possibility of (formerly Jordanian) women to obtain Jordanian nationality through marriage to a Jordanian. Abbas told Human Rights Watch that after his nationality was withdrawn, “All of my children lost their national numbers, even those who were over 18 at the time. My daughter married one year ago. Her husband is Jordanian, but when he went to get his family book, they asked him to surrender his wife’s ID, and register her as ‘Palestinian.’”¹¹⁴ Yusif Dawudiya, however,

¹⁰⁸ Human Rights Watch interview with Dr. Walid, January 29, 2009.

¹⁰⁹ Ibid.

¹¹⁰ Human Rights Watch interview with Umm Randa Abdullah, Amman, January 26, 2009. Copies of family book and passport with national number of younger brother indicating place of birth, and of family book of Abu Rabb family on file with Human Rights Watch.

¹¹¹ Human Rights Watch interview with Fadi, January 29, 2009.

¹¹² Human Rights Watch interview with Ali, May 24, 2009.

¹¹³ Human Rights Watch interview with Basil, January 29, 2009.

¹¹⁴ Human Rights Watch interview with Abbas, May 24, 2009.

said that one of his daughters regained her nationality: “One daughter, Rana, has been married to a Jordanian, Ziyad, for three years and has obtained a national number through him,” he said.¹¹⁵

No-Notice Withdrawals

In all cases that Human Rights Watch reviewed, the withdrawal of nationality occurred without warning and was not based on a publicized change in regulations or policies, or following official notification of the person concerned. Rather, it took place during procedures such as renewal of one’s passport, registering of a child on a family book, seeking extension of a postponement for military service, applying for a driver’s license, or following a trip to the West Bank. Often, the person concerned had been living as a Jordanian in Jordan for years, sometimes decades, and there was no reason to doubt the validity of his or her Jordanian nationality. In some cases, they received passports with a national number, introduced in 1992, only to have the national number, and hence their nationality, withdrawn 10 or 15 years later.

Fadi had lived as a Jordanian in Jordan for 17 years after being kicked out of Kuwait. As noted in the “Accounts” section of Chapter III, when he went to get ID cards for two of his children, ages 16 and 17, in late April or early May 2007, he was redirected to the Follow-up and Inspection Department, where an official told him he must renew his Israeli permit or his Jordanian nationality would be withdrawn. According to Fadi, the official stated, “It is because of the disengagement. It is a rule. You have one month.”¹¹⁶

Darwish Qawasma was also surprised by the manner in which he learned about having lost his nationality during his attempt to renew his passport that sent him shuttling between departments to prove he held a yellow card. Ultimately, his attempts were futile, and he lost his nationality.¹¹⁷

Ali told Human Rights Watch that he learned about his loss of nationality in 2007 only through his brother, who had applied for a driver’s license. The brother was sent to extend his postponement of military service, and, from there, to the Follow-up and Inspection Department where an official told him that nationality would be withdrawn from all of the

¹¹⁵ Human Rights Watch interview with Yusif Dawudiya, January 29, 2009.

¹¹⁶ Human Rights Watch interview with Fadi, January 29, 2009.

¹¹⁷ Human Rights Watch interview with Darwish Qawasma, January 28, 2009.

family.¹¹⁸ Yusif Dawudiya, the Jordanian UNRWA official whose employer sent him to Jerusalem in 1968, and back to Amman in 1984, became a non-national, or at least a second-class citizen, by simple fiat of a Jordanian official who issued him a green card at the Allenby bridge crossing from the West Bank to the East Bank.¹¹⁹

Appealing Withdrawal

The Follow-up and Inspection Department or the Civil Affairs Department of the Ministry of Interior generally did not provide written confirmation of withdrawal of nationality or a legal basis for the decision. The most common explanation was failure to renew an Israeli-issued residency permit for the West Bank (see below). Such a condition for Jordanian nationality, and only for certain Jordanians of Palestinian origin, is not specified in law.

Those who lost their nationality typically sought to appeal the decision not through a judicial appeal (see below) but by making the rounds of various government departments, including the General Intelligence Department. They wrote petitions for restoring their nationality chiefly on compassionate grounds. Successful appeals involved using connections to persons of influence in government. Procedures for administrative reviews were non-transparent and did not reveal the legal bases for decisions made.

In the case of Yusif Dawudiya, an UNRWA intervention secured the right of his five children to attend government schools, which do not admit non-Jordanians, and an appeal to the GID secured a residency permit. At another point, however, the GID decided against his request to swap his green card for a yellow card. Dawudiya said, “The Ministry of Interior gave permission to change the green card to a yellow card, but only if the GID approved. They did not give their approval.”¹²⁰ UNRWA in 1996 appealed to the Foreign Ministry on behalf of Dawudiya to restore his nationality, stressing that “work conditions of UNRWA required the transfer of [Dawudiya] to the West Bank ... from 28.4.1968,” and that Dawudiya held “Jordanian Nationality at th[e] time [he] was transferred from [the] West Bank to Amman ... on 30 July 1984.”¹²¹ UNRWA’s intervention proved unsuccessful, however, and Dawudiya does not know the legal basis for why he officially became stateless in 1990, after having been a Jordanian national for four decades.

¹¹⁸ Human Rights Watch interview with Ali, May 24, 2009.

¹¹⁹ Human Rights Watch interview with Yusif Dawudiya, January 29, 2009.

¹²⁰ Human Rights Watch interview with Yusif Dawudiya, January 29, 2009.

¹²¹ UNRWA Headquarters Amman, Letter from Acting Deputy Commissioner-General Dr. Mohammad Abdelmoumene to Director General, Department of Palestinian Affairs, Jordan, April 21, 1996.

Fadi's appeal directly to Minister of Interior Eid al-Fayez resulted in a review of his case by a special legal committee. Fadi was not informed about the outcome of this review or the legal basis for the earlier decision to withdraw his nationality.¹²² In 2009 he was ready to emigrate to another country as the only option remaining to him, though even that proved harder than he had imagined, because of age restrictions on intending immigrants in his chosen country for emigration.¹²³

Darwish Qawasma, too, said that he "went to the Ministry of Interior and complained" about his loss of nationality, and some review process was initiated. Unlike Fadi, who got the minister's attention, Qawasma was left at the mercy of a rude, lowly official. He said about his review,

They sent me to the Follow-up and Inspection Department. There they told me to bring a letter from the Palestinian Authority certifying that I did not carry a Palestinian identity document. I did and got the certification. When I went back to the Follow-up and Inspection Department, the official, [name withheld], threw the paper on the ground and said, "I have orders from Minister of Interior Eid al-Fayez that we treat Palestinians in Jordan as Palestinians only."¹²⁴

That outburst by a low-ranking official ended avenues of appeal for Qawasma, a truck driver. Several persons Human Rights Watch interviewed complained about the high-handedness of some officials at the Follow-up and Inspection Department. One person told us that an official there "screamed" at a fellow petitioner after being instructed by the minister of interior to restore his nationality: "Who is your connection of influence [*wasta*]? [Former government spokesperson] Asma Khadr? She is the worst!"¹²⁵ Another petitioner who went many times to the Follow-up and Inspection Department commented, "[I]t is unpredictable. In the Follow-up and Inspection Department ... one official there says one thing, another says something else."¹²⁶

¹²² Letter by Fadi to minister of interior, undated, and Ministry of Interior, Letter by Minister of Interior Eid al-Fayez to Director of Follow-up and Inspection Department, Number 2-10/ /79247, May 20, 2007.

¹²³ Human Rights Watch interview with Fadi, January 29, 2009.

¹²⁴ Human Rights Watch interview with Darwish Qawasma, January 29, 2009.

¹²⁵ Human Rights Watch interview with Nadim, husband of May, Amman, April 3, 2009.

¹²⁶ Human Rights Watch interview with Ali, May 24, 2009.

Those with connections in high places do not need to press for an obscure review whose results, let alone the criteria applied, remain inscrutable. Zahra told Human Rights Watch that, although she is a lawyer, her family only considered using connections to restore their nationality: “It was shocking to lose the nationality, but my father is well-connected in the palace,” she said. “It took two weeks to return the national number to me through connections.”¹²⁷

Dozens of persons have gone to the National Center for Human Rights (NCHR), an independent (although government-regulated and -financed) institution. The NCHR assesses cases and intervenes with authorities, but cannot take decisions on such matters. In 2007, 64 persons complained against the withdrawal of their nationality, and in 2008, 30 persons did so.¹²⁸ In its 2007 annual report the NCHR commented that the center

considers that withdrawal of these documents [attesting one’s nationality], and the deprivation of a citizen’s nationality that is associated with them, is, without an initial judicial verdict, arbitrary and a fundamental violation of a right that forms the basis for the enjoyment of other rights in this country.¹²⁹

Dr. Walid found that despite NCHR’s principled position on the matter, the center’s intervention on his behalf remained ineffectual. He said, “In 2005 I complained to the NCHR, and they wrote to the Ministry of Interior, which replied that, sorry, they could not return my national number.”¹³⁰ He does not know the legal basis for the decision and has continued to appeal to the authorities.

Israeli-issued Permits

The most common reason stated for withdrawing nationality was the failure of a Jordanian with a yellow card to obtain or renew an Israeli-issued residency permit, or to obtain an Israeli family unification permit or a Palestinian identity document. Israel controls who obtains Palestinian IDs.¹³¹ Neither Jordan’s nationality law, the disengagement instructions,

¹²⁷ Human Rights Watch interview with Zahra, January 28, 2009.

¹²⁸ National Center for Human Rights, “Report on the Situation of Human Rights in the Hashemite Kingdom of Jordan (2007),” March 2008, p. 37, and “State of Human Rights in the Hashemite Kingdom of Jordan (2008),” April 2009, p. 31.

¹²⁹ National Center for Human Rights, “Report on the Situation of Human Rights in the Hashemite Kingdom of Jordan (2007),” March 2008, p.31

¹³⁰ Human Rights Watch interview with Dr. Walid, January 29, 2009.

¹³¹ Since the Declaration of Principles signed between Israel and the PLO in 1993, Palestinians have also been able to obtain a Palestinian-issued “passport.” See “Residency Rights in the WEST BANK and the GAZA STRIP (excluding East Jerusalem),”

nor any other published law or decree provides for conditional nationality based on such documents. The absence of a clear legal basis casts doubt on the validity of the requirements to obtain such documents to maintain Jordanian nationality. The fact that obtaining these documents is dependent on the actions of another sovereign state calls into question whether these requirements should properly be among the conditions for holding Jordanian nationality.

In most but not all cases that Human Rights Watch reviewed, Jordanian authorities withdrew nationality from its nationals of Palestinian origin who did not have valid Israeli-issued residence permits, regardless of their presence in the West Bank or in the East Bank in July 1988, when King Hussein announced Jordan's "disengagement" from the West Bank. Statements by officials confirm that this constitutes Jordanian policy. In July 2008 *Al-Ghadd* reported that the Follow-up and Inspection Department was applying instructions stipulating that citizens who have not renewed their permits would have their nationality withdrawn "according to the law."¹³² Those instructions, or legal provisions, have not been made public, if they exist at all. The minister of interior in 1988-89, Raja'i Dajani, in a public lecture in Amman on February 24, 2008, stated, "I directed a letter to the director of the Follow-up and Inspection Department dated February 21, 1989, agreeing to issue permanent Jordanian passports to persons whose [Israeli] permits had expired."¹³³ Minister of Interior Nayif al-Qadi in June 2009 also insisted that the original disengagement instructions of 1988 had not been amended.¹³⁴

Nevertheless, Ministry of Interior Spokesperson Ziyad al-Zu'bi recently introduced what appears to be yet another novel category of conditional and temporary Jordanian nationality. He indicated that Jordanians of Palestinian origin are Jordanian only until there is a political solution to the Israeli-Arab conflict. In an interview with *Ammonnews.net* published on July 18, 2009, al-Zu'bi declared that

Alternative Information Center's division Article 74, issue 8-9, May 1994, <http://www.badil.org/Publications/Article74/1994/art8-9.htm> (accessed August 26, 2009).

¹³² "Deputy Dawud: No Harassment or Withdrawals of Nationality from the Cards Campaign", *Al-Ghadd*, July 22, 2008. The report based on Jordan news agency Petra detailed a visit to the Interior Ministry's Follow-up and Inspection Department by a member of parliament's Public Freedoms and Citizen Rights Committee, Fakhri Dawud, who sought to ascertain the propriety of procedures in granting renewals of yellow and green bridge crossing cards. Dawud further explained that Jordan's policies in this regard "served the Palestinian Authority and contributed to preserving the Arab identity of Jerusalem and the stability of its citizens there."

¹³³ Raja'i Dajani, "Withdrawal of Nationality."

¹³⁴ Mu'ayyid Abu Subaih, "Al-Sharif: What is Happening is a Correction of the Situation of Palestinians and Not Withdrawal of Nationality", *Al-Ghadd*, June 28, 2009.

the yellow card is given to those who have obtained a family unification [document from Israel], and they have all the civil rights that a Jordanian has, with the exception that the card signifies that the person will return to his homeland in the event that a settlement of the Palestinian question has been reached¹³⁵

This notion of conditional and temporary nationality does not comport with King Hussein's July 1988 assertion that Jordanians of Palestinian origin "have the full rights of citizenship and all its obligations, the same as any other citizen irrespective of his origin."¹³⁶

Jordan is withdrawing nationality even ahead of a political solution, claiming these Jordanians of West Bank origin lack documents allowing them to return eventually to Palestine. The experiences of these persons Human Rights Watch interviewed show how difficult it is to obtain these Israeli documents. Israel's system for issuing the documents of legal residence appears to be as obscure and arbitrary as the Jordanian procedures for withdrawing nationality or appealing that decision.

Three persons told Human Rights Watch that they tried to obtain the documents in person from Israeli authorities. After losing their Jordanian nationality, however, they were not able to acquire a visa from Israel to visit the West Bank in order to try to obtain such an Israeli permit in person. Instead, they hired Palestinian or Israeli lawyers to act on their behalf. Without exception, however, and despite fees for lawyers or middlemen reaching more than \$10,000 in some cases, they were unsuccessful.

One person who tried to obtain an Israeli permit, Fadi, said that following the decision to withdraw his nationality, "I hired a lawyer in Nablus who got the reply from the Israelis that 'he is not in our records.' Two weeks ago, the lawyer filed a case in Israeli court. I have to see."¹³⁷ In May 2009, four months after Human Rights Watch first interviewed Fadi, he added,

I received a letter from the Israeli authorities confirming that I am "not a Palestinian," which is what the [Jordanian] intelligence officer I spoke to said I should get to show the Jordanian officials in order to get my nationality

¹³⁵ "'Interior' Clarifies Disengagement Instructions Regarding Yellow and Green Cards," *Ammonnews.net*, July 18, 2009, <http://ammonnews.net/article.aspx?ArticleNo=41930> (accessed December 22, 2009) (emphasis added).

¹³⁶ King Hussein, "Address to the Nation," July 31, 1988, www.kinghussein.gov.jo.

¹³⁷ Human Rights Watch interview with Fadi, January 29, 2009.

back. I went with this letter to the Follow-up and Inspection office, and the official there said because of that letter I am “not Jordanian.”¹³⁸

Basman Basil also said he did not know how to fulfill the Jordanian authorities’ request to renew his Israeli residency permit in order to maintain his Jordanian nationality, as he has an open-ended Israeli-issued permit that does not have to be renewed. And because his attempt in 1995 to add his children to that permit was unsuccessful (see Chapter III), his children have now lost their Jordanian nationality too.¹³⁹

Abbas attempted to renew his Israeli residency and to add his children on instructions in 2005 of the Jordanian Ministry of Interior’s Legal Department, but was unsuccessful with the Israeli authorities.¹⁴⁰

Judicial Redress

Jordanian administrative decisions can be appealed before the High Court of Justice; however, the court’s jurisdiction does not extend to questions involving “acts of sovereignty.”¹⁴¹ In an early case brought against the withdrawal of nationality, the court in 1990 decided that the disengagement instructions

are acts of the State acting as a sovereign and not as an administrative authority. That sovereign has the power to determine that the petitioner, and those who are in the same positions, are Palestinian citizens.

It is a well recognised principle that issues of citizenship fall within the very domestic jurisdiction of the State, and the regulation thereof is a matter that pertains to its sovereignty.¹⁴²

It is difficult to reconcile this apparently unlimited latitude to regulate citizenship that the court grants the sovereign with Jordan’s constitutional mandate that nationality shall be regulated by law. The nationality law provides defined conditions for granting, losing, and withdrawing nationality.

¹³⁸ Human Rights Watch interview with Fadi, May 24, 2009.

¹³⁹ Human Rights Watch interview with Basil, January 29, 2009.

¹⁴⁰ Human Rights Watch interview with Abbas, May 24, 2008.

¹⁴¹ Law of the High Court of Justice No 12, *Official Gazette*, no 3813, March 25, 1992, p. 516, art. 9.

¹⁴² High Court of Justice, Decision 164/90, cited in *The Palestine Yearbook of International Law 1990-1991*, p. 70.

The High Court's 1990 decision has not barred judicial appeals, but it has set a precedent and deterred those whose nationality has been withdrawn from seeking redress in the courts. Ali told Human Rights Watch, "I talked to a friend who is a lawyer and asked what we can do. He told me, 'Do not go to court, these are acts of sovereignty, and if you do, the officials will see this as a serious challenge. Try to resolve it in another way.'"¹⁴³

Rafiq also did not go to court. "What happened was that in 2006, a US and Jordanian dual national had his citizenship withdrawn and went to court and lost," he said. "After that, the Follow-up and Inspection Department started to really ramp up withdrawing nationality. That's why I did not go to court. You have more to lose than to win by [going to court and] making [your loss of nationality] official."¹⁴⁴

In 2006 "only nine" persons appealed decisions to withdraw their nationality to the High Court of Justice, according to NCHR.¹⁴⁵ None of the 11 persons Human Rights Watch interviewed sought judicial redress, despite the fact that they had access to available laws and rulings, and had the resources to hire lawyers.

The lack of confidence in the courts may not be justified, as the High Court of Justice has ruled in several cases against the decisions to withdraw nationality, although a lawyer told Human Rights Watch that the court has rarely ruled in favor of applicants since the late 1990s.¹⁴⁶ The court has only provided individual redress, however, the government has continued its practice of arbitrarily withdrawing nationality.

Former Minister of Interior Raja'i Dajani, who currently practices as a lawyer, listed six individual cases in which the High Court lent credence to arguments similar to those presented in this report against the legality of withdrawing nationality.

In a 1997 decision, the court established that nationality cannot be withdrawn "except in accordance with the provisions of the law," and that "it is not allowed to revoke nationality on the basis of decisions that the [government] bureaucracy issues." The court also affirmed that the law allows for dual nationality, saying that among provisions for loss of nationality according to article 18 of the law of nationality is not "that a Jordanian has obtained the

¹⁴³ Human Rights Watch interview with Ali, May 24, 2009.

¹⁴⁴ Human Rights Watch interview with Rafiq, May 25, 2009.

¹⁴⁵ National Center for Human Rights, "Report on the State of Human Rights in the Hashemite Kingdom of Jordan, 2006," 2007, p. 31.

¹⁴⁶ Human Rights Watch telephone interview with a lawyer who has experience in cases of nationality withdrawal, name withheld on request, Amman, December 22, 2009.

nationality of another state.” Similarly, the claimant’s current possession of a Palestinian passport and presence in the West Bank for work did not affect his right to nationality.¹⁴⁷ In a 2000 verdict, the court affirmed that the child of a Jordanian father is Jordanian, even if the father later renounces his Jordanian nationality.¹⁴⁸

The court in the 1997 verdict also pronounced on the link between the color-coded cards and loss of nationality: “Exchanging the yellow card (which grants nationality to the Jordanian) with a green card (which grants nationality to the Palestinian) does not revoke Jordanian nationality from the claimant as long as this exchange took place by way of the Follow-up and Inspection Department and did not occur according to his request or wish.”¹⁴⁹

¹⁴⁷ Decision 212/97, High Court of Justice, October 15, 1997, cited in Dajani, “Withdrawal of Nationality,” p. 12.

¹⁴⁸ Decision 477/97, High Court of Justice, October 15, 1997, cited in Dajani, “Withdrawal of Nationality,” p.14.

¹⁴⁹ Decision 212/97, High Court of Justice, October 15, 1997, cited in Dajani, “Withdrawal of Nationality,” p.12.

V. Rights Affected by Loss of Citizenship

The loss of nationality has not only left those affected feeling insecure, but also materially affects their exercise of basic human rights, such as the right to participate in public life, the rights to family life, education, health, work, and the right to property.

The victims of arbitrary withdrawal of their Jordanian nationality also told Human Rights Watch about other ways in which the decision has affected their lives and that of their families. Dr. Walid said, “Passport renewal fees for us [stateless Palestinians] are 50 dinars, but only 20 dinars for Jordanians.”¹⁵⁰ Others said that their driver’s licenses were now valid only for a one year instead of several years, and that they needed GID permission to obtain them.¹⁵¹

Becoming stateless affected the ability to travel, too. Fadi Abbas and other interviewees were reluctant to obtain the temporary passport Jordan offers non-Jordanian Palestinians as a travel document. Abbas said his old passport with a national number expired in June 2009, but he did not want to apply for a temporary passport without a national number, thus documenting his statelessness. In particular, he wanted to keep his loss of nationality a secret so that his pension as a Jordanian would not be challenged. As a result, he does not have a passport and cannot now travel.¹⁵² Describing a perfect Catch-22, Fadi said, “Now that we are without nationality, we cannot get a visa from Israel to go to the West Bank to try to sort out our situation there first hand.”¹⁵³

Right to Family Life

The decisions to withdraw nationality, and thus, in theory, the right to residency in Jordan, have threatened to split-up families, separating spouses from one another, or children from one parent. In all cases Human Rights Watch reviewed, the loss of Jordanian nationality for a man of Palestinian origin entailed the loss of nationality for his children, and often their children too.

¹⁵⁰ Human Rights Watch interview with Dr. Walid, January 29, 2009.

¹⁵¹ Human Rights Watch individual interviews with several persons who had lost their Jordanian nationality, Amman, January 29, 2009.

¹⁵² Human Rights Watch interview with Abbas, May 24, 2008.

¹⁵³ Human Rights Watch interview with Fadi, May 24, 2009.

Dr. Walid complained that, even if he wanted to, “I cannot live in the West Bank because my wife cannot join me there, she has no family unification [permit].” Meanwhile, his presence in Jordan has become precarious:

In February 2007 the [Jordanians] would not give me a residency permit without [my] registering my three other children with the Israelis. They said I had two weeks. I took them to the West Bank, and it took two weeks to register them with Israel and the Palestinian Authority. They had to miss school during that time. Now, I can get a residency permit for one year with GID approval.¹⁵⁴

Abbas said that his adult daughter’s presence in Jordan, and thus her marriage, is now at risk after the authorities reclassified her as Palestinian after he lost his nationality: “My daughter married one year ago. Her husband is Jordanian, but when he went to get his family book, they asked him to surrender his wife’s ID, and registered her as ‘Palestinian.’”¹⁵⁵ Stateless Palestinians with spouses or fiancés working overseas have problems because Gulf states make it difficult for Palestinians to obtain visas, including those with temporary Jordanian passports. Even Jordanians of Palestinian origin may find it difficult to obtain such visas because of the difficulty of obtaining certificates of good conduct from the Jordanian GID. Umm Randa told Human Rights Watch,

My daughter is 22 years old and engaged to a Jordanian who works in Dubai, but she can’t marry and go there because she has no passport. My other daughter Riham is already married to a Jordanian in Kuwait, but she cannot go and join him there because she has no [full] passport [required for a Kuwaiti residency visa].¹⁵⁶

Right to Health

Jordanians can obtain certain medical treatment for free or at low cost at public health facilities. Stateless Palestinians are excluded from those benefits.

Dr. Walid, the doctor, explained to Human Rights Watch that only “citizens receive a white health insurance card. They pay a small fee at government institutions. We [non-Jordanians]

¹⁵⁴ Human Rights Watch interview with Dr. Walid, January 29, 2009.

¹⁵⁵ Human Rights Watch interview with Abbas, May 24, 2009.

¹⁵⁶ Human Rights Watch interview with Umm Randa Abdullah, January 26, 2009.

don't have that." He gave the example of a Palestinian who, without the white insurance card, would pay perhaps 350 dinars for an appendectomy at a government hospital. A Jordanian with a white insurance card, however, would pay only a few dinars at a government hospital.¹⁵⁷

Umm Randa, whose husband had his nationality withdrawn, was faced with choosing between the health of her children, who had also lost their nationality, and attempting to restore their nationality. Her children suffered from a rare disease and needed to see a foreign specialist. She did not want to acknowledge their statelessness through the formal documentation of a temporary passport without a national number. She described her situation to Human Rights Watch:

I have two children suffering from Mediterranean Sea Fever for over 15 years. There is one specialist for the disease we found in Damascus. My husband talked to him and he told us to come. In 2006 we did not have a passport, so we applied for one, and went to the Amman Passports Department. They told us to go to the Follow-up and Inspection, who told us that my husband's nationality had been withdrawn and we couldn't get passports for the kids. He said that out of humanitarian considerations, he could give us a temporary passport, that is, one without a national number printed in it. But we didn't want that because it can be used to acknowledge that nationality has been withdrawn.¹⁵⁸

Jordan does not provide essential infant vaccinations to all children in Jordan irrespective of nationality or legal status, Darwish Qawasma said. As stateless Palestinians, they have to pay for the vaccinations themselves. He explained,

I have a 30-year-old daughter who had a child and went to the Ministry of Health clinic to get the vaccinations, but they refused to give them to the child because she did not have a national number. They had to go to the private hospital and pay out of their pocket.¹⁵⁹

¹⁵⁷ Human Rights Watch interview with Dr. Walid, January 29, 2009.

¹⁵⁸ Human Rights Watch interview with Umm Randa Abdullah, January 26, 2009.

¹⁵⁹ Human Rights Watch interview with Darwish Qawasma, January 29, 2009.

Right to Education

Jordan does not allow non-citizen children to attend its state elementary and secondary schools. Children whose fathers had their Jordanian nationality arbitrarily withdrawn are thus denied access to these schools, even if they previously attended as citizens. Non-Jordanian children also face higher university fees, putting the dream of a degree beyond their reach. These now-stateless Palestinians do not have home countries whose education system they easily can turn to. Due to the difficulty of obtaining foreign visas, they may not be able to choose affordable universities in other countries to pursue their education.

Primary education

Under the Convention on the Rights of the Child, as well as the ICESCR, primary education must be compulsory and free of charge to all. Under the Convention Against Discrimination in Education, foreign nationals resident in the territory must have the same access to education as nationals.¹⁶⁰ Yet Jordan bars foreign children from its state schools. (In an exception to this rule, Jordan allowed Iraqi children free primary education in public schools in 2007, following an international outcry over their situation.¹⁶¹) While there are many private schools, their fees are steep. Some persons Human Rights Watch interviewed said their children continued to attend public school, because they had a national number at the time of enrollment and the school did not find out about their change in status. These parents seemed to worry constantly about being found out as a stateless Palestinian, another reason they preferred to keep expired passports containing a national number.

Fadi explained that his passport “expired in April 2007 ... I want to have the children finish high school before I renew my passport now without a national number. If I do that, it is proof. Better to have an expired passport with the number.”¹⁶² Another person in that situation was Umm Randa, who said her children were “in sixth, eighth, and twelfth grade. So far, the school has not caught on that we’ve lost our nationality and are not allowed to attend public school any longer.”¹⁶³

¹⁶⁰ See also the *Yean and Bosico* case, above. The Inter-American Court in that case (in para. 244 of the decision) required the state to “guarantee access to free primary education for all children, irrespective of their origin or parentage, which arises from the special protection that must be provided to children...”

¹⁶¹ See “Jordan: Government Pledges to Grant Iraqis Education, Health Rights,” Human Rights Watch news release, August 15, 2007, <http://www.hrw.org/en/news/2007/08/15/jordan-government-pledges-grant-iraqis-education-health-rights>.

¹⁶² Human Rights Watch interview with Fadi, January 29, 2009.

¹⁶³ Human Rights Watch interview with Umm Randa Abdullah January 26, 2009.

Others we spoke with told us that their children had been actually excluded from public schools. Darwish Qawasma, the truck driver, said,

My children were in the [name withheld] public schools. In this school year, I have four children and grandchildren in school; the youngest is six years old. Now, they have no family book, no national number, and they are no longer accepted in school. I pay 150 dinars per month for all four now in the [name withheld] private school.¹⁶⁴

By comparison, a teacher's monthly salary in Jordan is not much more than 150 dinars.

Ali said he would soon face the prospect of significant expenses for his children's education. "I have young children, still in the [private] kindergarten," he said, "but I will have to pay double the fees of Jordanians soon, when they enter private school, because I am now a foreigner."¹⁶⁵

Dr. Walid explained just how high these expenses can be for typical families with many children. He said four of his children "were canceled from their mother's passport. All kids are in private school because I have no national number, and they don't either. Right now, I pay 3,000 dinars in school fees for my children each year."¹⁶⁶

The children of two persons whom Human Rights Watch interviewed were in private schools out of choice. Following the withdrawal of their father's nationality, these children now required a security clearance from the General Intelligence Department. Fadi said that he sent his children to private school "because they are better. Now, however, they require GID permission to go to private school. To take their high school exams [*tawjih*], my children need their ID card, but the younger ones don't have one."¹⁶⁷

University education

University attendance is another difficult question for aspiring students whose fathers' nationality has been withdrawn. Foreigners pay double the fees Jordanians pay per credit hour of courses they take, and some wonder whether they can afford to study.

¹⁶⁴ Human Rights Watch interview with Darwish Qawasma, January 29, 2009.

¹⁶⁵ Human Rights Watch interview with Ali, May 24, 2009.

¹⁶⁶ Human Rights Watch interview with Dr. Walid, January 29, 2009.

¹⁶⁷ Human Rights Watch interview with Fadi, January 29, 2009.

Human Rights Watch met Rania in the middle of her high school exams, and she was due to finish school in February 2009. But her mother said that “she cannot go to university because the fees for foreigners are so high.”¹⁶⁸ Basman Basil was equally worried, saying he could afford private school, but was unsure about university: “I have three children, all of whom are going to private school, out of choice. The oldest wants to go to university now, but it will cost 70 dinars per semester hour.”¹⁶⁹

High fees were not the only problem. Like some private schools, universities apparently also require GID clearance for stateless Palestinians. Dr. Walid said, “My son will go to university, I hope, and it is a problem for him because he also needs GID approval and will need to get a [Jordanian] residency of his own.”¹⁷⁰

Rafiq, whose children enrolled at university when they were still Jordanians, worried if they would be able to graduate, or if they would retroactively charge him fees as stateless Palestinians. He had eight other children and did not know whether he could afford for them to go to university or whether they would be admitted.¹⁷¹

Right to Work and Social Security

As stateless Palestinians, those stripped of their Jordanian nationality automatically lose the ability to work as public employees for the government. What is more, loss of nationality entails a host of additional obstacles to work in the private sector. Human Rights Watch did not find cases in which Palestinians were required to obtain work permits, like other foreigners, although some said in theory they would be obliged to do so.

The General Intelligence Department in Jordan reportedly has to give its consent for individuals to work in certain private companies, especially banks and other strategic firms.¹⁷² Yusif Dawudiya said his son “will finish his master’s degree in 2009, but he cannot find work with private companies because they all require him to have a national number. The GID does not give work approval to those who don’t have the number.”¹⁷³

¹⁶⁸ Human Rights Watch interview with Umm Randa Abdullah, January 26, 2009.

¹⁶⁹ Human Rights Watch interview with Basil, January 29, 2009.

¹⁷⁰ Human Rights Watch interview with Dr. Walid, January 29, 2009.

¹⁷¹ Human Rights Watch interview with Rafiq, May 25, 2009.

¹⁷² Human Rights Watch interview with Abbas, May 24, 2009.

¹⁷³ Human Rights Watch interview with Yusif Dawudiya, January 29, 2009.

A GID certificate of good conduct is required for obtaining a visa to several Gulf countries, and the GID only provides them for Jordanian nationals. The children of those who worked in Persian Gulf countries and who are now stripped of their nationality face becoming stateless, too, and hence losing the legal basis for their own employment in the Gulf. Abbas said, “My son Muhammad is working in Dubai. He has never been to the West Bank and has no yellow card. His passport expires this year and he will lose his national number.”¹⁷⁴

An inability to travel as freely as he did on a full Jordanian passport has also changed the work Fadi is able to do. He said his boss is sympathetic and keeps him on, despite the fact that he “cannot work like before, because I cannot travel. After returning to Jordan [in 1991], I got a job with a private company and traveled much in Europe and the Arab world.”¹⁷⁵

Darwish Qawasma was more unfortunate, and lost his job when he lost his nationality:

I am a lorry driver on the Amman-Aqaba-Saudi Arabia route. Three months ago my driver’s license was withdrawn when I renewed it. I was told to go to the General Intelligence Department for approval. There they refused, saying rudely to me, “You are a Palestinian mercenary and a spy.” I was given only a license without national number. Then my identity card was withdrawn.¹⁷⁶

In Jordan, professional associations regulated by law support their members and provide retirement benefits. Membership is mandatory to practice a profession in Jordan, but open only to Jordanians. Zahra told Human Rights Watch, “I am a lawyer, and without [Jordanian nationality] I couldn’t practice. To practice, you need to be a member of the lawyers’ professional association, and for that you need to be Jordanian.”¹⁷⁷ Fadi had similar concerns. He said, “My daughter is about to graduate from the College of Engineering this year, but she will not be able to work or even get a driving license because she lost her nationality.”¹⁷⁸

Abbas said he quit his job at a bank just before his passport with his national number expired, explaining that he “can access a better severance package and other benefits,” by resigning as a Jordanian. “I do not want

¹⁷⁴ Human Rights Watch interview with Abbas, May 24, 2009.

¹⁷⁵ Human Rights Watch interview with Fadi, January 29, 2009.

¹⁷⁶ Human Rights Watch interview with Darwish Qawasma, January 29, 2009.

¹⁷⁷ Human Rights Watch interview with Zahra, January 28, 2009.

¹⁷⁸ Human Rights Watch interview with Fadi, May 24, 2009.

them to find out I lost my national number when my passport expires,” he told us.¹⁷⁹ Ali provided more details about the differences between Jordanians, foreigners, and stateless persons regarding retirement benefits: If you are Jordanian, and have worked 18 years and are over 45 years of age, you can claim social security benefits. If you are a foreigner, you can take the amount you paid in with you when you leave Jordan. But as a stateless person without a foreign passport and without a Jordanian national number, I can do neither.

Ali said he worked as an engineer in a private company, and was trying to prevent them from finding out his nationality had been withdrawn. He said he had been paying about 50 dinars in social security contributions each month, while his employer was contributing 100 dinars.¹⁸⁰

Right to Property

Jordanians who lost their nationality are finding that they cannot acquire property, register a car or business, or liquidate their investments. Human Rights Watch has not conducted a review of all applicable laws, but at least in the cases presented here, the rights of these persons to own property appeared to be restricted arbitrarily based on their statelessness.

Yusif Dawudiya, the former UNRWA employee summed up his situation, saying, “In 1999, I received a lump pension sum. In 2002 I bought a house, in my daughter’s name, because I could not do so any longer. I have land in Jerrash, also in her name, as is my car. If I get in an accident, she will be responsible.”¹⁸¹ Basman Basil echoed him, saying, “Right now, I cannot register a car in my name. My house is in my wife’s name, too.”¹⁸²

Dr. Walid thought that “[f]oreigners can only own real estate with the prime minister’s approval, but Palestinians cannot own anything.”¹⁸³ According to Ali, there are ways for foreigners to own real estate, but only if they are wealthy, and being stateless eliminated even that possibility. He told Human Rights Watch,

¹⁷⁹ Human Rights Watch interview with Abbas, May 24, 2009.

¹⁸⁰ Human Rights Watch interview with Ali, May 24, 2009.

¹⁸¹ Human Rights Watch interview with Yusif Dawudiya, January 29, 2009.

¹⁸² Human Rights Watch interview with Basil, January 29, 2009.

¹⁸³ Human Rights Watch interview with Dr. Walid, January 29, 2009.

Last year, I wanted to buy a flat. Because I am not Jordanian any longer, I can only do that as an “investor,” that is, I have to show I have a lot of money. But when I went to the bank to do that, they asked me for my foreign passport. I do not have one, so I could not even become an investor.¹⁸⁴

Being stateless and unable to produce a foreign passport also caused two persons Human Rights Watch interviewed significant financial losses in Jordan’s stock market in 2008. Fadi said,

Eight months ago, I called my stockbroker with instructions to buy and sell shares in my portfolio. He told me I couldn’t, because I am not a Jordanian any longer. You need a national number to trade. I don’t know what to do with my shares. My stocks have been “frozen” since I lost my nationality, because I am stateless. If I had Palestinian nationality, I could access my account again.¹⁸⁵

Abbas first learned of his impending loss of nationality from his stockbroker, who called him to tell him he needed to renew his Israeli residency permit in order to keep his nationality and access his stocks. He said his account was frozen, and that he could not sell or buy stock.¹⁸⁶

¹⁸⁴ Human Rights Watch interview with Ali, May 24, 2009.

¹⁸⁵ Human Rights Watch interview with Fadi, May 24, 2009.

¹⁸⁶ Human Rights Watch interview with Abbas, May 24, 2009.

Acknowledgments

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Annex: Letter to Human Rights Coordinator in the Ministry of Foreign Affairs

New York, January 3, 2010

H.E. Dr. Walid al-Sa'di
Human Rights Coordinator
Ministry of Foreign Affairs
Hashemite Kingdom of Jordan

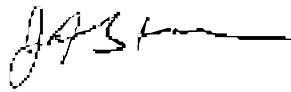
Dear Dr. al-Sa'di,

Human Rights Watch is studying the cases of several Jordanians whose nationalities Jordanian authorities have recently withdrawn to ascertain the compliance of these measures with the human right to a nationality.

We are preparing a report on the subject and are seeking additional information from different parts of the government of Jordan in this regard, detailed in the attached list of questions. We kindly ask you to assist us in coordinating government responses by January 20, 2010. In late May 2009, we already hand delivered a letter on this subject, containing most of the questions below, to the Ministry of Interior spokesperson, Ziyad al-Zu'bi, but received no reply.

We would be pleased to meet with you, with H.E. Minister of Interior Nayif al-Qadhi, and with the head of the Follow-up and Inspection Department in the week after January 26, 2010. We can reflect information we receive from the Jordanian authorities in our public statements on this issue.

Sincerely,



Joe Stork
Deputy Director
Middle East and North Africa Division

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Human Rights Watch's questions regarding proof and loss of nationality in Jordan

We ask for the following information to help us in our assessment:

- 1) Statistics
 - a. How many persons formerly considered Jordanian nationals have had their nationality withdrawn since Jordan's 1988 decision to disengage from the West Bank? How many of those persons were residing in the West Bank at the time of the decision in July 1988?
 - b. Were Jordanians of West Bank origin but residing abroad at the time of the disengagement liable to having their nationality withdrawn. How many of these persons have had their nationality withdrawn, and how many presently hold yellow cards?
 - c. If Jordanian authorities withdraw the nationality of the father, does it follow that his minor or adult children also lose their Jordanian nationality at that time? How many children have had their Jordanian nationality withdrawn based on their father's withdrawal of nationality over the past five years?
 - d. How many persons who at some point after 1988 held Jordanian nationality has Jordan deported to the West Bank since 1996?
- 2) The "green" and "yellow" cards used for crossings at the bridges between the East and the West Banks:
 - a. When were they introduced?
 - b. What are the instructions regarding their use (please attach a copy, including any changes to these instructions)?
 - c. Who receives which card and what does the card entitle the bearer to, or prevent the bearer from doing? Is holding a yellow card compatible with being a Jordanian national?
 - d. Can persons bear a "green" and a "yellow" card at the same time? Can a green card holder be a Jordanian national today?
 - e. Is holding a valid Israeli-issued permit conferring legal residency rights in the West Bank a condition for retaining Jordanian nationality?
 - f. Please attach copies of sample cards
- 3) The National Number:
 - a. When was the National Number introduced?
 - b. What does the National Number signify?
 - c. Who obtains a National Number? Who can lose a National Number?
 - d. What are the administrative procedures for obtaining and losing a National Number?

- 4) Passports:
- a. What classes of passports exist in Jordan, and when did changes to these classifications occur after July 31, 1988? Please provide copies of the changes.
 - b. Were persons deemed habitual residents of the West Bank at any point entitled to Jordanian passports with a five-year validity, as a press report (Al-Ra'i, October, 17, 1995) indicates, and did these passports contain a National Number?
 - c. Do five-year passports indicate whether a Jordanian is of East Bank or West Bank origins?
- 5) Residency and Work Permit:
- a. Do holders of yellow cards require residency permits? If so, what is their validity?
 - b. Can holders of green cards obtain residency permits? What is their validity, and what fees must be paid?
 - c. Can holders of green cards work in the private sector without a work permit?
 - d. Do green or yellow card holders require approval from the General Intelligence Department to obtain residency permits?
- 6) Health and Education:
- a. Who is entitled to the "white" health insurance card? What does that card entitle the holder to?
 - b. Are persons without a Jordanian National Number but residing in Jordan entitled to public emergency health care? What is the fee structure associated with such care at government health facilities?
 - c. Are persons without a Jordanian National Number able to access public health care facilities for preventive and curative medical care, including surgical treatment? If so, what is the fee structure associated with such care, and how does it differ from that accessible to persons with a Jordanian National Number.
 - d. Are persons without a Jordanian National Number entitled to attend free public education, or private education, for a fee? Do these entitlements depend on the age of the child and the type of educational facility, e.g. a primary school?
 - e. Do persons without a Jordanian National Number wishing to attend a public or private educational facility, including primary and secondary schools, and colleges or universities, require approval by the General Intelligence Department?

- f. Are pupils taking the high school (*tawjih*) examinations required to produce an identity document? What documents other than Jordanian issued documents or foreign passports do schools accept as proof of identity?
- 7) Work, Travel, Social Security, Property
 - a. Do Jordanians of Palestinian origin require approval by the General Intelligence Department before being able to work in certain private sector jobs, including in banks?
 - b. Can Palestinians holding a Jordanian temporary passport, and / or a yellow card obtain General Intelligence Department certificates of good conduct to obtain visas to Gulf countries requiring them?
 - c. What provisions exist under Jordanian law for stateless persons, including Palestinians who formerly held Jordanian nationality, to receive social security payments, or their contributions, and to acquire, own, and sell property?

Stateless Again

Palestinian-Origin Jordanians Deprived of their Nationality

Jordan is withdrawing its nationality in an arbitrary manner from Jordanians of Palestinian origin—over 2,700 persons between 2004 and 2008 alone—rendering these former Jordanian citizens stateless. Hundreds of thousands more may be at risk.

Jordan in 1950 extended its sovereignty to the West Bank, which it had occupied in the 1948 Arab-Israeli war, and granted its nationality to Palestinians living there. In 1988, however, King Hussein relinquished Jordan's claims to the West Bank, which Israel had occupied in 1967. Jordanian Interior Ministry regulations specified that only those Palestinians residing in the West Bank in 1988 were to lose their Jordanian nationality.

In 1991, Jordan welcomed back around 250,000 of its citizens of Palestinian origin after Kuwait had expelled them for perceived sympathies with Iraq's invasion of that country in 1990. It is primarily these Jordanians who now risk losing their nationality for failing to possess an Israeli-issued valid residency permit for the West Bank. This is a condition on their citizenship that the Jordanian authorities are newly imposing, and that has no basis in Jordanian law.

The consequences of having one's nationality withdrawn affects the ability to obtain health care on par with Jordanians, to work, to own property, to travel, and that of children to attend public schools. With no other country to turn to, these Jordanians have again become stateless Palestinians deprived of the security of an ordinary life.

*Palestinians wait at the Allenby bridge
between Jordan and the West Bank.*

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