

URGENT ACTION

PALESTINIANS AT RISK OF LOSING RESIDENCY STATUS

Four members of the Palestinian Legislative Council (PLC), Muhammad Abu Teir, Ahmad Attoun, Muhammad Totah and Khaled Abu Arafah, are at risk of losing their permanent residency status in Jerusalem after the Israeli Knesset issued a law that allows the Israeli Minister of Interior to revoke residency status for "breach of loyalty".

On 19 March, Israeli Interior Minister Arye Deri vowed to revoke the residency permits of 12 Palestinian residents of Jerusalem, including four elected Palestinian Legislative Council (PLC) members **Muhammad Abu Teir, Ahmad Attoun, Muhammad Totah** and **Khaled Abu Arafah**, claiming a "breach of loyalty" to Israel for their alleged involvement in "terrorist activity". Deri's statement followed the approval by the Knesset on 7 March of a law that authorizes the Interior Minister to revoke permanent residency status of Palestinians living in Jerusalem who "engage in terror or other anti-Israel activities on the basis that their activities endanger public security or constitute a breach of trust to the State of Israel." The law was approved by the Israeli Knesset in a 48 to 18 vote with six abstentions.

The new law was formulated following an Israeli Supreme Court decision of 13 September 2017 to accept a petition filed by attorney Fadi Qawasmi, with human rights groups Adalah and ACRI as amicus curiae, against the revocation of the residency permits of the four elected PLC members, which was originally proposed by former Israeli Interior Minister Roni Bar-On in May 2006. The Supreme Court ruled then that there was no law that granted the Israeli interior ministry authority to revoke residency status for "breach of loyalty", and that the Minister's decision was therefore illegal. However, the Supreme Court suspended its decision for a period of six months to allow the Minister of Interior to seek the Knesset's support in adopting a new law that would authorize him the revocation of residency status of Palestinian Jerusalemites based on "breach of loyalty". The Israeli Minister of Interior is now expected to issue a decision concerning the four PLC members before 29 April, which is the deadline given to him by the Supreme Court. Attorney Fadi Qawasmi told Amnesty International that he is worried that he will not be able to challenge the decision in court.

Please write immediately in Hebrew, Arabic, English or your own language:

- Urging the Israeli authorities not to revoke the permanent residency status of Palestinian Jerusalemites, including the four Palestinian Legislative Council members.
- Reminding them that the deportations or forcible transfer of Palestinians in East Jerusalem are prohibited by the Fourth Geneva Convention.

PLEASE SEND APPEALS BEFORE 17 MAY 2018 TO:

Minister of Interior

Aryeh Deri
2 Kaplan Street,
PO Box 6158
Kiryat Ben-Gurion
Jerusalem, 91061, Israel
Fax: +972 2 670 1628
Email: sar@moin.gov.il
Salutation: Dear Minister

Minister of Justice

Ayelet Shaked
29 Tsalch Adin Street
Jerusalem 91490
Fax: +972 2 670-6357
E-mail: pniot@justice.gov.il
Salutation: Dear Minister

And copies to:

Prime Minister
Benjamin Netanyahu
Office of the Prime Minister
3 Kaplan St, PO Box 187
Kiryat Ben-Gurion
Jerusalem 91950, Israel
Email: pm_eng@pmo.gov.il
Salutation: Dear Prime Minister

Also send copies to diplomatic representatives accredited to your country. HIS EXCELLENCY MR MARK REGEV, Embassy of Israel, 2 Palace Green Kensington W8 4QB, 020 7957 9500, info@london.mfa.gov.il

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

On 29 May 2006, former Israeli Interior Minister Roni Bar-On moved to revoke the residency permits of four elected Palestinian Legislative Council members Khaled Abu Arafah, Muhammad Abu Teir, Muhammad Totah, and Ahmad Attoun, who are all members of Hamas and residents of Jerusalem if they do not resign their positions within 30 days. The four had been elected to the Palestinian Legislative Council in January 2006 after running on the "Change and Reform" party, a list affiliated with Hamas and was taking part in the PLC and municipal elections in various West Bank cities.

Following the capture of Israeli soldier Gilad Shalit on 25 June 2006 by Hamas at the Kerem Shalom Crossing in the Gaza Strip border, Israeli forces seized dozens of political leaders associated with the "Change and Reform" party in raids across the West Bank and East Jerusalem. On 30 June 2006, the four legislators were arrested, along with other 48 PLC members and 10 ministers on grounds of suspicion of membership in a terrorist organization. On the same date, Interior Minister Roni Bar-On ordered the revocation of the four legislators' permanent residency in Jerusalem.

Following each of their individual date of release, the four lawmakers were summoned by the Israeli police, and had their identification cards confiscated. They were all handed an expulsion decision on 1 June 2010 to leave Jerusalem by 1 July 2010. On 30 June 2010, Abu Teir was arrested for refusing to abide by the deportation order and was set to stand trial in Jerusalem. On 1 July 2010, the lawmakers took refuge and held sit-ins at the International Committee of the Red Cross (ICRC) headquarters in East Jerusalem in protest at their forcible transfer by Israeli forces. On 26 September 2011, Israeli occupation forces raided the ICRC office and arrested Attoun. As a result, on 6 December 2011, legislator Ahmad Attoun was forcibly transferred to the West Bank. On 23 January 2012, Israeli forces stormed into the headquarters of the ICRC in Jerusalem arresting Khaled Abu Arafah and Muhammad Totah. The two legislators were then placed under administrative detention for 24 months. On 16 January 2014, Abu Arafah and Totah were released from Israeli prisons under the condition of being expelled from Jerusalem. Since then, the four legislators have been forcibly transferred into the West Bank and have not been allowed to enter into Jerusalem.

In a statement posted on Twitter on 7 March, Interior Minister Deri stated that the law would be used in order to protect Israeli citizens from Palestinians. "It is another deterrent tool that will be used against permanent residents who plan to carry out attacks against Israeli citizens," Deri stated. "I will activate it to maintain the security of Israeli citizens," he added. Speaking to Amnesty International, PLC member Khaled Abu Arafah stated, "this is another attempt from the Israeli state to forcibly transfer Palestinians from Jerusalem." He added, "it is just a matter of time before we will be expelled indefinitely from the city we were born and raised in."

All four are permanent residents of Jerusalem, a legal status imposed on the Palestinian population of East Jerusalem following Israel's occupation in 1967. After the 1967 war Israel occupied all of the West Bank, including East Jerusalem. Although International law prohibits an occupying country from annexing the land it occupies and further prohibits the occupier from transferring its citizens to the occupied land, Israel ignored both these prohibitions and annexed East Jerusalem. Following the annexation, Israel conducted a census and granted permanent residency status to Palestinians living in the annexed areas but only if they were present at the time of the census. Since the start of Israel's occupation of East Jerusalem in 1967, Israel has revoked the residency status of at least 14,595 Palestinians from East Jerusalem, according to Israel's Interior Ministry.

Under international law, East Jerusalem is considered part of occupied territory and therefore its population is protected by the 1949 Fourth Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War. Therefore, the Israeli authorities are not allowed to forcibly transfer residents of East Jerusalem, who are considered protected persons that cannot be expelled. Israel's decision clearly violates Article 49 of the Fourth Geneva Convention, which prohibits the deportation of protected persons from an occupied territory. Under the Rome Statute of the International Criminal Court "the deportation or transfer [by the Occupying Power] of all or parts of the population of the occupied territory within or outside this territory" constitutes a war crime.

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