



13 June 2010

Anders B. Johnsson, Secretary General
Inter-Parliamentary Union (IPU)
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Case Postale 438
1211 Geneva 19 Switzerland
Via Fax: 014-41-22-919-4160
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Re: Urgent request for IPU intervention to stop the imminent deportation of Palestinian Legislative Council members from Jerusalem due to the revocation of their residency status by Israel

Dear Mr. Johnsson,

We are writing to bring to your immediate attention to the impending deportation of three parliamentarians from the Palestinian Legislative Council (PLC), Mr. Muhammad Abu-Teir, Mr. Ahmad Attoun, and Mr. Muhammad Totah as well as Mr. Khaled Abu Arafah, a former Palestinian Minister of Jerusalem Affairs, from Jerusalem by Israel. This decision violates the Fourth Geneva Convention, which prohibits the deportation of protected persons from occupied territory. Further, it violates the parliamentarians' constitutional rights to continue to live in their place of residence and homeland, as well as their right to family life by preventing them from continuing to live together in East Jerusalem without the danger of separation. It is a draconian and dangerous measure.

As the IPU is aware, the three parliamentarians were elected on the Change and Reform List to the PLC in January 2006. They were subsequently arrested by Israel in June 2006 (four days after the capture of Israeli soldier Gilad Shalit in Gaza), and later sentenced by an Israeli military court for periods of between two and four years for membership in and/or having an official position on the party list.

Upon the release of Mr. Abu Teir from prison in May 2010, the Israeli police notified the parliamentarians and the former minister that they would have to leave Jerusalem and that their residency would be revoked. **Mr. Abu Teir was informed that he must leave Jerusalem by 19 June 2010, while Mr. Attoun, Mr. Totah and Mr. Abu Arafah were ordered to leave by 3 July 2010.**

In May 2006, the then Israeli Minister of the Interior, Roni Bar-On, decided to revoke the permanent residency status of the three parliamentarians and the former minister, who are all from East Jerusalem, on the grounds that they were deemed to be residents of Israel and, therefore, obliged to be loyal to Israel. Nonetheless their actions, membership in the PLC, a

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"foreign parliament", proved otherwise and indicated that their allegiance was to the Palestinian Authority. Attorney Usama Sa'adi filed a petition to the Supreme Court of Israel on behalf of the men against the revocation of the residency status, and Adalah and the Association for Civil Rights in Israel (ACRI) then submitted an amicus brief to the court in 2007 to challenge the Interior Minister's decision.

The Israeli Supreme Court has not issued a decision on the case; it is still pending. This coming week, the legal team will submit a motion for an injunction to the Supreme Court asking to halt the deportation.

The MPs were given a choice by the Israeli Interior Minister: to give up their membership in the PLC or to have their residency rights in Jerusalem revoked. With the Occupation of East Jerusalem in 1967, the government of Israel imposed permanent residency status on the local Palestinian population. It is residency essentially determined by virtue of birth and not by immigration; it was never made conditional on any terms, and there is no justification for its cancellation. Further, following the Oslo Accords, Israel permitted the Palestinians in East Jerusalem to vote and be elected in the elections for the PLC and in the election of the Chairman of the Palestinian National Authority. Only after the petitioners were elected in 2006, and because the election results were not welcomed by the government of Israel, did it decide to cancel their residency status. The cancellation of the MPs residency status would make them stateless, a violation of international law as well as Israeli law.

The withdrawal of residency status and the deportation of Palestinians from East Jerusalem on the grounds of political affiliation is dangerous and unprecedented. If such a decision is permitted to stand, it could facilitate the revocation of the residency status and expulsion of Palestinians from their own city.

Therefore, we urge the IPU to intervene in the most effective ways to stop the deportation of the Palestinian MPs and the revocation of their residency status.

It may be recalled that in July 2006, the IPU "expressed concern at the revocation of the East Jerusalem residence permits of three members of the PLC and recalled that, in keeping with Article 45 of the Hague Convention (IV) of October 1907, which was considered to embody rules of customary international law, the inhabitants of occupied territory, such as East Jerusalem, should not be compelled to swear allegiance to the occupying power. The Committee likewise called on the authorities, in keeping with international law, to reconsider their decision to revoke the East Jerusalem residence permits of the three parliamentarians concerned." It may also be recalled that in July 2007, the Committee noted that "an appeal was pending before the [Israeli] Supreme Court regarding the withdrawal of the East Jerusalem residence permits of Mr. Muhammad Abu-Teir, Mr. Ahmad Attoun and Mr. Muhammad Totah, and hoped that the proceedings would lead to the prompt restoration of those permits."

We thank you in advance for your urgent action on this case. Please do not hesitate to contact us should you require any additional information. We will continue to keep the IPU updated with any new developments.

Yours sincerely,

Hassan Jabareen, Advocate
General Director, Adalah

Usama Sa'adi, Advocate
Counsel for THE MPs

CC: Ms. Ingeborg Schwarz, Human Rights Program Officer, IPU