

Jerusalem Politicians Face Expulsion

Israel creating loyalty test, warn lawyers

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Nazareth — Israeli human-rights groups and Mahmoud Abbas, the president of the Palestinian Authority, have condemned a decision by Israel to expel four Palestinian politicians from East Jerusalem by the end of this week.

The Israeli government revoked their residency rights in Jerusalem a few weeks ago, after claiming they were “in breach of trust” for belonging to a “foreign parliament”, a reference to the Palestinian Legislative Council.

All four men belong to Hamas and were arrested a few months after taking part in the Palestinian national elections in January 2006. They remained in jail until recently as “bargaining chips” for the release of an Israeli soldier, Gilad Shalit, who is being held captive by Hamas.

Observers say Israel’s move reflects its anger at Hamas’s growing hold on the political sympathies of Jerusalem’s 260,000 Palestinians and is designed to further entrench a physical separation Israel has been imposing on East Jerusalem and the adjacent West Bank.

Israel has not said where the three MPs and a former cabinet minister will be expelled to. The loss of residency effectively leaves the politicians stateless, in breach of international law, according to human-rights lawyers.

Hassan Jabareen, the director of the Adalah legal centre for the Arab minority in Israel, said a “very dangerous precedent” was being set. “It is the first time Palestinians in East Jerusalem have had their residency revoked for being ‘disloyal’ and this could be used to expel many other residents whose politics Israel does not like.

“This is a draconian measure characteristic of dark and totalitarian regimes,” he said.

The January 2006 vote for the Palestinian Legislative Council, in which Hamas won a majority of seats against its Fatah rivals, was the first time the Islamic party had participated in a national election.

Jerusalem politicians were allowed to stand only after the international community insisted that Israel honour the terms of the Oslo accords.

Unlike the occupied Palestinian territories of the West Bank and Gaza, East Jerusalem was annexed to Israel following the 1967 war and its Palestinian inhabitants were given the status of “permanent residents”. Israel has violated international law by building large settlements throughout East Jerusalem that are now home to 200,000 Jews.

After the 2006 vote, the government of Ehud Olmert responded to Hamas's success in East Jerusalem by initiating procedures to revoke the residency of three MPs – Mohammed Abu Tir, Ahmed Attoun and Mohammed Totah – and Khaled Abu Arafah, who Hamas appointed as the PA's minister for Jerusalem affairs.

Before the revocations could take effect, however, Israel arrested the men, as well as dozens of other Hamas legislators, in retaliation for Sgt Shalit's capture four years ago.

Since their release, all four politicians have had their Israeli identity cards confiscated and been told they must leave the city within a month.

Mr Abu Tir, 60, was supposed to leave on June 19, but has so far evaded expulsion. "I will not willingly leave the place my family has lived for 500 years," he said last week.

The deadline for the other three expires on Saturday.

Unusually, the plight of the Hamas politicians has won the support of Mr Abbas, who also heads Fatah and has been seeking to overturn Hamas's rule in Gaza.

Calling the expulsions one of "the biggest obstacles yet on the path to peace", Mr Abbas has vowed to put pressure on the US to reverse Israel's decision.

During a meeting with three of the men last week, he said: "We cannot stand idly by while people are expelled from their homeland, which we consider a crime." Mr Abbas is reported to fear that Israel is hoping to establish a new precedent for expelling thousands of Palestinians from the city.

Hatem Abdel Kader, Fatah's minister for Jerusalem affairs, was warned this month by the Shin Bet, Israel's secret police, that he would have his residency revoked if he continued his political activities in the city.

Yigal Palmor, a spokesman for the Israeli foreign ministry, said Israel was issuing "a very clear warning to Hamas and all those who promote terror" that they would face a "backlash".

Lawyers for the four Hamas politicians petitioned the Israeli Supreme Court this month for an injunction on the expulsions until a hearing can be held on the men's residency rights. Last week, however, the court declined to stop what it called "deportations", saying it would issue a ruling at a later date.

Mr Jabareen, whose Adalah organisation is advising the politicians, said he was "astonished" by the court's position, and that in all previous expulsion cases an injunction had been issued before the expulsion took place.

He added: "Under international law, an occupying power cannot demand loyalty from the the people it occupies. Palestinians in East Jerusalem are 'protected persons' in law and cannot be expelled."

Israel has based its decision on the Entry into Israel Law of 1952, which governs the naturalisation process for non-Jews. It allows the interior minister to revoke citizenship and residency in some cases.

“The purpose of this law is to oversee the entry into Israel of foreigners,” said Mr Jabareen. “The Palestinians of East Jerusalem did not enter Israel; Israel entered East Jerusalem by occupying it in 1967.”

The revocations of the politicians’ residency comes in the wake of a rapid rise in the number of Palestinians who have been stripped of Jerusalem residency on other grounds, usually because Israel claims the city is no longer the “centre of their life” and typically because a resident has studied or worked abroad.

In 2008, more than 4,500 Palestinians lost their Jerusalem residency, interior ministry figures show. The number has been steadily rising since 1995, when 91 Palestinians were stripped of their rights. According to Israel, a total of 13,000 Palestinians have had their residency revoked since 1967.

The loss of residency is seen by the Palestinians as part of a wider Israeli strategy to weaken their hold on East Jerusalem and its holy sites.

Israel has built sections of its separation wall through Palestinian neighbourhoods of Jerusalem, cutting off some 60,000 residents from their city.

It has also shut down all Palestinian political institutions in Jerusalem associated with the Palestinian national movements, and banned events – including a literature festival last year – that it claims are financed with PA money.

Last week police forced the closure of Hamas’ political office near the Old City. Yuval Diskin, the head of the Shin Bet, had earlier accused Hamas of trying to buy property in Jerusalem.

In early 2006, shortly before they were arrested, Mr Abu Tir and Mr Abu Arafah were revealed to have established a diplomatic channel with several prominent Israeli rabbis to negotiate Sgt Shalit’s release and the terms of a possible peace deal. The talks were effectively foiled by their arrests.

In a related move, Israeli officials have also been threatening to revoke the citizenship of Palestinian leaders inside Israel, including Haneen Zoubi, the Israeli MP who was onboard last month’s aid flotilla to Gaza that Israeli commandos attacked, killing nine passengers.

Jonathan Cook is a writer and journalist based in Nazareth, Israel. His latest books are “Israel and the Clash of Civilisations: Iraq, Iran and the Plan to Remake the Middle East” (Pluto Press) and “Disappearing Palestine: Israel’s Experiments in Human Despair” (Zed Books). His website is www.jkcook.net.

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