

URGENT ACTION

PALESTINIAN JOURNALIST STILL ARBITRARILY HELD

During the night of 21/22 July 2019, Israeli authorities attempted a war crime by trying to forcibly deport Palestinian photojournalist Mustafa al-Kharouf to Jordan, where he has no citizenship or residency rights. Jordan refused his deportation and he is back in arbitrary detention in Israel. His deportation attempt came after the Israeli Supreme Court rejected his appeal to be granted family unification with his wife and child on the basis that he “has not proven his statelessness”. Mustafa al-Kharouf has a hearing in an Israeli deportation court in August for his release.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Aryeh Makhoulouf Deri
Minister of Interior Affairs
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Dear Minister Aryeh Deri,

During the night of 21-22 July 2019, the Israeli immigration authorities, which report to your office, took Mustafa al-Kharouf from Givon prison in Ramle and attempted to forcibly deport him to Jordan. Deportation of protected persons from occupied territory is prohibited by Article 49 of the Fourth Geneva Convention and constitutes a war crime. Jordanian authorities refused his deportation as he does not hold legal status to live in Jordan. Mustafa al-Kharouf is now back in arbitrary detention in Israel.

Mustafa al-Kharouf has been arbitrarily detained at Givon prison since 22 January 2019, pending his deportation. His arrest came after the Israeli Ministry of Interior Affairs denied his request for family unification and ordered his immediate deportation to Jordan. Amnesty International fears that Mustafa al-Kharouf's arbitrary detention is intended to stop him from carrying out his journalistic work.

I urge you to immediately release Mustafa al-Kharouf from Givon prison, and, in line with Israel's obligations under the Fourth Geneva Convention, ensure that he can remain safely in his home by granting him permanent residency status in East Jerusalem.

Yours sincerely,

**AMNESTY
INTERNATIONAL**



ADDITIONAL INFORMATION

Mustafa al-Kharouf has been arbitrarily detained at Givon prison in Ramle, in central Israel since 22 January 2019 pending his deportation. His arrest came after the Israeli Ministry of Interior Affairs denied his request for family unification and ordered his immediate deportation to Jordan. On 17 July 2019 the Israeli Supreme Court rejected the request filed by the Israeli human rights organization Hamoked to hear a second appeal for Mustafa al-Kharouf's family unification. The court ruling came after citing the failure to "prove that the applicant is without status in Jordan" and refrained from intervening in his immediate deportation.

During the night of 21-22 July 2019, Israeli immigration authorities took Mustafa al-Kharouf from Givon prison and attempted to deport him to Jordan through the Allenby/King Hussein crossing between Jordan and the Israeli-occupied West Bank, where Jordanian authorities refused him entry. Mustafa al-Kharouf was then immediately taken to the Wadi Araba Crossing, a southern border between Jordan and Israel, where Jordanian authorities again refused him entry. This deportation attempt lasted over half of a day during which his whereabouts were not known to either his family or his lawyer. Mustafa al-Kharouf's lawyers were later informed that Mustafa was being taken back to Givon Prison to be held in custody "pending deportation".

Mustafa al-Kharouf is a 32-year-old Palestinian photojournalist. He was born in Algeria to an Algerian mother and a Palestinian Jerusalemite father. He lives in occupied East Jerusalem with his wife Tamam al-Kharouf and 18-months-old daughter Asia. He had moved from Algeria to East Jerusalem with his family when he was 12.

Soon after the family returned to East Jerusalem they filed requests with Israeli authorities that would give them legal status to reside in the city. However, they were subjected to the "center of life" condition that the Israeli authorities have applied in a discriminatory manner to Palestinian Jerusalemites since 1988, which requires them to prove that they maintain a "centre of life" in the city in order to safeguard their legal status. Al-Kharouf's family had to wait six years before meeting that condition. By the time they met the condition, Mustafa al-Kharouf had turned 18, and his family was unable to submit an application for child registration or family unification on his behalf, rendering him stateless. Since then, Mustafa al-Kharouf started a long legal battle with the Israeli Ministry of Interior Affairs trying to validate his legal status in East Jerusalem without positive results.

Under international law, East Jerusalem is considered an integral part of Occupied Palestinian Territories and therefore its Palestinian population is protected by the 1949 Fourth Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War. Israeli authorities are prohibited from forcibly transferring or deporting Palestinian residents of East Jerusalem. Israel's decision to deport Mustafa al-Kharouf 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.

PREFERRED LANGUAGE TO ADDRESS TARGET: Hebrew, English or Arabic

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 10 September 2019.

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: Mustafa al-Kharouf (he/him)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/mde15/0158/2019/en/>