

URGENT ACTION

STATELESS PALESTINIAN RELEASED ON BAIL

On 24 October 2019, Palestinian photojournalist Mustafa al-Kharouf was released after spending nine months in an Israeli prison. He still does not have legal status and is at risk of being separated from his family again. A new preliminary request to give him legal status has been submitted. Israeli authorities must grant him permanent residency status in East Jerusalem.

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

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Minister of Interior Affairs
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Dear Minister Aryeh Deri,

On October 24 2019, **Mustafa al-Kharouf** was released from arbitrary detention in Givon prison and was finally reunited with his family. Although he is released, he is still at risk of being detained again and deported as he has not been granted legal residency status. Mustafa al-Kharouf had to deposit a 12,000 NIS (approximately 4,000 USD) bail and is required to be home between 10:00 pm and 5:00 am. HaMoked Center for the Defence of the Individual via Attorney Adi Lustigman, Mustafa al-Kharouf's lawyer, have submitted a preliminary request to grant Mustafa al-Kharouf permanent residency under the family reunification procedure. Mustafa al-Kharouf only knows Jerusalem as his home and for years has been attempting to have his status legalized.

On 22 January 2019, Palestinian Jerusalemite Mustafa al-Kharouf was arrested after the Israeli Ministry of Interior Affairs denied his request for family unification and ordered his immediate deportation to Jordan. He was arbitrarily detained in Givon prison, in Ramle, for nine months.

I urge you to allow Mustafa al-Kharouf to remain safely in his home by granting him permanent residency status in East Jerusalem in line with Israel's obligations under the Fourth Geneva Convention.

Yours sincerely,

**AMNESTY
INTERNATIONAL**



ADDITIONAL INFORMATION

Mustafa al-Kharouf is a 32-year-old Palestinian photojournalist. He was born in Algeria to an Algerian mother and a Palestinian Jerusalemite father; both of whom, along with Mustafa al-Kharouf's siblings were granted permanent residency in Israel. He lives in occupied East Jerusalem with his wife Tamam al-Kharouf and their 18-months-old daughter Asia.

Mustafa al-Kharouf was arbitrarily detained at Givon prison in Ramle, in central Israel on 22 January 2019 pending his 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 crossing 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 unknown to either his family or his lawyer. Mustafa al-Kharouf's lawyer was later informed that Mustafa was being taken back to Givon Prison to be held in custody "pending deportation".

On 25 September 2019, the Tribunal for Review of Custody of Illegal Aliens ruled that he must be released if he is not deported within a month. On 24 October Mustafa al-Kharouf was released from detention after spending nine months in prison. Under the terms of his release, he has just 21 days during which to obtain legal status to reside in East Jerusalem or else he must leave the country. Mustafa al-Kharouf's attorney will petition the court to extend this period. Further conditions for his release include a 12,000 NIS (approximately 4,000 USD) bail and also a stipulation that he is to remain at home from 10:00 pm to 5:00 am.

Mustafa al-Kharouf 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 (OPT) 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 the OPT including 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 Statue 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: 17 December 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 (him\his)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/mde15/0792/2019/en/>