

Dying for a Birthright

Julian Borger

Samira Hassassian made sure she died a Jerusalemite, even at the cost of cutting short her life. Given the choice between staying on a course of chemotherapy or travelling from London to Jerusalem to renew her residence rights, she gambled with her health and lost.

She fell sick after returning to London, where she lived as the wife of the Palestinian representative in the UK, Manuel Hassassian, and died from cancer three months later, in August 2011, aged 57.

In all likelihood she would have died anyway by now. Her original breast cancer had metastasized to her bones by last year. But interrupting her chemotherapy and travelling over 2000 miles was not only a miserable experience, it is also quite likely to have brought her nearer to her death.

“They forced her to go back,” Manuel Hassassian said. “The doctors had told me she had maybe until the end of the year, so this trip just expedited the process, but it also caused her pain and suffering.”

The question she left behind was why was she compelled to make such a terrible choice in the first place. It is a choice no Israeli Jerusalemite living abroad would ever have to make. Their citizenship is irrevocable, and undimmed by the length of time spent abroad.

By contrast, a Palestinian from East Jerusalem working or studying abroad has to return every two years to renew his or her residence rights, and after the passage of seven years even that would not be enough. No matter if a Palestinian was born in the city, no matter how many generations his or her family has lived there, the right to claim residence there can be revoked by the Israeli interior ministry.

The Israeli embassy in London denies Samira Hassassian was forced to return to

Jerusalem in 2011 to renew her documentation. A spokesman insists that she would have been granted a renewal in the UK, as she had in 2010, after her first initial diagnosis.

“If there is a health issue there is no question that she would have had to travel. There is no such policy. It is the strangest allegation I think I’ve ever heard,” the embassy spokesman said. He accused Manuel Hassassian of having forced her to return to Jerusalem to score political points against Israel.

“What kind of husband sends his wife on such a trip when her health and life are at stake? This really is quite low,” he said.

Manuel Hassassian strenuously rejects the allegation, and insists she would not have returned if her appeals for a second extension on her residency had not been turned down. Friends of the couple rejected as absurd the idea that Hassassian would have endangered his wife’s life for such a reason, and that Samira would have meekly complied with such a plot.

They described Samira Hassassian as an independent-minded and highly accomplished woman. She was an American-trained chemist, who had lectured in business studies at Bethlehem University. Her obituary in *The Guardian* last August said: “Samira was not a simple diplomatic ‘adjunct’. She sought to promote trade by encouraging Palestinian craftsmen to come to Britain to exhibit their products. She was a patron of Medical Aid for Palestinians and she worked hard to bring medical assistance to thousands.”

Manuel Hassassian said: “As far as she was concerned, she was not going to die. She saw herself as battling with cancer. But to force her to go back or lose her rights was inhuman.”

Samira Hassassian’s daughter, Nadine, said the ailing woman had tried for several weeks to persuade the Israeli consulate in London to grant a second extension.

“She sent a letter but got no response. They never got in touch with the doctors. On the phone, they told her it wouldn’t work. She has to go back to Jerusalem,” she said. Manuel Hassassian said that after that, his wife had tried going to the consulate in person, but was not allowed in.

Samira Hassassian’s London oncologist, Professor Paul Ellis, wrote a medical opinion to support her appeal for an extension on March 29, saying: “She is right in the middle of very intensive treatment and it is definitely not a good time for her to travel. There is the potential for significant infection and she is also extremely disabled by fatigue and nausea.”

The embassy spokesman confirmed that a copy of Ellis’s letter was in interior ministry files but said it had been unnecessary as an extension was not in doubt. The extension was granted by the ministry of the interior last April, although by then she was already back in Jerusalem.

There is no documentary evidence to prove that Samira Hassassian was denied a visa, although Paul Ellis’s letter suggests he, if not the Hassassians, believed that to be the case. The oncologist never received a reply from the Israelis saying his intervention had been successful or even noted. On the other hand, there is also no

documentary evidence to prove Samira Hassassian had been told her residency would indeed be renewed.

However, what is not under dispute is the fact that if Hassassian had been an Israeli Jerusalemite, none of this painful saga would have happened.

Many thousands of Palestinians, however, have had their birthright stripped from them. At the time same time Hassassian was dying in the summer of 2011, a Palestinian who has been running a cafe for several years in a southern English city was leaving Ben Gurion airport after visiting his family on the Mount of Olives. On presenting his travel document, he was stunned to see the immigration official produce a large stamp and cancel it with one lightning stroke. Even though he had returned regularly to renew his documentation, he was told he had lived abroad too long.

In that instant, the restaurateur became officially deracinated. When he went to the Israeli consulate back in London to complain, he was told to leave. When he tried to acquire British travel documents the Home Office told him it needed a written statement from the Israeli government confirming his circumstances. He was forced to return to the Israeli mission but his requests for a letter were ignored for several months. Finally, the letter arrived out of the blue one day in May this year, confirming he had no further personal claim on the city he had always considered his home.

“At least it is all over now,” he said soon after. “There is nothing more they can do to me.”

What happened to him and to thousands of other Palestinians abroad has its roots in the 1967 annexation of East Jerusalem. Overnight, Palestinians in the city turned from citizens of one country to mere residents of another. They had the theoretical option of pursuing Israeli citizenship but for many that is anathema, as it would infer acceptance of occupation, and swearing an oath of loyalty to Israel as a Jewish state. Even for those willing to cross that bridge, the bureaucratic obstacles are high, beginning with the requirement to speak fluent Hebrew. Only a handful succeed.

In the decades immediately after the annexation, East Jerusalemites were relatively free to come and go under the “open bridges” policy, but beginning in the second half of the 1990s the Israeli interior ministry sought to force Palestinians to choose between their desire or need to travel abroad, and their rights as Jerusalemites.

This policy, which became known as “quiet deportation,” was legally based on a 1988 court ruling known as the “Awad judgement,” by which a Palestinian called Mubarak Awad, who ran the Palestinian Center for Non-Violence in Jerusalem, was deported on the grounds his permanent residency had expired. That, in turn, was because he had lived outside the country for seven years and had a residency permit in the US. [See Jefferis in this issue.]

In the years since, the interior ministry had somewhat selectively implemented the Awad judgement, stripping residency from East Jerusalemites who had lived abroad for seven years whether or not they had permanent residency elsewhere. It is enough for the individual’s “center of life” to have shifted away from the city.

The revocation of residency rights has waxed and waned over the years. It reached a peak in 2008 with nearly 4,600 revocations, according to the human rights group,

B'Tselem, but last year the number was only 191. It is unclear whether the decline reflects a less rigorous enforcement of the policy or whether fewer Palestinians now meet the criteria.

Two other advocacy groups – HaMoked: Center for the Defense of the Individual, and the Association of Civil Rights in Israel (ACRI) – are currently challenging this policy in the High Court. Their petition argues that the Awad judgement makes no distinction between people who have travelled to Israel from abroad to take up residency in Jerusalem, and those who were born in Jerusalem but unwillingly became Israeli residents because of the 1967 annexation. It argues that at annexation, East Jerusalemites acquired the status of “protected persons” under the Fourth Geneva Convention, and are entitled to the protections due to them under international law.

Those protections mean that they cannot be stripped of the right to live in their homeland and under the Hague Regulations the occupying power is forbidden from “*compelling residents of the occupied territory to swear allegiance to it*”.

Asked how optimistic she is that she can win, the ACRI lawyer in the case, Nisreen Aliyan said: “It depends on what freedom the court will have. But this is about the basic human rights of these people, so we have to keep trying.”

For Samira Hassassian, the High Court petition of course comes too late. After her burial last August, Manuel Hassassian made a point of handing back to the Israeli interior ministry the residency documents his wife had fought so hard to hold on to.

“They have their papers back now,” he said. “They know she does not exist any more.”

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