



T.T., who was born and raised in Hebron, took part in the terror attack at Beit Hadassa in Hebron in 1980, and was sentenced by the military court to life imprisonment. In 1983 he was deported to Algeria in compliance with an agreement between Israel and the PLO, without T.T. consenting to this deportation. T.T. moved to Jordan, where he was joined by his wife and daughter, who are also residents of the Territories. His parents and six brothers stayed in Hebron. In the summer of 1997, when T.T. already had seven children, HaMoked asked the IDF commander in the West Bank to allow T.T. to return to his hometown. This request was denied without any explanation in February 1998. Following HaMoked's advice, T.T.'s wife submitted a request to the PA to be allowed to unite the family. In December that year T.T. was allowed back into the West Bank for three days, in order to enable him, as a member of the Palestinian National Council, to attend the Council meeting in which the deletion of those articles in the Palestinian Charter that call for the destruction of Israel was to be

discussed. T.T.'s wife and children came along. T.T. and his family stayed in Hebron, and HaMoked once again turned to the authorities with a request to reconsider his repatriation. About 10 months later, a response was given, instructing T.T. to leave the West Bank and resubmit his request.

On July 11, 2002, after Hebron was occupied by the IDF, T.T. was apprehended and an order for his deportation was issued. HaMoked appealed to the authorities to revoke the order. T.T. was held at Ofer Camp for three months before a reply was provided: the request to revoke the order, as well as that to allow the families to unite in Hebron, were denied, although this rejection contradicted the announcement that the IDF had previously made, according to which all requests to unite families were being put on hold. In the end of October HaMoked petitioned the HCJ to revoke the deportation order and approve the request to unite the family. The petition was denied, but T.T.'s deportation is being delayed, since Jordan has not yet agreed to let him in. **(Case 11404)**

Deportation of “Illegal Aliens”

HaMoked has also handled appeals for help by Palestinians who have no legal status in the Territories, and who were apprehended at random in the massive IDF arrests and against whom deportation orders have been issued. In some cases,

their illegal stay was the result of Israel's

10 This obligation emerges from articles 39 and 78 of The **Geneva Convention Relative to the Protection of Civilian Persons in Time of War** (1949), under which the brothers were deported.

11 HaMoked, **Semi-Annual Report: January-June 2002**, p. 38.

policy that has led freezing all matters of family unification (see HaMoked's previous Activity Report,¹² and the Visit Permits section herewith.)



HCJ

A.A. was born in Algeria in 1979, and at the request of his father's family in the Gaza Strip, moved there with his parents and brothers when he was 15. The family has since struck roots in the Gaza Strip: the father is employed as a clerk at the PA, his sister has married a Gaza Strip resident, another sister studies at the university in Gaza and A.A. himself is engaged to marry a resident of Khan Yunis. A.A. has nevertheless become a stateless person: his permanent residency in Algeria expired, and due to the delays in regulating the issue of residency in the Territories, his status in Gaza was never fixed. In 2001 A.A. was apprehended in Israel

without any permit, and sentenced to six months in prison. An order for his deportation was issued in February 2002. The authorities started processing his deportation – not to Gaza, where his family lives and where he had been living for the past eight years, but to Algeria, where he was born. A.A. petitioned the HCJ to allow him to return to Gaza. The Court asked the Public Defender's Office to represent A.A., and the Public Defender's Office asked HaMoked to do this instead. The special court supervising the custodianship of illegal aliens gave the State 45 days to arrange for A.A.'s transfer to Algeria; only if this option falls through, the court said, would the State have to reconsider transferring him to Gaza. Six months later, the pressure applied by the HCJ and HaMoked finally bore fruit and at the end of October A.A. returned to his family in Gaza. **(Case 17833)**



House Demolition

“Any destruction by the Occupying Power of real or personal property belonging... to private persons... is prohibited, except where such destruction is rendered absolutely necessary by military operations.”

Geneva Convention Relative to the Protection of Civilian Persons
in Time of War, Article 53

Since the start of the current intifada, the IDF has demolished hundreds of houses in the Territories, in which thousands of civilians used to live.¹³ Along with the decision to deport relatives of suspected terrorists, the Security Cabinet adopted a policy of demolishing the homes of these families as the main tool in the fight against suicide bombers. During the six months between July and December 2002, more than 100 houses were demolished, compared to 14 that were demolished as a penalty for actions of family members from the onset of the intifada until June 2002. Concurrently, the security forces pursued the policy of “clearing”, namely, demolishing houses, uprooting orchards and leveling

fields wherever a terror attack takes place, ostensibly in order to destroy any shelter behind which terrorists may hide and shoot at IDF forces in the future. This policy came to a climax in April, when houses in the refugee camp in Jenin were demolished with their residents still inside.¹⁴ HaMoked's

¹² *Ibid.*, p. 11.

¹³ According to B'Tselem, since October 2000 some 800 houses, in which more than 6,000 people lived, were destroyed in the West Bank and the Gaza Strip in “clearing” operations or as penalties and administrative IDF operations. www.btselem.org

¹⁴ A reserved admission may be seen in the response of the State to the petition that was submitted to the HCJ in this regard: “... There were houses that people only left after the bulldozer had hit one of the walls ...” Statement of the State Attorney's Office,