

---

## Deportation

**“... deportations of protected persons from occupied territory... to that of any other country, occupied or not, are prohibited, regardless of their motive.”** (Art. 49, Geneva Convention Relative to the Protection of Civilian Persons in Time of War (1949))

---

For many months, the media reported the intention of the government of Israel to deport family members of those who carried out suicide attacks against Israel. As a result, the legal department of HaMoked conducted a comprehensive study regarding the laws prohibiting deportation and collective punishment of families, and prepared an array of legal arguments on the matter. When the official discussion on deportation began, HaMoked requested from the legal advisor of the West Bank that should such a measure be decided upon, the right to a hearing be given to the candidates for punishment and a suspension period to enable an appeal to the HCJ.

On the night of 18 July, Israeli forces arrived at the homes of six families in the Nablus area and arrested 21 family members. Among the detainees were a 16-year-old youth, a sick elderly man aged 72, a retired school principal, and others. The media announced the intention to deport the arrested family members to Gaza. In a matter of hours, HaMoked had collected information regarding the detainees and their families and urgent letters were dispatched to the State authorities requesting that they give HaMoked – as the legal representatives of the families – advance notice of a decision to deport, in order that steps could be taken to prevent this. In the afternoon of that same day, when the special meeting at the Attorney General’s Office concluded, it transpired that the Attorney General had agreed to deport the family to the Gaza Strip under certain conditions. It further transpired that the State would make no commitment to inform HaMoked in advance regarding the deportation. In light of this, HaMoked immediately submitted a petition to the HCJ against the deportation. That weekend, another petition was submitted against the deportation of additional detainees not included in the first petition. Upon submission of the petitions, the State committed to not deport the detainees to the Gaza Strip without granting a 12-hour hiatus during which preventive legal action could be taken. Given this commitment, HaMoked withdrew the petitions, and continued representing the candidates for deportation in their detention proceedings and to act on behalf of their release. At the end of July came the decision to deport two of the men from the families who had been detained, and shortly afterwards, the decision to deport a woman of the same family. HaMoked represented the three in proceedings in the appeals committee (which recommended that the OC Central Command not rescind the orders), and in August submitted a petition to the HCJ against the deportation.



HCJ

In addition to its activity toward preventing the deportation of family members, HaMoked continued to handle the complaints of residents of the occupied territories who had been deported in the past and wished to return to their families in the territories. These are mostly Palestinians who were deported during the first decade of the occupation with no deportation order and no option of contesting their deportation. HaMoked’s demand to convene the Advisory Commission for the Return of Deportees regarding two people deported in the past, led to the annulment of the deportation order for one deportee, and a requirement to review additional documents regarding the other. After the signing of the Oslo Accords, the Commission cancelled a number of deportation orders of this type that related to deportees of the 1970s. However, with the outbreak of the second Intifada, all activity on the Israeli side relating to the issue of residency was halted. HaMoked was thus surprised to learn of the discussion of the Commission meeting this period, and even more surprised regarding its decision to cancel one of the two orders. HaMoked hopes that with cancellation of the said deportation order, the Commission will begin discussing the cases of those deported in this group in a more intensive manner, without disruption or delay.

A.D., a resident of the village of A’yin in the Ramallah District, was 22 in 1970 when he was deported to Jordan together with 15 additional administrative detainees. The 16 detainees were brought from Beersheva Prison in a military truck to Wadi A’rabe, handcuffed and blindfolded, and were ordered to march to Jordan. In Jordan, A.D raised a family and in 1996 he received a visitation license to visit his family in the West Bank. When he arrived, he began working towards his return home, as a resident and not a visitor. In 1998, after his request was rejected, HaMoked asked the IDF Commander of the West Bank to convene the Advisory Commission for the Return of Deportees in order to discuss the matter. Only after approximately two and a half years, in February of this year, did the Commission convene, and the HaMoked attorney who appeared before the Commission was informed that the deportation order had been cancelled. **(File 11159)**