

This year, HaMoked also dealt with an additional racist procedure of the Ministry of the Interior's office in East Jerusalem. This procedure obligated one who lost his identity card to bring an authorized certificate of loss from court, a permit from the Minorities' Department of the Police and a permit of the muchtar (local religious authority), as a condition to receive a new card. This procedure was applied with no distinction to all residents of East Jerusalem. For any other person in Israel, a statement of the loss is the sole item required to obtain a new card.

The discrimination against residents of East Jerusalem is expressed also in the area of social rights. Female residents of East Jerusalem receive child allowances from National Security only after a long procedure of investigations, during which the office of National Security attempts to prove that they do not live within the boundaries of the city (or do not live in Jerusalem long enough), and are therefore ineligible for these allowances. Often the allowances are received only after a petition to the Labor Courts. Lately, this same policy has been applied for hospitalization allowances for women giving birth, and women such as this from East Jerusalem who are married to a non-resident must pay these expenses out of their own pocket. Children of residents of the city, against whom the Ministry of the Interior places numerous obstacles in the way of their registration, do not receive health services to which they are entitled according to the Law of National Health Insurance.

HaMoked treats tens of complaints of residents of East Jerusalem in the matter of requests for family reunification, the registration of children, negation of residency, refusal to award health services and more. In all of these areas, HaMoked cooperates with additional organizations and private lawyers who specialize in this subject. The treatment of these complaints is done through correspondence with the relevant authorities and individual and principled petitions to the courts, especially to the High Court.

During 1996, HaMoked dealt with 122 requests for assistance in this area. In 23 of these cases, the registration of children was permitted, as were special permits such that the spouses could physically remain together. Not one of the requests for family reunification has yet to be answered.

### **c. The Return of Deportees**

Paradoxically, the chances of a man to return to the territories as a resident are better if he was deported due to enemy activities, than if he left the area out his own free will for whatever reason - no matter how justified - and did not succeed in returning (or renewing his exit card) on time. The reason for this may be found in the Oslo peace process.

On one hand, the matters of the "latecomers" (or those who lost their identity cards) is taken up by a joint committee that has yet to be formed. In addition, all areas concerning those uprooted after 1967 have been deferred to future negotiations. In any event, a "latecomer" is considered by the Israeli authorities as one who has permanently lost the right of residency, and presently there is no procedure for requesting his return.

In contrast, the right to deport - and with it the authority to cancel a deportation - remained in the hands of Israel as one of its security authorities. The Oslo accords rendered the reason for the majority of the deportations as no longer relevant (PLO activities and the like). Therefore, the cancellation of deportations is often required due to the political change. One deported is not considered a person who has lost his residency but as a resident who was involuntarily moved abroad and forbidden from returning. Accordingly, the cancellation of the deportation brings with it a renewal of residency.

a. One deported "according to law"

A "legal deportation" is done by through a decision of the military commander of the area to deport a man. The decision for deportation is expressed by a deportation order, which orders the deportation of a person and explains the reason for this. The IDF forces must present the person with the order and permit him to file an appeal against the deportation before an advisory committee prior to his deportation. The right to turn to the advisory committee against a deportation order was determined even prior to the establishment of the State of Israel, in 1947.

"Against one whom a deportation order has been given must remain outside of the administered territory as long as the order is valid" (regulation 112(1) of defense regulations (time of emergency), 1945). This directive recognizes that the regional military commander may cancel the deportation order, shorten it or determine the length of its validity.

b. One deported when a deportation order was not given and/or without a proceeding for appeal

The fact that the deportee was not given an order and had no opportunity to present an appeal against his deportation, does not necessarily mean that a deportation order did not exist. It is possible that in numerous cases (at least in the beginning of the 1970's) the military commander of the region issued a deportation order, and in the wake of this the IDF forces removed the deportee across the border without giving him the order. It could be that in these cases there is documentation concerning the deportation order with the government (or a notice on the computer). Without documentation, it is unclear how it is possible to prevent the return of the deportee to the region, as a visitor.

c. Deportation that is exile or voluntary migration in exchange for early release from jail sentence or detention (including deals to exchange prisoners)

A person who voluntarily obligates himself to leave the region and not return is not generally a deportee. However, even assuming that agreement such as this was given, for example in exchange for early release from prison, it is still possible that the means of enforcing this matter is (or was) the issuance of a deportation order.

d. A deportee resident of Jerusalem

The authority to deport in Israel is in the hands of the Minister of Defence. The advisory committee was supposed to submit its recommendations to the government. A deportee resident of Jerusalem is in a special situation today. It is possible to argue that

the cancellation of the authority to deport in Israeli law in 1979, including the negation of the authority to require that the deportee remain outside of Israel. (the cancellation is according to article 12 of the Law for Emergency Regulations (arrests), 1979).

Up until the signing of the Oslo agreement, HaMoked received numerous requests for assistance from "latecomers," those people who left for abroad on an "exit card" and did not return during the three year validity period of the card or whose families were not able to extend the validity of the card.

The Oslo agreement cut off the possibility to assist these persons by the criteria which had been valid until then as the subject was delayed to a future negotiation.

However, since the signing of the Oslo agreement, HaMoked has received 65 requests for assistance from deportees, the majority of whom were deported in the end of the 1960's or beginning of the 1970's. All of them testified that they did not receive any type of deportation order. The majority of them noted that they were deported as part of a group; generally they were taken from prison in the city of Beer Sheva and deported to Jordan via Wadi Araba. All of them testified that prior to their deportation, they were provided with one Jordanian dinar per person - the travel fare on the other side of the border. 39 of these persons were permitted to return, owing to the advocacy of HaMoked. Israel refused to allow eight of these persons to return, generally with the argument that they were not deported but lost their residency or were never residents prior to their deportation.

There are significant difficulties in obtaining the proof in the case of a refusal by Israel to treat a deportee as a deportee, as the deportee has no deportation order and occasionally possesses no other document which can document his residency and deportation. As for the Israeli authorities, many of the files of persons were burned over the years, or there is no appropriate documentation of the registration of the deportee in the census conducted in the territories after their occupation in 1967.

It must be noted that in 1996, HaMoked received 16 requests for assistance to return deportees. As of early April 1997, four of these requests have received positive responses.

According to the data of B'Tselem: The Israeli Information Center for Human Rights in the Occupied Territories ("The Deportation of Palestinians from the Territories, 1993), 785 orders for deportation were issued from 1970-1973. It is possible that from 1967-1970 there was at least the same number of deportees, but against whom no deportation orders were issued (this is implied in the book of Shlomo Gazit, sections of which were noted in the aforementioned B'Tselem report and treat deportation as a common occurrence in the first years of the occupation of the territories).

The following is the story of Geris Kuas:

Mr. Kuas, born in 1925 and a resident of Jafna in the Ramallah district, was arrested in the beginning of February 1973, jailed and on 10 February 1973 deported to Jordan, and no deportation order was given to him. At the time of the deportation he was married and the father of four.