

**PALESTINIAN DEPORTEES**  
Continue to Suffer from Poor Conditions  
in Lebanon Camp

**Fighting in South Lebanon**  
Adds New Dangers

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**UPDATE**

More than seven months after they were deported from the Israeli-occupied West Bank and Gaza Strip, nearly 400 Palestinians remain encamped on a hillside in southern Lebanon, living under primitive conditions with insufficient and unreliable access to relief supplies and medical care. The recent fighting in southern Lebanon brings into sharp focus the predicament of the deportees as they languish on an exposed hillside less than a mile away from targets of military attacks. In addition, the fighting has blocked all routes of evacuation and necessary supplies.

Since both the Israeli and Lebanese governments have denied access to the camp by humanitarian

groups, the deportees receive no supplies or assistance other than what they have been able to procure themselves from nearby villages. Although the deportees have thus far managed to survive under these difficult conditions, there is no guarantee that food and medicine will continue to reach them, as the recent fighting demonstrates.

On July 25, Israel began an extensive bombing and shelling campaign against Lebanon, the heaviest since 1982. In addition to civilian casualties and destruction of property, the relentless barrage has led to mass flight of hundreds of thousands of southern Lebanese civilians from their villages. Some of the villages targeted by Israeli gunners lie less than a mile away from where the deportees are stranded. On July 29, Dr. Aziz Rantissi, the deportees spokesman, told Middle East Watch that the village of Libbaya, which used to be the main source of medicine, food and other necessities to the deportees, has been virtually abandoned by its inhabitants as it became a target of heavy Israeli shelling, leading to a complete cutoff of supplies to the camp since July 25.

### **Deportation as a Grave Breach of International Law**

Middle East Watch views the deportation as a grave violation of the Fourth Geneva Convention and deplores the deal worked out by the United States and Israel that was announced on February 1, 1993. According to that deal, Israel offered to allow 101 of the deportees to be repatriated immediately, and to allow the rest to return over the course of the year. This compromise is a blatant attempt to thwart efforts to enforce UN Security Council Resolution 799 which demands the immediate repatriation of *all* the Palestinians deported on December 17, 1992. Prime Minister Rabin defended the compromise as preserving "[t]he principle of [Israel's] ability to remove for a limited time hundred of inciters, leaders [and] organizers." The deportees have rejected the compromise on the grounds that accepting it would appear to legitimize Israel's policy of deportation.

Under the Fourth Geneva Convention, Palestinian residents of the West Bank and Gaza Strip are considered "protected persons." The act of deportation does nothing to nullify Israel's continuing responsibilities to the 400 Palestinians now residing at the camp. Under the Convention, Israel is required to treat such persons humanely (Article 27) and to allow them to receive necessary medicine and relief supplies (Article 23). By refusing to provide supplies or to permit their delivery to the deportees, Israel violates both Articles 23 and 27. Lebanon also violates Article 23 by refusing to authorize the delivery of supplies from any source.

While Middle East Watch urges Israel to allow unimpeded access to the camp by humanitarian groups, the only solution acceptable under international law is the deportees' immediate repatriation.

### **Medical Care**

The current hostilities in southern Lebanon have brought into focus the grave dangers facing the deportees due to their isolation. Neither the Israeli nor the Lebanese government has implemented a system to evacuate deportees in the event that they need emergency medical care. While the camp has thus far been spared attacks from both Israel and the Lebanon-based guerrillas, the potential for a humanitarian disaster is considerable.

Even during periods of relative calm in Lebanon, the absence of access to emergency medical care puts

the deportees at great risk. Camp doctors report that several deportees are in need of such assistance, while dozens of others require less urgent hospital care. The International Committee of the Red Cross is prepared to investigate and verify such claims at any time, but has been prevented from doing so.

The deportees receive rudimentary care for everyday health matters from the dozen or so doctors among them. Medical supplies, which are smuggled from Lebanese sources, cannot be relied on to be available as needed. The doctors are unable to provide the sophisticated care available in a well-equipped clinic or hospital, and conditions requiring such care must go untreated.

On July 21, a request was forwarded to the Israeli government for the evacuation of 82 deportees for medical reasons. The government has not yet responded publicly. On July 22, 87 deportees marched toward Israeli lines to demand medical treatment. After drawing tank and artillery fire, the deportees turned back without sustaining any injuries. A few weeks earlier, a request was directed to the Israeli government to evacuate a deportee who is suffering from a serious psychological disorder. As of this writing, the deportee remains in the camp without adequate care.

### **Physical Conditions**

The deportees continue to live under primitive conditions, exposed to the harsh mountain weather and without access to proper sanitary facilities. The warm weather has alleviated some problems, but introduced others. In addition to the sun and the heat – made worse by primitive tent conditions – the deportees must contend with the insects, snakes and scorpions that abound during warm weather. By the end of September, the deportees will again face the rain and cold which penetrate even the sturdiest of tents.

Denied access to relief supplies by both Israel and Lebanon, the deportees must procure food, soap and other everyday needs from nearby villages. Though usually adequate, these supplies cannot be relied upon. The Lebanese government has, on occasion, deployed troops to deny access to the camp by village residents. Shelling frequently disrupts the route from the camp to the nearby villages where supplies are often obtained. The recent hostilities have virtually cut off supply routes to the camp.

Sanitary conditions remain a serious problem and contribute to the occasional spread of infections. No permanent waste facilities have been constructed. It is likely that as long as the deportees remain in the camp, sanitary facilities will be inadequate.

During the winter and spring months, the deportees' water supply was primitive but plentiful. A nearby stream provided water for drinking and cleaning. In recent months, however, the stream has dried up. Recently, a plastic pipeline was built, bringing clean water from a village 3 kilometers away. The pipeline appears to fulfill the basic needs of the camp, though worries remain about the water's cleanliness, particularly in warm weather.

### **Access**

The deportees remain almost completely physically isolated from the outside world. The Lebanese government permits only journalists to travel freely to the camp. Residents of the nearby villages, in defiance of the ban, make frequent visits to the camp to deliver supplies. The Israeli government permits no access at all through its self-declared "security zone." Therefore, no humanitarian organizations have been permitted in

recent months to visit and assess the conditions under which the deportees live. The International Committee of the Red Cross last visited the deportees on January 23. The ICRC's only contact with the deportees has been via a cellular telephone the camp's residents use.

## **Recommendations**

Israel's offer to permit the deportees to return in stages during 1993 does not fulfill its international legal obligation to return the deportees immediately. Nor does it alleviate the humanitarian obligations of the Israeli and Lebanese governments vis-a-vis the deportees. Thus, Middle East Watch urges:

- o Israel to repatriate immediately all of the Palestinians deported on December 17, 1992.

Pending their repatriation, Middle East Watch calls on:

- o Israel and Lebanon to provide the means for immediate evacuation of all deportees who may require emergency medical attention as attested to by the ICRC.

- o Israel to provide sufficient relief supplies to ensure the safety and well-being of the deportees.

- o Both governments to provide unimpeded regular access to the deportees for the ICRC and all other humanitarian organizations so that they may assess the conditions under which the deportees live and provide relief supplies as needed.

February 4, 1993

The Honorable Warren Christopher  
Secretary of State  
Department of State, 2201 C Street  
Washington, D.C. 20520

via facsimile

Dear Secretary Christopher,

On behalf of Human Rights Watch and its Middle East Watch division, we are writing this open letter to urge you to continue to seek the full implementation of United Nations Security Resolution 799, which demands the immediate repatriation by Israel of all the Palestinians deported on December 17. In this regard, we are disappointed by the United States' position that Israel is essentially complying with that resolution by agreeing to allow 100 of the deportees to return immediately and to halve the terms of banishment imposed on the approximately 300 others.

Prime Minister Yitzhak Rabin has described the Israeli initiative as a "package deal" with the U.S., according to which the U.S. will "prevent any decisions in international forums that would have operational significance against Israel." No U.S. official has, to our knowledge, disavowed this characterization.

On December 18, then-Secretary of State Lawrence Eagleburger criticized the deportations as a violation of the Fourth Geneva Convention. We applaud this statement, as well as the considerable efforts you have made since taking office toward resolving this issue, and toward restarting the Arab-Israeli peace talks. In particular, we commend your attention to the humanitarian needs of the deportees; Middle East Watch gained first-hand knowledge of their severe hardship during its mission to their camp in Marj al-Zuhour in January (the report from that mission is attached).

In the last few years, the U.S. government has consistently criticized Israel's policy of deporting suspected Palestinian activists, and has supported several Security Council resolutions on this issue. U.S. opposition has been vocal, including when the Palestinians facing expulsion numbered no more than a handful.

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Secretary of State Warren Christopher  
February 4, 1993

However, the statements made by you on February 1 represent a disturbing departure from U.S. policy toward deportations. Referring to the Israeli initiative at a press conference on February 1, you stated that "the process that's under way is consistent with Resolution 799," and that "the specific steps [Israel is] taking will make it unnecessary for the matter to come before the U.N. Security Council for further action."

Nowhere in your remarks, or in the comments of State Department spokesman Richard Boucher the following day, was concern expressed that 300 Palestinians would remain deported in violation of international law and the Security Council resolution. Nowhere was there a reiteration of U.S. opposition to deportations as a violation of Israel's international obligations.

We were disturbed to learn that Prime Minister Yitzhak Rabin asserted yesterday before the Knesset, "The principle of our ability to remove for a limited time hundreds of inciters, leaders, organizers remains." This comment would seem to necessitate a public clarification of the U.S. position with regard to deportations, be they temporary or indefinite.

It is our view that the continued banishment of 300 Palestinians X even if for only nine months or one year X violates both Security Council Resolution 799 and article 49 of the Fourth Geneva Convention, whose prohibition of "individual or mass forcible transfers, as well as deportations" is absolute, and allows no exceptions in terms of duration. The severity of the violation is indicated by article 147 of the Convention, which classifies deportation as a "grave breach," or a war crime requiring perpetrators to be tried and punished by Parties to the Convention.

In casting the U.S. vote in favor of U.N. resolution 726 on January 6, 1992, Ambassador Thomas R. Pickering explained,

The U.S. Government believes that deportation of individuals from the occupied territories is a violation of Article 49 of the Geneva Convention....Any persons charged with wrongdoing should be brought before a court of law based on the evidence and be given a fair trial, which would afford a full judicial process.

We fully endorse Ambassador Pickering's view. We believe it applies to the persons responsible for the deplorable slaying of five members of Israel's security forces in early December, for which the Hamas organization reportedly claimed responsibility. However, Israel concedes that none of the deportees has been directly implicated in these killings.

In your remarks on February 1 you alluded to the appeals process available to the deportees. Leaving aside the categorical prohibition of deportations, it is worth noting that the announced process will provide far less than a fair and meaningful appeal, if it resembles

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February 4, 1993

the appeals process that Israel made available to deportees in the past. As you know, the sanction of deportation is imposed without charge or trial; Palestinians who have opted in the past to appeal deportation orders discovered that the refusal of the military appeals committees and of the High Court of Justice to divulge the evidence and specific accusations against them has made it virtually impossible to mount a meaningful defense. We are aware of only one case since 1985 of a Palestinian whose appeal resulted in the cancellation of a deportation order against him. In short, this process does not safeguard the due-process rights of the deportees.

Predictably, the deportees have told the press that they will refuse to return to the West Bank and Gaza Strip until they are all permitted to return home. Clearly, Israel's "compromise" does not resolve the crisis.

In our view, to accept the compromise as sufficient would be to reward Israel for carrying out a mass deportation, and would send the wrong message about how possible future violations of this magnitude will be received by the international community. Accordingly, we urge you to continue to press Israel to comply fully with resolution 799 by repatriating all of the deportees without further delay.

Thank you for your consideration.

Sincerely yours,

Aryeh Neier  
Executive Director  
Human Rights Watch

Patricia Derian  
Member of the Board  
Middle East Watch

For Immediate Release: January 28, 1993

### MIDDLE EAST WATCH CONDEMNS ISRAELI COURT RULING ON DEPORTATIONS

Middle East Watch condemned today's decision by the Israeli Supreme Court to uphold the deportation of over 400 Palestinians to Lebanon, and warned that the court's granting the deportees the right to appear at their own appeals hearings does not guarantee them a fair opportunity to challenge their banishment. The government of Israel has provided no reason to believe that the appeals procedure available to the present group of deportees will afford greater due process than in past deportations.

Deportations are ordered by Israeli military authorities, without specific charges or a trial. Until now, Palestinians facing deportation from the Israeli-occupied territories were allowed to appeal the orders, before they were carried out, to a three-person military committee, and then to the Israeli Supreme Court, sitting as the High Court of Justice. However, the court's systematic refusal, on stated security grounds, to divulge the specific charges and evidence to the deportees and their counsel, made it nearly impossible for deportees to refute the general accusations directed at them. The military appeals committees have almost never recommended against deportation, and the High Court of Justice has never overturned a deportation order.

On December 16, after the Islamist organization Hamas had claimed responsibility for the slaying of four Israeli soldiers and one border policeman during two weeks, the Israeli government amended the regulations on deportation to empower army commanders to deport Palestinians for up to two years without allowing them to challenge their deportation until they were across the border, and then only via a family member or lawyer. The amendment stated that the military committees hearing their appeals could rule to uphold, cancel or shorten the deportation orders. Those decisions could then be appealed to the High Court of Justice.

On December 16, within hours after the cabinet approved the amendment, over 400 suspected supporters of the Hamas and Islamic Jihad organizations were rounded up by Israeli security forces and bussed to the Lebanese border. They were expelled the following day, after the High Court of Justice lifted a temporary injunction on the measure.

In today's ruling, the Court invalidated the amendment to the regulations, but allowed all of the deportations carried out under it to stand. The court ordered the State to permit deportees filing appeals to meet with their lawyers and to attend the appeals hearings. The court did not state where the hearings should take place, and the State has not yet revealed its plans for how the hearings are to be held.



The court's ruling was disappointing in many respects. Ruling on several petitions by human rights lawyers challenging the deportations, the unanimous 32-page decision by the seven-judge court:

- \* denied that the expulsion of the 415 Palestinians was a mass deportation, characterizing it instead as a large group of individually considered deportations whose merits would have to be addressed on a case-by-case basis by the military appeals committees;

- \* declined to order the return of the deportees, despite the court's invalidation of the regulation that permitted the deportations to be carried out summarily; and

- \* followed past decisions of the court by accepting the legality of deportations, despite the view of virtually the entire international community that they violate article 49 of the Fourth Geneva Convention.

For the approximately 400 deportees -- the exact number is in dispute -- encamped in a no-man's land just beyond Israel's self-declared security zone in Lebanon, the court's decision means that they will remain unable to return to the West Bank and Gaza Strip. Only 14 have returned so far, after Israel stated that they had been "mistakenly" deported. Two others deported "by mistake" have said they preferred to remain in the camp.

The plight of the deportees remains precarious. Both Israel and Lebanon continue to block regular access to them by the International Committee of the Red Cross and other humanitarian groups. The court did not address Israel's refusal to allow humanitarian aid to pass freely to the deportees.

ICRC delegates were able to bring a small amount of medications to the deportees on January 23. However, regular supplies are still needed, as is a source of clean water and a means of regular communication in case of medical emergencies.

According to physicians among the deportees, 14 men are still in need of hospitalization and/or specialized care. Five wounded and sick persons have already been evacuated to hospitals.

It is not clear whether any of the deportees will exercise their right to appeal. In statements to journalists, some have indicated that they would refuse to do so.

Israel bases its power to deport residents of the occupied territories on article 112 of the Defense Emergency Regulations of 1945, which were implemented by the British mandatory authorities in Palestine. Israel continues to apply these laws, with some revisions, in the occupied territories. Much of the court's ruling dealt with interpreting section 8 of article 112, which gives a deportee the right to appeal to a military committee with advisory powers, but does not state whether such an appeal must occur before the deportation is carried out.

Article 49 of the Fourth Geneva Convention states, "Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the occupying power or to that of any other country, occupied or not, are prohibited, regardless of their motive." Israel disputes the applicability of the Fourth Geneva Convention to the occupied West Bank and Gaza Strip. However, the United Nations Security Council, with the support of the United States, has asserted that the Geneva Convention is applicable to

the occupied West Bank and Gaza Strip. Middle East Watch concurs in that view.

\* \* \*

Middle East Watch condemns the deportations of Palestinians as a grave breach of the Fourth Geneva Convention. The court decision giving the deportees a right to appeal in person does not alter this fact; nor does it insure them the right to a fair hearing.

Middle East Watch again calls on the Israeli government to allow the immediate return of all Palestinians deported on December 17. Middle East Watch also calls on the United States, as a party to the Geneva Conventions and Israel's leading provider of economic and military aid, to take measures as needed, to ensure that Israel complies with its obligations under the Fourth Geneva Convention and Security Council Resolution 799 of December 18, 1992, by readmitting the deportees.

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JANUARY 12, 1993

**MIDDLE EAST WATCH MISSION TO LEBANON FINDS  
CONDITIONS AT PALESTINIAN DEPORTEES CAMP DISASTROUS**

**MEW AGAIN URGES ISRAEL TO REPATRIATE DEPORTEES**

Middle East Watch, a division of New York-based Human Rights Watch, is today releasing this report based on a 10-day fact-finding mission to southern Lebanon. Based on a sample of 31 deportees, the report concludes that a majority of the estimated 415 Palestinians deported to Lebanon X an exact number has not been confirmed X on December 17, 1992, had not been charged or convicted of any offense. Nearly a third were at liberty when they were rounded up by the Israeli army and arbitrarily bundled out of the country with no opportunity to appeal the action. To date, the Israeli government continues to refuse to divulge the names of those it deported, causing deep anxiety among some of the families of the 1,600 persons arrested in mid-December, and raising concern about the whereabouts of possible missing persons.

The report condemns Israel's violation of several articles of the 1949 Fourth Geneva Convention, in particular:

Article 49, prohibiting absolutely "individual or mass forcible transfers, as well as deportations";

Article 33, prohibiting acts of collective punishment;

Article 27, requiring that "protected persons" (see Article 4) be "humanely treated," a condition that is not met by the forcible transfer of the Palestinians into a no-man's land where no other party agrees to ensure their humane treatment;

Article 23, obliging governments to allow the free passage of necessary medicine and relief supplies to protected persons.

Article 147 defines deportations as a grave breach of the convention. Article 146 places specific duties on states parties to the convention to suppress grave breaches by prosecuting the perpetrators.

The government of Lebanon, which, like Israel, is a party to the Geneva Conventions, is also in violation of article 23 by refusing to permit the entry of relief supplies and medicine. The refusal of both governments to allow delivery of these goods for over three weeks has exacerbated an already grave situation in the makeshift camp. Many of the deportees are sick, and their condition is likely to worsen in the harsh winter weather.

## RECOMMENDATIONS

Middle East Watch calls on the Israeli government to:

- ! Allow the immediate return of all Palestinians deported on December 17;
- ! Pending their repatriation, allow prompt and regular access by the International Committee of the Red Cross (ICRC) to the deportees and permit relief supplies, especially medicine, drinking water, sanitation facilities and food to go through the lines of the Israel Defense Force (IDF) and the Israeli-backed South Lebanon Army (SLA);
- ! Evacuate all those in need of immediate medical care. In case of life-threatening illness or injury to the deportees, who remain "protected persons" as defined by the Fourth Geneva Convention, Israel must declare its willingness to provide essential treatment in its own medical facilities;
- ! Publish a complete list of the names of those deported, notify relatives of the action taken, and return confiscated identity cards;
- ! Permit all returning deportees to remain at liberty unless they are promptly charged with recognizable offenses and given trials in which their due-process rights are ensured;

Middle East Watch calls on the Lebanese government to:

Allow the International Committee of the Red Cross (ICRC) to resume its visits to the deportees X suspended January 1 X and permit relief supplies, especially medicines, drinking water, sanitation facilities, and food to reach them. While the obligation rests with Israel to ensure the safety and well-being of the deportees, Israel's violation of this obligation does not relieve Lebanon of a parallel duty under the Geneva Conventions.

Middle East Watch calls on the United States, as a party to the Geneva Conventions and Israel's leading provider of economic and military aid, to:

- ! Take measures, as needed, to ensure Israel's compliance with its obligations under the Fourth Geneva Convention by reversing the deportations;
- ! Take the lead in formulating a UN Security Council resolution that makes the necessary arrangements to implement UNSC Resolution 799 of December 18, 1992, which condemns the deportations and calls on Israel to readmit the deportees;
- ! Pending the fulfillment of the previous steps, urge the Israeli and Lebanese governments to provide the deportees with adequate relief, in compliance with international law.

## I. PROFILE OF THE DEPORTEES

About half of the deportees are *imams* (prayer leaders), religious scholars or *shari'a* (Islamic law) judges. They include Shaikh Hamed al-Baitawi, who is head of the Palestine Religious Scholars Association, an imam at the al-Aqsa Mosque in Jerusalem and the shari'a judge of the West Bank town of Tulkarm.

At least 15 of the deportees are university professors, including Dr. Salem Salamah, president of Gaza Islamic University. Fourteen are medical doctors, while 16 are on the staff of UNRWA, the UN relief agency for Palestinian refugees. The remainder are school teachers, businessmen, students or manual workers.

Of the 31 deportees whom Middle East Watch interviewed about their judicial status and whereabouts at the time they were selected for deportation:

- ! Four had been convicted by the courts and were serving sentences in jails;
- ! Eight were in administrative detention X detention without charge or trial;
- ! Ten were in custody awaiting trial; and
- ! Nine had been at liberty prior to their deportation, and had no previous convictions.

In other words, over half of the sample interviewed said that at the time of the deportation they had neither been formally charged nor convicted of any offense. Studies by human rights groups in the occupied territories have found that a significant proportion of the deportees had never been convicted of offenses.

Many of the deportees were taken from their homes. They said that after cursory questioning, apparently aimed only at establishing their identities, authorities blindfolded them, bound their hands behind their backs, and immediately put them on buses heading north.

The majority of the deportees support the activities and political views of Hamas. However, most deny a formal affiliation with the organization, which has been outlawed by Israel. Shaikh al-Baitawi told Middle East Watch, "We do not formally belong to the Hamas movement; we only support it because it represents the Islamic face of Palestine."

In a series of attacks that triggered the summary deportations, Hamas claimed responsibility for the killing of five members of the Israeli security forces in early December, including the slaying in custody of kidnapped border policeman Nissim Toledano.

The designated spokesman of the deportees, Dr. Abdel Aziz al-Rantissi, and his deputy, Dr. Aziz al-Duwai, both openly support Hamas. A minority support the Islamic Jihad, another banned group with similar political views. A small percentage indicated to Middle East Watch that they are apolitical or support neither organization.

Among the camp leaders is Shaikh Abdel Fattah Dukhan from the Gaza Strip, who is reputed to be one of the founders of Hamas. In common with the other deportees, Shaikh Dukhan denies any link to the Izz al-Din al-Qassam Brigades, an armed Islamist group implicated in many of the recent attacks on Israeli security forces. According to one deportee, "Al-Qassam's Brigades no longer have any connection with Hamas, although there was some coordination when they were first established." Middle East Watch is not in a position to assess the validity of these claims.

Emphasizing the secret nature of the Brigades and the independence of their operations, Shaikh Dukhan told Middle East Watch: "I did not suspect that my own son was affiliated with the Brigades until he became 'wanted' by the Israeli army and did not become fairly sure of it until he was 'martyred.'"

Another deportee, who asked to remain anonymous, told MEW that the Al-Qassam Brigades are composed of "wanted" individuals who are at risk of being summarily executed by Israeli forces, unless they are lucky enough to be taken into custody instead and imprisoned for twenty or more years. He said that none of the active members stay with their families, who rarely have any information about their whereabouts.

None of those interviewed at length acknowledged any involvement in violent activities. Middle East Watch is unable to vouch for their previous records; it maintains that the responsibility rests with the Israeli security forces to demonstrate in fair and public trials that these individuals had committed, or were conspiring to commit, specific violent offenses.

## II. A TEST OF WILLS

How up to 450 persons were selected by Israeli authorities as candidates for immediate deportation, on the grounds that they were "inciters" X the catch-phrase used in the official statement from Prime Minister Rabin's office on December 17 X is unclear. Israeli authorities have divulged no detailed justification for the selection of these persons.

That some 35 persons, including the well-known Gaza journalist Taher Shriteh, were taken off the deportation convoy at the last minute, and that the authorities subsequently acknowledge that a further ten were deported in error seriously erodes confidence in the selection process. The identification of potential deportees appears to have been left to unnamed Israeli operatives subject to no public oversight.

Before putting the intended deportees on buses, authorities confiscated all of their Israeli-issued identity cards. Deportees interviewed by Middle East Watch in Lebanon expressed great concern that the confiscation of the cards might be a prelude to denying them re-entry to the occupied territories at any time in the future. Moreover, without their ID cards, most of the deportees now in southern Lebanon have no identity papers of any kind.

While Israeli officials have emphasized in public statements that the deportation was a "temporary removal for up to two years," they have also indicated, more quietly, in remarks to international organizations, that permission for individual Palestinians to return home is not automatic at the end of this period.

\* \* \*

On December 16, the deportees were driven on buses to the border; in their haste to complete the operation before any legal challenge or international protest could be mounted, Israeli authorities did not even serve some of the deportees with the correct legal papers. At the border they were held overnight in the vehicles, blindfolded and handcuffed, after an Israeli judge granted a temporary injunction that lasted until the following afternoon.

After crossing into the Israeli-controlled "security zone," they were ordered to disembark at the Zumriyya crossing, a checkpoint controlled by the IDF and the South Lebanon Army, an Israeli-backed local militia. There they were ordered to walk towards an area under the control of the

Lebanese Army. However, Lebanese units at Marj al-Zuhour, five kilometers away, stopped the progress of the deportees and ordered them to return.

When the deportees tried to return to the Israeli positions, they were fired upon, as a result of which a number of them were injured. Following this failed attempt to cross back through the "security zone," Israeli forces laid mines in the road leading to the crossing, according to eyewitnesses interviewed by Middle East Watch.

The deportees then returned to the area between the two checkpoints, where they remain. The Lebanese government maintains that their place of encampment is, in fact, Lebanese territory occupied by Israel; Israel alone is thus held responsible for their welfare. Israel, on the other hand, argues that the region is sovereign Lebanese territory and, thus, implies that the Palestinians have been successfully deported. The dispute epitomizes the contest of wills between the two government, each attempting to put the onus for the fate of these unfortunate persons on the other party.

To this date, the exact number of deportees is not known. The Israeli government initially announced 418 were being deported, 35 of whom were brought back at the last moment. The government subsequently announced it was deporting another 32 men who were flown by helicopter to the border to join those already on the buses. This brought the tentative total to 415. However, the list provided by Israel to the ICRC contained only 413 names.

Meanwhile, the residents of the camp put the number at 412. In addition, they report a mismatch of about 15 names between their own camp census and the list of deportees provided by Israel to the ICRC. Israel has compounded the confusion X and anxiety among the relatives of detained Palestinians X by failing to inform the families directly or providing official confirmation of the persons deported.

### III. CONDITIONS IN THE "SNAKE-PIT"

Named by its inhabitants as the Return (*al-'Awda*) or Jerusalem (*al-Quds*) camp, the campsite established by the deportees south of the Lebanese army post at Marj al-Zuhour is located on the side of a windswept 900-meter-high hill. They have also dubbed the location the "snake-pit" because it is infested with snakes.

Between December 19 and 21, the camp was partially equipped by the ICRC and UNRWA. But the Lebanese government then ordered a halt to these relief efforts, maintaining that such an operation should be conducted from the Israeli side. From the outset, Israel has consistently prevented relief supplies sent by humanitarian organizations or private citizens from reaching the deportees.



The camp is exposed to the harsh winter weather of the western Beqa' region, where temperatures have frequently dipped below freezing since the deportees' arrival. Two severe snow storms in the past two weeks X on December 27 and January 8 X have made life in the camp intolerable.

Living in tents that are not designed to withstand snow or heavy rain, the deportees have had to endure sleeping in wet tents and on water-soaked foam mattresses in freezing temperature. Although some 2,000 blankets were provided to them by the ICRC and UNRWA, the frequent rain and snow have made many of the blankets unusable. During the night of January 8, at least 20 of the 53 tents had to be evacuated after being flooded with rain water. Their occupants had to share other, less soaked, tents.

Sanitary conditions are extremely primitive, raising the likelihood of disease spreading among the camp occupants. The unsanitary conditions may have contributed to the spread of a skin disease among the deportees, as well as the more than 60 cases of stomach and intestinal ailments reported by the camp doctors. The skin disease has not been definitively diagnosed, but doctors speculated that it may be a highly contagious condition brought by some of the deportees who came directly from Israeli detention facilities.

Most of the deportees risk illness because of the harsh conditions. Although the 14 doctors among the deportees have made substantial efforts to attend to the sick and wounded, they lack the equipment and specialized medications needed to deal with the health problems of the deportees.

Nine men, including some who fell seriously ill and others who were wounded by shrapnel, were briefly hospitalized in Lebanon. But they were subsequently discharged and returned to the camp. Several of the camp residents urgently need hospital care. Anjad Zamel and Wael Hindiyya were hit by shrapnel from a mortar shell fired on December 21 from Israeli positions near the Zumriyya crossing. Zamel was hit in the head and his jaw was fractured. The doctors at the camp believe that he needs to be evacuated immediately to receive specialized care. Dr. Omar Farawneh said that Zamel was at risk of losing his lower jaw.

Zuhair Labadi, who camp doctors said appears to be suffering from a severe kidney malfunction, waited for days before he was evacuated to a hospital by the ICRC. Abdel Aziz Kajak suffers from frequent internal bleeding that, according to camp doctors, needs the specialized care available only in hospitals. On January 7, Abdel Aziz Rantissi, a physician and camp spokesman, said that there were some 50 cases of chest infections due to prolonged exposure to the cold.

On January 9, Israel granted the ICRC permission to send two Tel Aviv-based delegates to visit the deportees for one day only, with the requirement that they travel in and out of the region by helicopter. During the visit, Zuhair Labadi was taken to a hospital at Marjayoun, in the "security zone"; and a 16-year old youth deported in error was escorted back to the Israeli border and allowed to return to Hebron, where he is at liberty. Arrested on December 14, the youth, a shoemaker's apprentice

named Bassem al-Siouri, denied to Middle East Watch any involvement in resistance activities. Israeli authorities had reportedly accused him of writing political graffiti.

Until the brief visit by the ICRC delegates on January 9, Israel had barred access to the deportees through its lines to all persons and organizations. For instance, on December 28, a delegation of Israeli-Palestinians led by Knesset members was turned away when they tried to cross the Israeli-Lebanese border, to reach the camp.

#### **IV. THE LACK OF DUE PROCESS**

On December 16, Israeli Prime Minister Yitzhak Rabin, who also holds the Defense Ministry portfolio, issued authorization No. 97, granting military commanders in the West Bank and Gaza Strip regions

...the authority to issue orders, as required by the immediate and necessary security requirements, without prior notices, to expel inciters from the among the population of their locality, who endanger lives by their activities, or incite such activities, for a period determined by the military commanders but not to exceed two years.

Within hours after the issuance of authorization No. 97, military authorities issued regulations permitting summary deportations, and began rounding up candidates for expulsion. Brigadier-General Matan Vilnai, the IDF commander for the region that includes the Gaza Strip, issued Military Order 1086; a similar order was issued by the commander for the region that includes the West Bank. Neither was made available to lawyers or, in many cases, to the deportees themselves.

Citing the two-year time limit in the legislation, Israeli officials have termed the new sanction "temporary removal" and eschewed the term "deportation" in describing it. However, the Fourth Geneva Convention's prohibition of "individual or mass forcible transfers, as well as deportations" is absolute and is not negated by any time limit attached to the sanction.

The new regulations amend article 112 of the 1945 Defence (Emergency) Regulations, which is the law used by Israel to deport Palestinians from the occupied West Bank and Gaza Strip. The amendment considerably loosens the existing procedural restraints on deportations, most notably by allowing the expulsion to take place before any appeal can be filed. A legal challenge to this expedited procedure, filed by human rights lawyers, is due to be heard by Israel's Supreme Court next week.

The new regulations permit appeals to be lodged by a relative or a lawyer on behalf of the deportee. Article 4(a) of military order 1086 specifies that submissions must be made within 60 days of the issuance of the order. On January 10, the Israeli government dropped this deadline requirement for filing appeals.

When an appeal is filed, a three-person panel of military officers appointed by the local military commander is authorized to rule on the merits of the deportation; this is a change from the advisory, non-binding nature of the military review committees that until now reviewed appeals of deportation orders.

The appeals process, which falls far short of a fair trial before a court of law, is further hampered by the refusal of Israeli authorities to provide access for lawyers, relatives and acquaintances to the deportees through the Israeli-controlled "security zone." Thus, lawyers are prevented from having any contact with their clients.

Those men who were serving prison terms when deported underwent what amounts to a second punishment imposed by a law passed long after they had been convicted. One case was that of Muhammed Salim Nimr from Beit Lahia in the Gaza Strip. Some of the deportees told Middle East Watch that they had actually completed their sentences or were a few days short of completing their terms when they were deported.

Since the deportations were in the nature of a criminal punishment, the deportation of persons already serving sentences transgressed two fundamental legal principles: that of double jeopardy, in which a person is subjected to two penalties for the same offense, and that of protecting defendants from *ex post facto* legislation.

## CONCLUSIONS

These deportations are a grave breach of the Fourth Geneva Convention, which is applicable to Palestinians living under Israeli occupation.

The deportations clearly amount to an act of collective punishment that arbitrarily targets alleged supporters of Hamas and the Islamic Jihad without regard to whether they are linked to specific offenses.

The deportees were expelled without due process of law. They were neither allowed access by lawyers nor informed of the charges against them. Lawyers acting on behalf of the deportees were not given the text of the amended regulations (e.g., M.O. 1086, for the Gaza Strip), until days after the deportation had taken place.

Other deportees were serving terms of administrative detention, without formal charges or trial, when they were deported. For those who were serving prison sentences, the deportation was an additional *ex post facto* punishment.

The new rules governing deportation give local military commanders wide discretion to order the deportation of "inciters." They deny the option to appeal the order of deportation until after the deportation is completed. After that, deportees are allowed to appeal from abroad. In the case of the recent deportees, they have been effectively denied even this right since Israel has barred access to the camp.

The manner in which the deportations were carried out poses a grave danger to the lives and well-being of the deportees. Located between the Lebanese army position in Marj al-Zuhour and the Israeli-controlled Zumriyya crossing in occupied south Lebanon, the camp is exposed to the harsh winter weather, resulting so far in numerous health problems for the detainees.

Denial of access to the deportees' camp further endanger their lives, especially in cases of serious illness and other emergencies.

\* \* \*

For Immediate Release: December 18, 1992

### **Israel Still Refuses to Provide Names of Deportees**

Israel has compounded the humanitarian problems stemming from its deportation of about 400 Palestinians yesterday by refusing to release their names. Thus, hundreds of families of men who are incarcerated still do not know whether their relatives are among those who were expelled to Lebanon.

Middle East Watch urges the United States government to protest in vigorous terms not only the summary mass deportation, which is a grave breach of the Fourth Geneva Convention, but also the inhumane fashion in which it was carried out.

After Israeli human rights lawyer André Rosenthal petitioned the Israeli Supreme Court to order the Army to release the names of the deportees, the Army claimed that the names had been given to Civil Administration offices in the occupied West Bank and Gaza Strip. However, repeated efforts today by lawyers to obtain names were largely unsuccessful. A hearing on Rosenthal's petition to release the names is scheduled for Sunday.

Middle East Watch deplores that:

- \* These deportations clearly amount to an act of collective punishment that targets alleged supporters of Hamas and Islamic Jihad without regard to whether they are individually linked to specific acts of violence;

- \* The government, a full day after the deportations were carried out, still refuses to make public the names of the deportees, thereby inflicting additional pain on prisoners' and detainees' families;

- \* Israel subjected the deportees to cruel and degrading abuse as they were being sent into exile, by confining them in buses blindfolded and with their hands and feet tightly bound for approximately 15 hours. At no time were they told where they were being taken, according to Palestinian journalist Taher Shriteh, who was among those bussed to the Lebanese border on Wednesday night. Shriteh was later returned without explanation to Gaza City and released today.

Middle East Watch sent a letter to Prime Minister Rabin protesting the expulsions on December 16, and the following day urged the U.S. government to respond forcefully to condemn the deportations and seek their reversal. On December 15 Middle East Watch protested the arrest of Taher Shriteh.

For immediate release

December 17, 1992

**MIDDLE EAST WATCH URGES U.S. TO TAKE LEAD IN DENOUNCING  
ISRAEL'S MASS DEPORTATION OF PALESTINIANS**

Middle East Watch strongly deplores Israel's decision to deport summarily nearly four hundred Palestinians from the occupied West Bank and Gaza Strip, and urges the United States government to move swiftly to condemn and seek to reverse this action. In their magnitude and utter lack of due process, the deportations are unprecedented in the 25-year occupation.

The U.S., as a party to the Geneva Conventions and as the leading provider of economic and military aid to Israel, has a special responsibility to respond to the deportations. Middle East Watch calls on the U.S. government to:

- \* take the lead in formulating a strongly worded U.N. Security Council resolution calling on Israel to rescind the deportations;
- \* take the lead in ensuring Israel's compliance with the Fourth Geneva Convention by mobilizing Parties to fulfill their obligation under article 1 of the Convention, which obliges Parties to "ensure respect for the present Convention in all circumstances";
- \* take additional steps, including sanctions, as needed, to ensure the reversal of this illegal action.

Deportation, viewed by both Palestinians and Israelis as the most severe of the sanctions that Israel imposes on suspected activists, is clearly prohibited by the Fourth Geneva Convention, which is applicable to the residents of the occupied territories. Article 49 of the Convention prohibits "[i]ndividual or mass forcible transfers, as well as deportations of protected persons from occupied territory...regardless of their motive."

The severity of the violation is illustrated by article 147 of the Convention, which classifies deportation as a "grave breach," or a war crime requiring perpetrators to be tried and punished by Parties to the Convention (article 146).

Today's expulsions constitute a blatant violation of article 49. This fact is not altered by the Israeli government's preference for the term "temporary removal" over "deportation," and its claim that the persons affected are to be excluded from the area for no more than two years./more/

Between the outbreak of the intifada in December 1987 and May 1991, 66 Palestinians were deported on security grounds. From May 1991 until today, Israel had ceased using this controversial measure, largely in response to international pressure. Deportation orders that were issued against 11 Palestinians were cancelled in August by Prime Minister Yitzhak Rabin.

Israel's mass deportation of Palestinians today is an abuse of such magnitude, which could endanger the peace process itself, that a forceful response by the U.S. is required. The U.S. has tended to shun public criticism of human rights abuses by Israel and its neighbors, fearing that such criticism could complicate the negotiations.

\* \* \*

The Israel Defense Force began transporting Palestinians across the Lebanese border this afternoon, after Israel's Supreme Court, sitting as the High Court of Justice, lifted its temporary injunction on the deportations. The court acted after hearing arguments on a petition filed by the Association for Civil Rights in Israel seeking a halt to the deportations.

Since yesterday, 418 Palestinians had reportedly been sitting, handcuffed and blindfolded, in buses near the Lebanese border, their crossing delayed by the court injunction. However, 35 of the group were later returned from the border to detention centers inside Israel, leaving 383 would-be deportees at the border.

The government has so far refused to divulge names of the persons being deported. It imposed strict censorship on reports of the deportations until the early hours of the morning.

Most if not all of the deportees are among the estimated 1,600 residents of the occupied territories who have been arrested over the last two weeks in a crackdown on Hamas. Hamas has reportedly claimed responsibility for the killing of five Israeli soldiers and policemen since December 7, including the slaying in custody of kidnapped border policeman Nissim Toledano.

A government communiqué issued early this morning characterized the deportees as activists in the radical Islamist movements Hamas and Islamic Jihad "who endanger human lives through their actions, or incite to actions of this sort." This claim, however, is unsubstantiated, since the deportees were neither charged nor tried before being bused across the border.

The government communiqué this morning announced that the persons affected could be eligible within 60 days to file an appeal via a family member or lawyer. This as-yet untested procedure appears even less adequate than the meager appeals procedure that has been provided to deportees until now, since the petitioner will not even be inside the country to plead his case. (Under existing practice, deportees could petition the High Court of Justice, but the refusal of the court to permit the petitioner to see the evidence and specific charges against him made it virtually impossible for him to rebut the accusations. No appeal against a deportation has ever been overturned by the Court.)

Middle East Watch stresses that in the event that Israel permits some or all of the deportees to return, they must be granted their liberty unless they are charged with specific criminal offenses and granted a prompt and fair trial.

\* \* \*

BY FAX

December 16, 1992

Prime Minister Yitzhak Rabin  
Office of the Prime Minister  
Jerusalem, Israel

Dear Prime Minister Rabin:

Middle East Watch has received disturbing reports from reliable sources in Israel that several hundred Palestinians are in the process of being summarily deported to Lebanon, apparently for their alleged involvement with Hamas. If these reports are true, we must express our strongest condemnation. As you know, forced deportations of Palestinians from the occupied West Bank and Gaza Strip violate the explicit provisions of Article 49 of the Fourth Geneva Convention of 1949, which bars "[i]ndividual or mass forcible transfers [or] deportations of protected persons from occupied territory to the territory of...any other country, occupied or not." Although the Israeli government contests the de jure applicability of the Fourth Geneva Convention, virtually every other nation and the U.N. Security Council deem it to be legally binding. In any event, the Israeli government has long vowed to abide by what it terms the "humanitarian provisions" of the Fourth Geneva Convention, which clearly include Article 49.

These reported deportations are particularly distressing because in all but a handful of cases in which lawyers have been able to intervene they appear to have been carried out summarily, without an opportunity for the deportees to appeal the deportation order to the High Court of Justice or any other body. Such summary deportations are unprecedented in the recent history of the Israeli occupation.

We condemn the recent murder of several Israeli soldiers by assailants acting in the name of Hamas, and fully recognize the authority of the Israeli government to take lawful action to punish such conduct. But the blatantly unlawful use of summary deportations in response to this violence will only fuel the cycle of lawless conduct. We urge your government to take immediate action to stop this illegal retribution.

Very truly yours,

Kenneth Roth, Deputy Director  
Human Rights Watch



***This report was researched and written by Aziz Abu-Hamad, associate director of Middle East Watch; Eric Goldstein, research director of Middle East Watch; and David Rosenberg, a lawyer and consultant with Middle East Watch.***

***Middle East Watch was established in 1989 to monitor compliance with international human rights standards in the Middle East and North Africa. The chair is Gary Sick; vice chairs, Lisa Anderson and Bruce Rabb.***

***Middle East Watch is a division of Human Rights Watch, which also includes Africa Watch, Americas Watch, Asia Watch, Helsinki Watch, Fund for Free Expression and special projects on Prisoners' Rights and Women's Rights. The chair is Robert L. Bernstein and the chair is Adrian W. DeWind. The staff includes Kenneth Roth, acting executive director; Holly J. Burkhalter, Washington director; Gara LaMarche, associate director; Ellen Lutz, California director; Susan Osnos, press director; and Jemera Rone, counsel.***