

# בִּיִּשְׁלָם

מרכז המידע הישראלי לזכויות האדם בשטחים

'בִּיִּשְׁלָם' מרכז המידע הישראלי לזכויות האדם בשטחים

B'TSELEM - The Israeli Information Center for Human Rights in the Occupied Territories

## INFORMATION SHEET: UPDATE SEPTEMBER-OCTOBER (English Version) ١٩٩٤

### RENEWAL OF DEPORTATION OF WOMEN AND CHILDREN FROM THE OCCUPIED TERRITORIES ON ACCOUNT OF "ILLEGAL RESIDENCY"

Introduction.....	3
Violation of the State's Commitment To the High Court of Justice?.....	5
Background - Who Are the People Whose Residence in the Territories Is Defined As Illegal?.....	7
Deportation of Illegal Residents.....	9
The Situation Following the Petition to the High Court.....	10
A Person's Right to Reside in the Same State With His/Her Spouse.....	12
Sample Cases.....	13
Summary.....	17
What is Hateful to You Do Not Do Unto Others.....	18
Response of the Coordinator of Activities in the Territories.....	19
Intifada Fatalities.....	20

**B'Tselem**, the Israeli Information Center for Human Rights in the Occupied Territories, was founded in February 1989 by a group of lawyers, intellectuals, journalists, and Members of Knesset. The objective of **B'Tselem** is to document and to bring to the attention of policy makers and the general public, violations of human rights in the territories.

**B'Tselem's** data are based on fieldwork, independent investigations, and official Israeli sources, as well as on the data of Palestinian sources, especially human rights groups such as PHRIC and al-Haq.

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## INTRODUCTION

In recent weeks, B'Tselem has gathered information about the deportation from the occupied territories of Palestinian women and children who do not possess visitors' permits. An examination of this information reveals a clear pattern: the security authorities have resumed the systematic deportation of people - mostly women and children - who have stayed in the territories without visitors' permits, thus separating them from other members of their families.

The majority of cases concern Palestinian women who are not residents of the territories (and their children), but who are married to residents of the territories. Many of these women had their requests for family reunion rejected, leaving them with no choice but to enter the territories with the status of "visitor," on a permit valid for a limited period. When the permit expires, their presence becomes "illegal."

The issue at hand is not one of "illegal" immigrants as in other places in the world, but rather of children belonging to families that have resided in the territories for generations.

Approximately two years ago, the authorities began deporting women with this status. The policy caused a public outcry both in Israel and abroad, and was eventually stopped for what was termed "humanitarian reasons." Some time later, the State Attorney's Office, responding to a petition filed with the High Court of Justice on this subject, announced an arrangement that would enable the women and children who had been deported to return to their homes, as well as a policy of not deporting them again.

B'Tselem is in possession of information regarding several dozen women who in recent weeks were directed to leave the territories with their children. At least three have left to date.

Following intervention by B'Tselem and the Association for Civil Rights in Israel, the permits of most of the women were extended, and the Judea and Samaria Legal Advisor announced that an order had been given in all the districts to freeze the deportations. However, additional deportation notices have been issued in the meantime. According to letters from the State Attorney's Office and the Office of the Judea and Samaria Legal Advisor, the state currently claims that the arrangement announced at the High Court hearing applies only to those women who married and entered the territories before June 1990, the date of the announcement.<sup>1</sup> In other words, the administration feels at liberty to deport those who married and entered the area subsequent to this arbitrary date.

Despite the intervention of human rights organizations, and requests by Knesset members, the security authorities insist on their interpretation of the State's commitment as announced in the High Court of Justice, and are acting to prevent the residency of two main groups:

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1. Letter of Colonel Moshe Rosenberg, Judea and Samaria Legal Advisor, to Atty. Joshua Schoffman of ACRI, June 17, 1991.

a. wives of residents who have transferred the main focus of their lives to another place, namely, those who have resided outside of the territories for many years

b. women who married subsequent to the High Court of Justice hearing.

To date, four petitions have been submitted to the High Court of Justice on behalf of 18 residents of the territories whose wives were not granted extensions on their visitors' permits. The petitions were submitted by Atty. Andre Rosenthal of "Hotline: Center for the Defense of the Individual." In three cases, a temporary order was granted, instructing that the wives and children of the petitioners not be removed from the territories until the hearing. The fourth petition was transferred to a three-judge panel but has not yet been heard.

## A. VIOLATION OF THE STATE'S COMMITMENT TO THE HIGH COURT OF JUSTICE?

By Attorney Neta Ziv-Goldman,  
The Association for Civil Rights in Israel

According to the policy implemented by the security authorities and the military government for many years, a resident of the territories who is married to a woman who is not a resident does not have the right to live with his wife and children in the territories. His wife is unable to obtain the status of a resident by virtue of the marriage, and if the family wishes to remain together, the couple must submit a request for "family reunification." The trouble is that beginning in 1983, the military government has had a policy of not granting such requests except in unusual and rare cases. As a result, many families have over the years been forcibly separated. The women and the small children have had the unstable status of "visitor," and have been forced to leave the area every few months, remain outside it for a period of several months, and request visitor permit renewals each time they wanted to enter the territories.

A petition challenging this heartless policy was submitted to the High Court of Justice in January 1990, by the National Council for the Child and the Association for Civil Rights in Israel (hereinafter: ACRI), on behalf of a number of residents who had been forcibly separated from their family members. The hearing took place in June 1990. As the date approached, the State Attorney's Office announced that the military government's policy in the matter of residency in the area [for Palestinians] had changed. The announcement stated that from that date, women who were married to residents of the territories would be able to remain in the area with the status of "permanent visitor;" they would not be required to leave the area every few months, their children would be able to become integrated into the education system, and the fees required for renewing visitation permits would be lowered. The State pledged to notify ACRI of any change in this policy thirty days in advance.

Following the Administration's change in stance, the High Court rejected the petition. During the year that has passed since this announcement was made, several difficulties have arisen in connection with its implementation. ACRI representatives requested that the Judea and Samaria Legal Advisor clarify the period for which visitors' permits were valid, what the fees were, etc. - matters which were not sufficiently clear. In June 1991, the Judea and Samaria Legal Advisor replied that the permits would be given for six months and that the fee would be decreased by 50%. In summing up his letter, the Legal Advisor emphasized, however, that the arrangement would not apply to those women who got married and entered the area after June 1990, the date of the High Court hearing. In other words, according to the State's position, the arrangement would not apply in the future to anyone who married after June 1990, but rather would bring about a solution only for those families who had been forced to live in separation until the date of the announcement to the High Court.

This position, which provides a narrow and unreasonable interpretation of the administration's new policy, is unacceptable to ACRI. In our

opinion, there is no difference, from the humanitarian perspective of family distress, between those who were married on one date or another. ACRI has made this standpoint clear to the authorities.

In addition to carrying on correspondence regarding categories of people to whom the High Court arrangement applies, various human rights organizations in Israel and the territories began receiving many complaints from residents who were ordered, in recent weeks, to report to the Civil Administration, where women (whose visitors' permits had expired), were informed that they had to leave the area immediately.

In all of the cases brought to our attention, the High Court arrangement applies. These cases involved women who had married residents of the territories a number of years earlier and had resided in the territories on visitors' permits, which were renewed from time to time. Despite this, they were required to exit to Jordan with their small children. Thus, Civil Administration personnel not only failed to inform the families of their right to remain in the area by way of permanent visitors' permits, but they also demanded that the women and children leave the territories within a few days. In some cases, women and their children left the area out of a fear that they would be forcibly deported, despite their right to remain, as declared by the State in the High Court.

ACRI considers these activities a breach of commitment and departure from a policy to which the State obligated itself in the High Court. In contrast to this commitment, no word of the anticipated change was relayed to ACRI representatives thirty days in advance.

On August 15, 1991, the Judea and Samaria Legal Advisor informed ACRI that all activities relating to removing women and children from the area would be halted pending an examination of the subject and the formulation of a policy. Several women who had already exited were permitted to return to the West Bank. It appears, however, that the IDF intends to resume taking measures to remove women and children who entered the area after June 1990, thus separating men from their wives, fathers from their children. There seems to be no way to avoid bringing this matter once again to the High Court.

## B. BACKGROUND - WHO ARE THE PEOPLE WHOSE RESIDENCE IN THE TERRITORIES IS DEFINED AS ILLEGAL?

After the outbreak of the Six Day War, many Palestinian families found themselves split apart, with one part of the family inside and the other outside the territories occupied during the war. Except in a very few cases, whoever was outside of the territories on the day of the occupation, for whatever reason, was not permitted to return. In September 1967, a curfew was declared in the territories and a census was conducted. Those counted in this census were registered as residents, and all persons from the age of 16 and up were given identity cards. Younger children were recorded on their parents' identity cards. Only those persons who had identity cards or were registered on those of their parents were recognized as residents.

Many residents of the territories were thus ousted from their homes: people who had fled from the horror of the fighting; people who were working or studying abroad; and many others who were staying abroad for a variety of reasons. In addition, there were residents who had been included in the census, but who later lost their right of residence - these were mainly individuals who went abroad to work or study, and stayed for a period longer than the various military orders permitted.

Over the past year, the number of people who belong to this category has grown, following the return to the territories of many Palestinians who had been working in Kuwait. To these were added over the course of the years men and women from Arab countries who married residents of the territories.

In order to return to their homes, all such individuals must submit a request for family reunification. Such a request must also be submitted by residents of the territories who marry individuals not recognized as residents. There are many cases of the latter sort, since most of the residents have relatives outside the territories - many of whom were born in the territories - and in-family marriage is a widespread custom.

According to data from the Ministry of Defence, during 1989, 24% of the requests for reunification of West Bank families and 63% of the requests of families from the Gaza Strip were approved. In the first seven months of 1990, 41% of the requests from the West Bank and 71% of the requests from the Gaza Strip were approved.<sup>2</sup>

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2. According to the data for 1989 which we obtained from the Office of the Coordinator of Activities in the Territories, of the 1053 requests for family reunification submitted in the West Bank, 250 were approved, and of the 305 submitted in the Gaza Strip, 192 were approved. In 1990, through the end of July, 139 of the 334 requests submitted in the West Bank were approved, and of the 261 requests from the Gaza Strip, 187 were approved. According to data published by the Red Cross (which have not been confirmed by other sources), between 1967-1987, 140,000 requests for family reunification were submitted; of these only some 19,000 were approved.

The Civil Administration maintains, in an argument confirmed by the High Court of Justice, that reunification of families in the territories is a privilege and not a natural right.<sup>3</sup> Many family members whose requests are denied enter the territories as visitors, and when their visitors' permits expire, their stay becomes illegal and they can be deported.

The Israeli authorities have never claimed that there are security reasons for preventing family reunification, or alternatively, for heaping hardships on women residents in the territories who are married to residents but are not themselves residents. The explanation usually given for Israeli policy in this matter is that there is a fear of the demographic growth of the population in the territories.<sup>4</sup> This fear actually has no basis, since in Palestinian society, a woman customarily joins her husband's family. The number of women from Arab countries who enter the territories to live with their husbands is similar to the number of women leaving the territories to join their husbands in Jordan and other Arab countries.

Therefore, in the West Bank and Gaza Strip, many thousands of Palestinians live "illegally." There are no official figures according to which the exact number can be determined. According to the estimates of Arab institutes in East Jerusalem, the number approaches approximately 120,000 persons, mostly women and children. These individuals have no identity cards and are deprived of rights.

Around the beginning of the Intifada, the military government issued a new, particularly harsh order, according to which children would be registered as residents only if both parents were registered as residents, or if the mother was a resident of the area, but they would not be registered if their mother was not a resident. Previously, children whose fathers were residents of the territories (and whose mothers were not) were registered on their fathers' identity cards.<sup>5</sup> Many of the children born over the last four years have thus been added to the population of "illegal" residents.

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3. HCJ 106/86.

4. See, for example, Colonel Ahaz Ben-Ari, in an interview in the *Hadashot* supplement, April 9, 1990.

5. Article 11A, appended to the Order Concerning Identity Cards and Population Registry (Judea and Samaria) in accordance with Order No. 1208 of September 13, 1987.

### C. DEPORTATION OF ILLEGAL RESIDENTS

Between May and December, 1989, more than 200 people, most of them wives and children of residents of the territories, were deported from the territories for "illegal residency." These deportations, which separated wives from their husbands and children from their parents, were usually carried out in the middle of the night. A unit of soldiers would enter a village, gather all males between the ages of 16 and 60 in a single location, and order those who were to be deported to get ready immediately to leave their homes. According to data gathered by B'Tselem, 46% of those deported were women, 50% children, and 4% men. Approximately one tenth of the women deported were pregnant at the time of deportation, and many of the deported children were very small infants.

A long article on these deportations appeared on the front page of the Washington Post on January 30, 1990. In response to this article, a U.S. State Department spokeswoman said that she hoped Israel would demonstrate greater "sensitivity and flexibility" in granting residence permits for Palestinians in the territories. On January 31, 1990, a spokesman for the Israeli Ministry of Defence said that Defence Minister Yitzhak Rabin had decided, "for humanitarian reasons," to suspend "deportations of foreign persons" from the area until further clarifications were made.

On June 5, 1990, the High Court of Justice heard the petition submitted by ACRI and the National Council for the Child on behalf of 15 fathers and children from the West Bank whose family members had been deported to Jordan. In the petition, the military authorities were asked to explain why they would not approve the petitioners' requests for family reunification and give the applicants residence status in the territories, or alternatively, visitors' permits. The High Court of Justice rejected the petition following an announcement by the State Attorney's Office of a change in policy (HCJ 1979/90).

The State Attorney's Office announced that there was nothing preventing the petitioners from requesting permits to remain in the area as visitors, and that the policy would be to extend the permits from time to time and not to continue deporting other family members. The petitioners argued that this was unsatisfactory since as long as they were not given permanent status in the area, their future would be insecure and difficulties would arise that would prevent them from leading a normal life. The High Court of Justice, for the time being, chose to reject this argument of the petitioners as well, maintaining that first, "the success of the new policy and the ensuing developments, if there are any, must be tested in practice."

#### D. THE SITUATION FOLLOWING THE PETITION TO THE HIGH COURT

In denying the petition which was submitted to them, the justices of the High Court stated that the new policy must be put to the test of reality. At the same time, the justices emphasized that "the status of the petitioners one way or another cannot be left open indefinitely."

Today, more than one year after the ruling, it seems that the new policy does not succeed in practice, and the status of the families is as unclear as ever: a large number of women and children reside in the territories without permission. These families do not know what the future will bring, and live in constant fear of deportation.

No data was given by the authorities on the exact number of women and children who were permitted to return. Field investigations indicate that most of the deportees of 1989 were permitted to return, but their status was not settled in the spirit of the High Court of Justice decision. The Court ruling stated that the Attorney General had announced that "visitors' permits can be [issued for periods of] one day to three months, and there is a tendency to extend their period of validity." An investigation of many families indicated that most of the women and children who returned were given visitors' permits for a period of only one month.<sup>6</sup>

In the High Court of Justice decision it was further stated that "it is to be hoped that the matter of fees will also be reconsidered in order to satisfy the needs of the petitioners." The fees have not changed: the cost of a visitor's permit is NIS 291. The cost of extending a permit (termed for unknown reasons "toll for bridge crossing") is NIS 162. The Palestinian families with whom we spoke complained to us that a month's permit can only be renewed twice (for a period from one to six months), and afterwards, those requesting permits are required to leave the territories for a period of three months. For this reason, and because of the fee, families prefer not to approach the authorities after their permit expires, and the women remain in the territories with their children, without permits and with no status.

According to Defence Minister Moshe Arens, all of the requests for extending visitors' permits submitted since the High Court hearing have been approved.<sup>7</sup>

In recent weeks, several dozen women married to residents of the West Bank have received notification from the Civil Administration to leave the territories with their children.

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6. Anyone requesting a permit must sign a promissory note for NIS 5,000 to ensure exit or renewal of a permit by the date stipulated.

7. In response to a parliamentary interpellation by MK Avraham Poraz, Defence Minister Arens announced on May 13, 1991, that from the HCJ announcement to March 31, 1991, in the Judea and Samaria region, "572 requests for extension of visitors' permits by women married to area residents, and their children, have been submitted and approved, and in the Gaza Strip, 812 requests have been submitted and approved" (emphasis in the original).

An investigation by B'Tselem and ACRI revealed that these were not isolated incidents, but rather part of a policy of deporting everyone who resides "illegally" in the territories. The security authorities substantiate this trend, which stands in contradiction to the State's commitment to the High Court, by claiming that the arrangement with the court does not apply to women who married and began residing in the area after the hearing in June 1990. Following intervention by B'Tselem and ACRI, the deportation notices were cancelled. Despite this, conversations with the security authorities indicate that they have no intention of changing the policy which arbitrarily discriminates between those who got married or entered the territories subsequent to the High Court of Justice hearing and those who got married or entered the territories prior to the hearing.

#### E. A PERSON'S RIGHT TO RESIDE IN THE SAME STATE WITH HIS/HER SPOUSE<sup>8</sup>

A person's right to found a family, and the right of married couples and their children to live together, is a fundamental right in every society. The Universal Declaration of Human Rights (1948) defines the family as "the natural and fundamental group unit of society," and states that the family is "entitled to protection by society and the State."<sup>9</sup> This viewpoint is similarly well illustrated in Jewish tradition. In the book of Genesis it is written that "For this reason a man leaves his father and mother and clings to his wife, and the two become one flesh." (Genesis 2:24)

The conventions which deal with territory under belligerent occupation also emphasize the sacredness of family and the supreme importance of safeguarding its unity. Article 46 of the Hague Convention of 1907 states that "Family honour and rights, the lives of persons, and private property, as well as religious convictions and practice, must be respected." According to Article 27 of the Fourth Geneva Convention (1949), residents of occupied territories "are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs."

The practical implication of deporting a woman and her children is that the children are separated from their father. According to international law, a child may not be separated from his parents against his will.<sup>10</sup>

The right of a couple to live as a family, even when one spouse is not a naturalized citizen, is fulfilled in both theory and practice in most nations of the world, including countries with a strict immigration policy. The non-naturalized spouse is awarded citizenship or permanent residence status, either automatically, or upon fulfilling a number of procedural conditions. This is the situation in the United States, in most Western European countries, and in Israel as well. The Law of Return, which grants every Jew the right to immigrate to Israel, also applies to non-Jews who are the spouse, child, or grandchild of a Jew.<sup>11</sup>

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8. This section is based largely on a petition to the High Court of Justice by the Association for Civil Rights in Israel. (1979/90)

9. Article 16(3). Similar wording appears in Article 23 (1) of the 1966 International Convention on Civil and Political Rights.

10. The Convention on Children's Rights (approved unanimously in the UN General Assembly), November 1989. Article 9.

11. Joshua Schoffman, "Family Reunification - A Heartless Policy," in *Zchuyot HaEzrah*, the Association for Civil Rights in Israel, May 1987.

## F. SAMPLE CASES

### 1. The Qitani Family

'Aidah Sami Yasin was born in a refugee camp in Lebanon. She has no citizenship. In the early 1980's, she married Dr. 'Abd al-Rahim Rasmi Qitani from the village of Nazlat 'Issa, Tulkarm District. She last received a visitor's permit in 1988, and since then the couple's three children (who are not registered on her husband's identity card) have been living in the area, without a permit.

On November 22, 1990, Dr. Qitani was summoned to the Civil Administration, where an officer known as "Captain Morris" told him that he must see to it that his wife leave the West Bank within one day, since she did not possess a visitor's permit. Dr. Qitani was told that if his wife did not leave, she would be forcibly deported, and their home would be damaged.

Dr. Qitani panicked and immediately sent his wife and three children to Jordan. As mentioned, the mother and three children are not citizens of any country, and as refugees, they could be deported from Jordan. At the same time, Dr. Qitani turned to Attorney Joshua Schoffman of ACRI. Attorney Schoffman reported the case, and its being in violation of the authorities' commitment as determined by the High Court of Justice, to the Judea and Samaria Legal Advisor. An order was given to the Civil Administration office in Tulkarm to cancel the deportation, but Dr. Qitani's wife and children were already in Jordan.

During the ensuing week, Dr. Qitani spent three days in the offices of the Civil Administration in Tulkarm in an attempt to obtain a visitor's permit for his wife and children. Finally, he was given an entry permit for his wife and by his account, he was told that the permit was also valid for his three children. But when his wife and children reached the bridge on December 12, 1990, they were prevented from entering the West Bank, and Dr. Qitani was told that he needed separate entry permits for each one of his children.

On December 17, 1990, as a result of B'Tselem's intervention, Dr. Qitani was given an entry permit for his wife and children, and they returned home. The permit approved for them was valid until January 17, 1991. The family did not apply for a renewal.

In the beginning of August 1991, Dr. Qitani was again summoned to the Civil Administration offices in a-Til, where he was again told that his wife must leave the area within 24 hours.

The following day, August 6, 1991, his wife and her children went to Jordan. Immediately after Dr. Qitani had accompanied them to the bridge, he returned to the Civil Administration in a-Til, and requested a new entry permit for his wife. He was told that he would have to wait six months. Dr. Qitani explained that his wife had no citizenship and could be deported from Jordan as well; he was told to return after one month.

On August 21, 1991, following an appeal by B'Tselem and ACRI, Dr. Qitani received a visitors' permit for his wife and children.

## 2. The Salim Family

Testimony of Ibrahim Muhammad Salim Salim, resident of Nur Shams Refugee Camp near Tulkarm.

I was born in 1959. I have been married since 1983 to Rana Mahmud 'Abd al-Rahim Abu Hadijah, and we have four children. On June 4, 1991, my wife entered the country on a 90-day visitor's permit, which she had in her possession.

On August 5, 1991, the mukhtar of the refugee camp approached me and told me that I had been summoned by Captain Rayeq at the Civil Administration.

On August 7, 1991, I approached Captain Rayeq of the Administration. He asked me why my wife was residing illegally in the country. I argued that my wife had received a family reunification permit from Captain Rayeq's predecessor, and the matter was now in its final stages at the Civil Administration in Beit-El. Captain Rayeq stated that my wife would have to leave the country immediately.

At that point, my wife entered the room with our baby son, and, presenting Captain Rayeq with the permit, she begged him to renew it. He granted her request and signed the back of the permit, extending it for six months.

I left the Administration building and when we were 200 meters away from it, they called us from the building to return to Captain Rayeq. He said that he had just received a phone call, and that my wife must leave the country within eight days. He took the permit and erased the new signature.

Since 1983, I have submitted four requests for family reunification (the last was in 1990) and all of my requests have been rejected.

On September 3, 1991, following an appeal by B'Tselem and ACRI, Rana Salim's visitor's permit was extended for six months.

## Partial List of Deportation Candidates

Following intervention by B'Tselem and ACRI, the deportation orders were cancelled and the permits were extended.

1. Khittam 'Abd al-Latif Muhammad 'Abd al-Ghani from the village of Shweikah, Tulkarm District, age 31, mother of 3 children, and her children Hazem (m), age 3, and 'Abdallah (m), age 2.
2. 'Adlah 'Abd al-Karim Ahmad 'Ali from the village of Shweikah, Tulkarm District, age 30, mother of 4, and her children Mona (f), age 8, Hassan (m), age 6, and Mustafa (m), age 4.
3. Jihad Mahmud Saleh Abu Hamdan from the town of 'Anabta, Tulkarm District, age 33, and her two-month-old son.
4. Rana Mahmud 'Abd al-Rahim Abu Hadijah from the Nur Shams refugee camp, Tulkarm District, age 25, mother of 4, and her daughter Hiba, age two.
5. Zuhur Nasser Muhammad Saris from the Nur Shams refugee camp, Tulkarm District, age 26, mother of 2, and her daughter 'Abir, age 3.
6. Nadiyah Saleh 'Ali Ahmad 'Aisha from the Nur Shams refugee camp, Tulkarm District, age 29, and her children Muhammad (m), age 4, and Iman (f), one year old.
7. Intisar 'Abdallah Salim Muhammad from the village of Jama'in, Tulkarm District, age 24, and mother of 4, and her children 'Abd al-Hamid (m), age 6, Walid (m), age 5, Nura (f), age 2, and Usama (m), one year old.
8. Faizah Mahmud Muhammad Yusef from the village of Jama'in, Tulkarm District, age 24, mother of two.
9. Basmah 'Abd al-Rahim Khadir Hassan from the village of Jama'in, Tulkarm District, age 29, mother of 5, and her children Hanin (f), age 5, Rima (f), age 2, and Amal (f), one year old.
10. Fatmah Isma'il Hussein As'ad from the village of Jama'in, Tulkarm District, age 26, mother of four.
11. Fathiyyah Isma'il 'Abd al-'Aziz Yehiya from the village of Jama'in, Tulkarm District, age 31, and her son Saleh, age 2.
12. Hiyam Ahmad Mahmud al-Haj 'Ali from the village of Jama'in, Tulkarm District, age 23, and her children Dalal, age 6, Isra'a (f), age 3, and Khaled (m), age 2.
13. Hayfa Ahmad Mahmud 'Abd al-Halim from the village of Jama'in, Tulkarm District, age 25, mother of 3, and her children Marwah (f), age 4, and 'Ali (m), age two.

14. Rajaa Ahmad 'Abd al-Rahman 'Ali from the village of Jama'in, Tulkarm District, age 25.
15. Howlah Ahmad Amin Nimr Anjas from the village of Kharbata, Ramallah District, age 23, and her children Rif'at (m), age 4, 'Ali (m), age 3, and Muhammad, age 4 months.
16. Ilham 'Abd al-Karim 'Ali 'Alayan Anjas from the village of Kharbata, Ramallah District, age 24, and her son Ibrahim, age 6 months.
17. Tahrir 'Abdallah Isma'il Nimr Anjas from the village of Kharbata, Ramallah District, age 23.
18. 'Abir Jaber Halil al-Qazaz Nejas from the village of Kharbata, Ramallah District, age 24, mother of 2, and her son Muhammad, one year old.
19. Nufuz Rashad 'Azam, 34 years old, from Khan Yunis, mother of 2, and her daughters: Iman, age 2, and Ranya, one year old.

#### Partial List of Deportees

At least three of the women who received deportation notices have left the territories to date.

1. 'Aidah Rasmi Yasin Qitani from the village of Nazlat 'Issa, Tulkarm District and her children: Carmel (m), age 9, Ghada (f), age 8, and Ra'ed (m), age 4. She went to Jordan immediately after receiving the notice. Her husband obtained a visitor's permit for her following intervention by B'Tselem and ACRI.
2. Maryam 'Abdallah 'Abd al-Nabi 'Awfi, age 26, from the Tulkarm refugee camp, age 26, mother of three, and her daughter Rasha, one year old. Despite an appeal by B'Tselem, she was not permitted to return.
3. Fina Hafez Muhammad Hussein Sisan, and her children, ages 6, 3, and one year.

## SUMMARY

One year following the High Court of Justice hearing, it appears that the new policy does not succeed in practice, and the status of the families remains as unclear as before: a large number of women and children in the territories are denied legal status - they do not have identity cards, their children are not registered on their parents' identity cards, and they possess no rights or guarantees. These families live in constant fear of being harmed or even deported. Many of them have in the past submitted requests for family reunification. Now, since they have no valid permits, they are afraid to submit additional requests.

Those women who uphold the condition of possessing permits, exit with their children to Jordan each time that the permit expires, and do not know when, if at all, they will be permitted to return. The children are separated from their fathers, and because of the frequent wandering, are unable to integrate into school. Other families, who are unable to endure the high cost of repeated permit renewals, have not renewed their permits, and live in constant terror of being caught and forcefully deported.

Thousands of families in the territories, and not only women who have been deported and permitted to return, live in this situation of uncertainty and "illegality." There thus exists an almost unknown additional "grey area" in the military rule in the territories, which is fertile ground, both in theory and in practice, for severe violations of one of the fundamental rights of humanity: to found a family and live together.

B'Tselem maintains that no person should be denied the basic right to live together with his or her family, with the exception of rare, extreme cases. The renewal of deportations contradicts both the State's announcement to the High Court and the humanitarian policy that the defense establishment has repeatedly declared in recent months.

B'Tselem demands that the women and children mentioned in this report, and others facing the same situation, be allowed to live in the territories, with their families, with the status of permanent residents. In any case, the authorities must refrain from any further deportations and allow the return of those already deported.

## WHAT IS HATEFUL TO YOU DO NOT DO UNTO OTHERS

Rabbi Ehud Bandel  
Director, "Rabbis for Human Rights"

When the non-Jew approached Rabbi Hillel the elder, and requested to be taught the entire Torah while standing on one foot, Hillel replied: "What is hateful to you do not do unto others. That is the entire Torah, and the rest is commentary. Now go study." (Shabbat 31:41)

"What is hateful to you do not do unto others" - that is the entire Torah. This Torah, to our great distress, is today being flagrantly violated following the adopted policy of deporting Palestinian women and children whose residency is defined as illegal.

Who, if not us, the Jewish people, whose history is one long chapter of expulsion, persecution, and exile from place to place, should exhibit a heightened sensitivity and understanding of this subject? Who, if not us, members of the Jewish people, who suffered so from the loss of family members and dear ones, and from the rending apart of families, should know the suffering of those who are severed today from their families?

The Jewish tradition has always emphasized the issue of family wholeness and unification and held it as an important value. When we cried out to the world in demand of "family reunification," we called out - and we still call - to the governments of the Soviet Union and Ethiopia: "Let my people go."

Every year, at the Passover Seder, the Jewish people gather, family by family, around the table, and tell of the exodus from Egypt - the journey from slavery to freedom, and from oppression to redemption. The people of Israel had the insight to celebrate their freedom and their birth as a nation first as a family celebration. This family experience is the most fundamental experience etched in the memory of every Jewish child.

The experience of sitting as a family around the table will most likely be denied many Palestinian children today whose mothers recently received an order instructing them to make arrangements to leave their homes within 24 hours.

What is the significance of this exodus from Egypt that we recall in our daily prayers and every Sabbath? One must remember what we endured: "And remember that you were a slave in the land of Egypt." This memory must plant mercy and sympathy in our hearts towards "the stranger who dwells in our midst." "And you shall know the stranger, because you were strangers in the land of Egypt." (Exodus 23:9)

This is the ethical requirement that the Torah of Israel demands of us: a people which experienced cruel treatment and plotting at the hands of heartless rulers shall not do unto others what is hateful to them. A people which demands - and it is a just demand - human rights for its brothers in the Soviet Union, Syria and Ethiopia - shall not deny basic human rights of those under its rule.

## RESPONSE OF THE COORDINATOR OF ACTIVITIES IN THE TERRITORIES

Assistant to the Coordinator of Activities in the Territories, Lieutenant Colonel Shmuel Ozenboi, sent us the following response to the report:

The government's policy in Judea and Samaria and in the Gaza Strip in addressing requests for family reunification in the area has for years been to grant requests for family reunification only in unusual and most exceptional cases, for humanitarian or government-related reasons. This policy, in fact, an act of grace not strictly in accordance with the law, was approved many times by the High Court of Justice.

A petition submitted to the High Court of Justice (1979/90) exposed a situation in which women married to residents of the area and their children were residing illegally in the area. The response to this humanitarian problem appeared in an announcement to the High Court of Justice from the State Attorney's Office on June 3, 1990. The arrangement meant in practice that women and their children were granted visitors' permits that would be renewed every six months when they expired. The existing problems of family separation of the type faced by the petitioners to the High Court - i.e. of women and children who entered the area up to the date of the High Court hearing and whose problem needed to be solved, were thus solved. The High Court approved this new announcement, without needing to reexamine the laws relating to the policy of family reunification (or, more precisely, founding families).

Civil Administration officers in the Judea and Samaria region began applying the arrangement stated in the High Court announcement, but following an error in application of the new procedures, women and children to whom the arrangement applied were in a few cases required to leave the area. The position of the Association for Civil Rights in Israel, as conveyed by Atty. Neta Ziv Goldman, is unacceptable to us. Our response to the position of the Association for Civil Rights in Israel was stated in a letter by Atty. Mani Mazuz from the State Attorney's Office, on July 25, 1991. Our position was indeed still unsatisfactory to the Association at the time of the High Court hearing, but the Court reflected on the matter, and determined that at this stage it must reject the petition. We must emphasize that the arrangement was not intended to apply to families in which the women entered the area after the date on which the arrangement was announced to the High Court. The policy regarding requests for family reunification has therefore not changed, and there is no new policy in question. Likewise, the said arrangement was not altered, and there was therefore no need to inform the Association for Civil Rights in Israel of any change whatsoever.

Regarding the claim that the Judea and Samaria Legal Advisor informed the Association for Civil Rights in Israel of any halting of activities in removing people from the area, the Legal Advisor spoke in relation to specific cases presented by the Association, and not about a general instruction regarding women and children in the area.

It should be stated that following the High Court ruling, the fees were lowered, such that the fee for extending a visitor's permit was reduced 50% from the original rate. This arrangement holds for those who receive extensions on their visitors' permits.

## INTIFADA FATALITIES - TOTALS

From the beginning of the Intifada through the end of August, 1991, 783 Palestinian residents of the occupied territories have been killed by Israeli security forces. Of these:

- \* Shooting deaths (including plastic and "rubber" bullets) 756
- \* Non-shooting deaths (beatings, burns and other) 27
- \* Children: 166, including
  - age 12 and younger 45
  - age 13 to 16 123

At least 86 additional people, including more than 30 infants, died a short time after exposure to tear gas. From a medical standpoint it is difficult to pinpoint exposure to tear gas as a direct and sole cause of death.

An additional 41 Palestinians have been killed, apparently by Israeli civilians, and 12 were killed by "collaborators."

During this period, 12 members of the Israel security forces, and 14 Israeli civilians, including 3 infants, and one female tourist were killed in the occupied territories by Palestinian residents.

According to the Associated Press, 431 Palestinians suspected of collaborating with the Israeli authorities have been killed in the occupied territories since the beginning of the Intifada. According to data of the IDF Spokesperson, 495 Palestinians were killed by Palestinians since the beginning of the Intifada for suspected collaboration.

During the same period, according to the IDF Spokesperson, 32 Israeli civilians, 4 female tourists, and 9 members of the security forces were killed within the Green Line by Palestinian residents of the occupied territories. At least 17 Palestinians from the territories were killed by Israeli citizens, and one was killed by a policeman's gunfire.

## FATALITIES IN AUGUST - DATA ANALYSIS

In August 1991, according to B'Tselem's data, 8 Palestinians were killed by Israeli security forces' gunfire, including 5 from the West Bank, and 3 from the Gaza Strip. Among those killed were 2 children age 16, one from the West Bank and the other from the Gaza Strip.

According to the Associated Press, in August 1991, 13 Palestinians suspected of collaborating with the authorities were killed.

In an incident of the Shati Refugee Camp in the Gaza Strip on August 5, 1991, three youths were shot to death. The incident developed when an undercover unit attempted to arrest two masked men who had written slogans on the mosque wall during the evening prayer. Residents of the camp attacked the soldiers, and during the incident, approximately 20 people were shot. According to medical documents in B'Tselem's possession, two of those killed were shot in the head, and one in the neck. None of the masked men were killed. The IDF Spokesperson's office told B'Tselem that one of those killed was shot according to the procedure for apprehending a suspect. Regarding the two others, B'Tselem was told that a Military Investigators/CID investigation was being continued.

The IDF Rules of Engagement allow shooting only at the legs, and this only after a warning and shooting in the air.

The incident occurred as a direct result of an IDF operation. The place and the date chosen for the operation, and the manner in which it was executed, raise difficult questions. During the operation, the soldiers shot at the upper bodies of three Palestinians who were not even a target in the operation, killed them, and injured many others.

B'Tselem's investigations reveal that in at least two additional cases this month, Palestinians were shot in their upper bodies and killed, when the soldiers were not in any mortal danger.





