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א-7/1515

# מדינת ישראל

משרד המבחן

משרד

מחלקת  
הכנה

לשם - מנכ"ל משרד ההגנה

י. בן אהרון - חש"ן. מר

תיק 1110 טמ - גיוס

3.1.1988 - 28.1.1989

מס' תיק מקורי

מחלקה



שם תיק: י. בן-אהרון - תיק ללא שם

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ג' חש' י'ג
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#### Expulsion:

The decision to subject a particular agitator or terrorist to expulsion is not taken arbitrarily or lightly. Expulsion orders are rarely issued; they are carried out only in extreme cases where other measures have not succeeded in stopping hostile activity. Those expelled are neither innocent activists nor peaceful demonstrators, but individuals prominent in instigating and perpetrating hostile, and at times even violent, acts. Many of those expelled were leaders of local PLO factions, and some even bear direct responsibility for acts of terror and murder committed under PLO orders. Others were prominent in local extremist Islamic fundamentalist organizations, such as the Islamic Jihad. Also among those expelled are several who were tried and convicted of terrorism, and who were later released from prison as a result of the 1985 prisoner exchange with the Jibril faction. Though, as a condition of their release, these convicts committed themselves to refrain from all terrorist activities, they afterwards disregarded this pledge. Each and every one of the individuals who received an expulsion order was given the opportunity to submit an appeal to Israel's Supreme Court.



# Deportations and the law

THE NOTION that "deportations are contrary to international law" is, admittedly, an arguable proposition but it is by no means a conclusive one, and the weight of international law appears to hold otherwise, as follows:

The Geneva Convention, cited by those who assert that deportations are contrary to international law, actually presents the authoritative basis for the proposition that deportations can be lawful. In a word, Article 49 of Geneva Convention IV distinguishes, in effect, between lawful and unlawful deportations (i.e., it defines war crimes as "unlawful deportation or transfer or unlawful confinement of a protected person," thus allowing for lawful deportations.) This is supported by distinguished international authorities, including Schwartzberger, Stone, McDougal et al.

An examination or application of international humanitarian law – or law of belligerent occupation – to the Israeli policy or practice of deportation has led the above authorities to conclude that, "It is clear that deportation of the sort practised by the Israeli occupation authorities has nothing in common with that condemned by the Convention." (See, for example, Stone, *No War No Peace in the Middle East*, and Kuttner, *Israel and the West Bank: Aspects of the Law of Belligerent Occupation*.)

*Opinion Juris* – or the authority of distinguished jurists, recognized as a distinct source of international law – holds that deportations are indeed permissible under customary international law provided they are not arbitrary or discriminatory, and cites the Universal Declaration of Human Rights as authority. (See G.A. Res. 217 (III), 3 UN GAOR Supp. (No. 2), Art. 9, at 73, UN Doc. A/3N.1948.)

The question of deportations is not to be analysed in light of international law generally, but in the light of the rules or norms relating to the legal regime of belligerent occupation, sometimes referred to also as international humanitarian law.

## Irwin Cotler

This legal regime not only permits but authorizes, if not requires, the occupying power to do two things: (1) safeguard the welfare of the inhabitants, and (2) take such measures as are necessary to protect public order and security.

Deportations are regarded as appropriate measures if they do not belong to the "genre" of deportations prohibited by the Geneva Convention, specifically as set forth in Article 49. In a word, what is prohibited is individual or collective transfers of population, either to the country of the occupying power or to a third country where, in effect, the consequences of the transfer would result in inhumane or cruel and degrading treatment or punishment if not death to the deportee as exemplified by deportation to slave labour camps, concentration camps and the like.

The Geneva Convention IV, Article 49, is alleged to prohibit any deportation "regardless of motive." As set forth in (1) above, this appears to be rebutted by the general text of the Geneva Convention (e.g., Article 147), and the weight of legal authority, i.e., the writings of jurists.

Assuming that the matter is ambiguous or unclear, the principles of statutory construction direct us to the *travaux préparatoires*, the intention of the legislator, the fact and circumstances under which the Geneva Convention came into being. These make it clear that the "genre" of deportations that are prohibited are mass deportations such as those undertaken by the Nazis, and is indeed intended to refer to Nazi-like conduct. (See, for example, the *Official Commentary to the Geneva Convention*.) See also Julius Stone, who writes as follows:

"[Article 49] was inspired by the hideous Nazi practices of the Second World War, involving mass transfers for slave labour or the extermination of millions of persons. Such

transfer... [was confined] in the then conditions to Nazi-controlled territory."

It is arguable that Article 49 is not intended to apply to deportations from Israel to Jordan, as deportation to Jordan is a less severe punishment, for example, than internment, which is within the bounds of Article 78 of the Geneva Convention IV, which allows discretionary measures of "at the most" assigned residence or internment for sabotage activities and incitement.

It would be clearly anomalous, from the point of view of international law, that more severe punishments are permitted, while less severe punishments, like deportation to Jordan, are prohibited. (Clearly, if the deportation were to a concentration camp or slave labour camp, or the "genre" was one of Nazi-like deportations, it would be contrary to international law.)

It may be argued – as the former attorney-general of Israel and now Chief Justice of the Supreme Court Meir Shamgar has – that Article 49 does not apply in terms of its wording or in terms of its intent and purpose to the type of deportations carried out by Israel. Deportation of a person to Jordan, where the deportee has citizenship is not, by this interpretation, deportation to the territory of the occupying power, or to another territory occupied by the occupying power, or to a third country which would expose him to cruel, inhumane or degrading treatment or punishment.

Judgments of the Supreme Court of Israel in the *Abu Awad*, *Kawasme* and *Kawasme II* cases have upheld the "genre" of deportations undertaken by Israel as not being of that of those prohibited by the Convention.

One might well argue that points 8 and 9 are Israeli legal arguments but do represent a spectrum of international legal authority, in the same way that American or Canadian jurisprudence does; to ignore them, or give them no weight at all because they are judgments of an Israeli Supreme Court, is to single out Israeli legal authority – which enjoys gen-

eral respect in the international community - for differential, if not discriminatory *legal* treatment respecting judicial authorities. It would be akin to ignoring *any* U.S. Supreme Court authority or judgment if one were evaluating the validity of a deportation under American jurisdiction.

The Geneva Convention IV, Article 49, is regarded by many legal authorities as involving a specific

prohibition of a particular "genre" of deportations rather than a *blanket* prohibition of *all* deportations. In addition, the fact that Article 49 was written in *direct* response to WWII may suggest that it is declarative rather than customary international law, and thus may not even be applicable to the territories *per se*. This would not be my view, but it is a view held by respected legal authorities, and cannot summarily be

dismissed.

In a word, the notion that deportations are illegal and contrary to international law appears, at best, to be an arguable proposition, but certainly not a conclusive one; indeed, it may well be argued that the contrary proposition - that deportations may be legal and permissible under certain circumstances - is the more authoritative and persuasive proposition.



Instigators of Violence Receive Expulsion Orders

On 8 July 1988, expulsion orders were issued against six residents of Judea-Samaria (the West Bank) and four residents of the Gaza District. The ten are:

Samir Mahmud abd Elkader Sbeihat

Ali Nafa'a Abdo

Radwan Ahmad Muhammad Ziadeh

Jamal Diab Lafi abu Latifa

Muhammad Abdullah Muhammad Labadi

Mursi abd Elhadi Hassan abu Aweilah

Muhammad Abdullah Ismail Jarabli

Ahmad Fuad Mustafa abu Maghlak

Fathi Ibrahim Aziz Shakaki

Yusri Darwish abd Elghani Elhams

The expulsion orders will be carried out only upon completion of the legal process. Each of the ten have the right to appeal the expulsion order before an advisory committee of the regional military commander. In the event their petition is denied, they have the right of appeal to the Israel Supreme Court in its capacity as High Court of Justice.

Three of the men to be expelled were released in the 1985 prisoner exchange with Jibril's "Popular Front for the Liberation of Palestine -- General Command". The three have reneged on the condition for their release, namely that they desist from subversive activity.



The ten who were issued expulsion orders have maintained a long-standing affiliation and intensive involvement with terror organizations: seven of them in "Fatah" or its affiliated "Shabiba" youth front organization; one in the "Islamic Jihad", and two in Hawatmeh's "DFLP" ("Democratic Front for the Liberation of Palestine"). All of them have been jailed in the past for hostile activities, but even in prison, several of them continued to act on behalf of their organizations. Most of them have played major steering roles in the violent disturbances of the last months.

Background information:

Samir Mahmud abd Elkader Sbeihat, 36 -- El Bireh.

Sbeihat has been active in "Fatah" since 1975 and has undergone military training in PLO camps. He has been arrested numerous times on incitement charges. In past months, he has been a major organizer of the "Shabiba" and has been active in printing and distributing flyers calling for acts of violence.

Ali Nafa'a Abdo, 32 -- Nablus.

In July 1975 -- after being apprehended while attempting to plant a bomb in Ben-Gurion Airport, and after admitting to membership and training in "Fatah", and the undertaking of terrorist attack missions -- Abdo was sentenced to 22 years' imprisonment. Released in the 1985 exchange, he resumed his activities in "Fatah", maintaining close ties with PLO operatives in Nablus, as well as abroad, and coordinating "Fatah" activities in Nablus. Jailed since December 1987, he has carried out "Fatah" activities among terrorist prisoners.

Radwan Ahmad Muhammad Ziadeh, 31 -- Hebron.

Ziadeh has been arrested and jailed numerous times for his activities in Naif Hawatmeh's "DFLP". In February of this year he was jailed for organizing numerous riots in Hebron. While in prison, Ziadeh has continued his activities of inciting violent disturbances.

Jamal Diab Lafi abu Latifa, 23 -- Kalandia.

Sentenced to prison in the past for belonging to a terror cell which had weapons in its possession and was planning attacks, Latifa has been jailed a number of other times as well for his hostile activities. A local "Shabiba" organizer and "Fatah" recruiter, Latifa also actively directed a number of riots at the outbreak of the disturbances. In jail since January, he has continued his activities among fellow prisoners.

Muhammad Abdullah Muhammad Labadi, 33 -- El Bireh.

Labadi is a senior member of Hawatmeh's "DFLP" and a recruiter for the organization. Jailed a number of times for his activities, Labadi has twice in recent years also been ordered to be confined to his area of residence. Since the outbreak of the disturbances, he has carried out many "DFLP" missions, including the printing and distribution of flyers which call for violent rioting.

Mursi abd Elhadi Hassan abu Aweilah, 22 -- Kalandia.

As one of the "Shabiba" leaders in Kalandia, Abu Aweilah has incited and led numerous riots. He has been put in prison a number of times. Jailed again in December 1987, he has continued incitement activities from prison.



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Muhammad Abdullah Ismail Jarabli, 45 -- Gaza.

Imprisoned twice for committing acts of terror, Jarabli was released in the 1985 exchange. On 8 May this year, he was arrested for throwing a hand grenade and for smuggling additional hand grenades to "Fatah" operatives.

Ahmad Fuad Mustafa abu Maghlak, 29 -- Gaza

Abu Maghlak was sentenced to 20 years' imprisonment in August 1980 for placing bombs against Israeli civilian targets. Upon his release in the 1985 exchange, he continued activities in the "Fatah" organization. Until his recent arrest, he was the "Fatah" representative to the Gaza "command" for the disturbances.

Fathi Ibrahim Aziz Shakaki, 35 -- Rafiah

Shakaki is one of the ideological leaders of the Gaza-based "Islamic Jihad", which calls for armed struggle against Israel and its replacement by an Islamic state. Imprisoned since March 1986 for weapons smuggling, Shakaki has continued his activities by issuing orders to the movement from within prison.

Yusri Darwish abd Elghani Elhams, 36 -- Rafiah.

Elhams was arrested in 1970 and sentenced to 15 years' imprisonment for grenade attacks on IDF soldiers. In prison, Elhams was a "Fatah" leader and, upon his release, he continued his connection with the organization. He has been involved in organizational activities behind the recent violent disturbances in Gaza.

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# Deportations upheld

LAW REPORT / Asher Felix Landau

In the Supreme Court sitting as the High Court of Justice before the President, Justice Meir Shamgar, the Deputy President, Justice Miriam Ben-Porat, Justice Shlomo Levin, Justice Gavriel Bach, and Justice Eliezer Goldberg. In the matter of Nasser Aziz Affo and the Association for Civil Rights in Israel, and others, petitioners; versus the commanders of the military forces in Gaza and Judea and Samaria, respondents. (H.C. 785/87, 845/87, 27/88)

THE PETITIONERS (other than the above Association) were issued with deportation orders under the Defence (Emergency) Regulations of 1945. They then petitioned the High Court of Justice to set the orders aside on the ground, *inter alia*, that they had been issued in contravention of Article 49 of the Fourth Geneva Convention of 1949.

Under that article, "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."

"Nevertheless, the occupying power may undertake total or partial evacuation of a given area if the security of the population or imperative military reasons so demand. The occupying power shall not deport or transfer parts of its own civilian population into the territory it occupies."

Under Article 4, "Persons protected by the Convention are those who, at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a party to the conflict or occupying power of which they are not nationals."

The petitioners also argued that the facts on which the respondents relied did not justify the deportations which were, therefore, a denial of justice.

THE FIRST judgment of the court was given by Justice Meir Shamgar, who dealt at the outset with the rules applied by the Israel courts in interpreting statutory provisions.

After reviewing several authorities, he held that while the language used by the legislature was the prime consideration, the court was obliged to reveal the legislative purpose of the provision in question, considering all the relevant circumstances.

In support of this view, he cited, *inter alia*, an opinion of the eminent American Judge Learned Brandeis who said that "we can best reach the meaning here, as always, by recourse to the underlying purpose, and with that as a guide, by trying to project upon the specific occasion how we think persons actuated by such a purpose would have dealt with it, if it had been presented to them at the time."

Turning, in particular, to the interpretation of treaties, Justice Shamgar cited the Vienna Convention of 1969, which states that the

whether by mass transfer or transfer of many individuals, to more hostile or dangerous environments, for torture, extermination or slave labour."

It was reasonable to assume, said Judge Shamgar, that Article 49 was conceived in response to the mass and individual expulsions of the Nazis. They sometimes acted on mass identification according to race; sometimes rounded up people in the streets; and sometimes seized individuals on the basis of listed names.

THE PETITIONERS argued, Justice Shamgar continued, that the first paragraph of Article 49 prohibits the deportation of a person in all circumstances. They relied, in the main, on the words "regardless of their motive," and on the provision in Article 4 that a "protected person" is one who "finds himself in the hands of a party to the conflict in any manner whatsoever."

They argued as is said by the authority Pictet, that "the prohibition is absolute and allows of no exceptions, apart from those stipulated in paragraph 2."

Moreover, as Pictet wrote, "the Article refers both to people who were in the territory before the outbreak of war (or at the beginning of the occupation), and to those who go or are taken there as a result of circumstances. Travellers, tourists, people who have been shipwrecked and even, it may be, spies or saboteurs."

This argument was unacceptable, Justice Shamgar said. Our rules of interpretation, and those cited relating to the interpretation of treaties, demand that the court reveal the intention behind the relevant provisions. Construing Article 49 literally, as Pictet suggests, would mean disregarding the background to the treaty, and overlooking the evils characterizing the Second World War which the treaty was designed to prevent. Article 31 of the Vienna Convention of 1969 seeks, by proper interpretation, to avoid "a result which is manifestly absurd or unreasonable."

A possible result of the interpretation advanced by the petitioners would be the impossibility of extraditing a person from the occupied territories. On that basis, the territories would provide a safe haven for a suspected murderer.

Moreover, a terrorist infiltrator could not be deported before or after serving his sentence, nor could a person who remained in the occupied territories after the expiry of his permit be expelled. These results of the interpretation supported by the petitioners could not possibly be accepted.

In the result, Justice Shamgar held, the interpretation already given to Article 49 by the court should be sustained.

Although the court had consid-

erity." That was not the case here. There were many examples of deportations in similar circumstances. In one of the Israeli precedents cited, the Supreme Court had referred to the deportations by France of more than 40,000 German officials in similar conditions.

It had repeatedly been pointed out in English precedents and legal writings, Justice Shamgar continued, that incorporating treaties entered into by the government in the domestic law of the country without legislation would mean giving the government legislative powers similar to those exercised by parliament.

Under our constitutional system, treaties are ratified by the government, and if they were to be regarded as part of the domestic law of Israel without legislation, the government would be assuming the functions of the Knesset.

There was no basis for accepting this conclusion. Treaties entered into by governments certainly create contractual obligations which the states concerned are obliged, by international law, to honour. However, such treaties confer no rights on the individual. It is the legislature alone which is empowered to lay down the domestic law of a country.

It followed, therefore, that since Article 49 had not been incorporated into Israeli law by the Knesset, the petitioners could not, in the strict legal sense, claim its protection.

THE PRESIDENT then turned to consider the legal proceedings against the petitioners. It had been argued, he said, that Regulation 112 of the Defence Emergency Regulations of 1945 was not in force in Judea and Samaria. This argument had already been dismissed by the Supreme Court, and he saw no reason to change that ruling. It had also been argued, on the basis of the Camp David Accords, that the regulations had no validity in the Gaza Strip. But this argument, too, was unacceptable.

Dealing with two subsidiary points, Justice Shamgar held that the Advisory Board constituted under Regulation 12(8), consisting of the president of the military courts in Judea and Samaria, and two officers of the rank of lieutenant-colonel, was empowered to hear evidence. He also ruled that there was no legal requirement to limit their deportation order to a particular date.

Finally, Justice Shamgar considered in detail the facts relating to each of the petitioners, and concluded that the respondents and the Advisory Committee were entitled, on the evidence before them, to issue the deportation orders in question.

Since there had been no abuse or excessive use of the respondents' powers, absence of good faith, arbitrariness, or other similar flaw in the proceedings, there was no reason for the court to interfere. He

lic order in the occupied territories. Since the evidence before the court showed that no other method, including administrative detention, had been successful in producing the desired result, the method of deportation was justified.

JUSTICE GAVRIEL Bach agreed with the president as to his final conclusion, but differed from him in regard to the interpretation of Article 49 of the Geneva Convention.

Justice Bach said he appreciated the difficulty of departing from previous decisions of the Supreme Court, but in the present instance he inclined to agree with counsel for the petitioners.

The language of Article 49, referring specifically to "individual or mass" forcible transfers, and stating clearly "regardless of their motive," left no room for doubt. The article refers to all transfers, and the prohibition is total and complete.

He agreed, said Justice Bach, that the article was introduced in the light of the brutal actions of the Nazis during the Second World War, and that it should be interpreted in its historical context and "in the light of its objective and purpose." He found no contradiction, however, between those principles of interpretation, and a wide construction of the article.

It was true that the acts of the Nazis were the "trigger" which led to the article's being framed, but that did not mean that it was not intended to impose a complete ban on deportations of any kind. The court should not depart from the clear and unambiguous meaning of the words where they did not contradict the purpose of the draftsman, and the literal meaning did not lead to unreasonable or absurd results.

Article 49 allows the evacuation of an area within the occupied territory, and Article 78 of the convention allows the occupying power to "subject protected persons to assigned residence or to internment."

He agreed with Professor Kretzmer, counsel for Acri, that Articles 49 and 78 should be read together, so that protected persons may be interned within the occupied territory, but not deported.

Justice Bach then referred to Article 35 of the convention, which entitles protected persons to leave the territory "unless their departure is contrary to the national interests of the state," and to Article 48, which entitles protected persons who are not nationals of the power whose territory is occupied to leave the territory "subject to the provisions of Article 35."

All these provisions give wide and ample means to the occupying power to restrict the rights of spies and terrorists within the occupied territory, while a right to deport them from the territory is conspicuous by its absence. Justice Bach also cited the opinions of legal scholars to support his conclusion.



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After reviewing several authorities, he held that while the language used by the legislature was the prime consideration, the court was obliged to reveal the legislative purpose of the provision in question, considering all the relevant circumstances.

In support of this view, he cited, *inter alia*, an opinion of the eminent American judge, Learned Hand, who said that "we can best reach the meaning here, as always, by recourse to the underlying purpose, and with that as a guide, by trying to project upon the specific occasion how we think persons actuated by such a purpose would have dealt with it, if it had been presented to them at the time."

Turning, in particular, to the interpretation of treaties, Justice Shamgar cited the Vienna Convention of May 23, 1969, on the Law of Treaties which, though not yet adopted by Israel, could be used as a guide.

Under Article 31, "A treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose."

"Recourse may be had to supplementary means of interpretation, including the preparatory work of the treaty and the circumstances of its conclusion, in order to confirm the meaning resulting from the application of Article 31, or to determine the meaning when the interpretation according to Article 31 leaves the meaning ambiguous or obscure, or leads to a result which is manifestly absurd or unreasonable."

JUSTICE SHAMGAR then referred to precedents of the Supreme Court in which it was held that the deportation of individuals in the situation of the petitioners under the 1945 Emergency Regulations was not an infringement of Article 49 of the Geneva Convention.

There was no ground, he said, for departing from this ruling. Thus, the court had said that the purpose of Article 49 was to protect the citizen against arbitrary action by the army of the occupier, in order to prevent loathsome atrocities such as those perpetrated by the Nazis during the Second World War.

In another judgment, the court had cited the opinion of the scholar Prof. Julius Stone that "...it seems reasonable to limit the sweeping literal words of Article 49 to situations at least remotely similar to those contemplated by the draftsman, namely, the Nazi war practices of large-scale transfers of populations,

disregarding the background to the treaty, and overlooking the evils characterizing the Second World War which the treaty was designed to prevent. Article 31 of the Vienna Convention of 1969 seeks, by proper interpretation, to avoid "a result which is manifestly absurd or unreasonable."

A possible result of the interpretation advanced by the petitioners would be the impossibility of extraditing a person from the occupied territories. On that basis, the territories would provide a safe haven for a suspected murderer.

Moreover, a terrorist infiltrator could not be deported before or after serving his sentence, nor could a person who remained in the occupied territories after the expiry of his permit be expelled. These results of the interpretation supported by the petitioners could not possibly be accepted.

In the result, Justice Shamgar held, the interpretation already given to Article 49 by the court should be sustained.

Although the court had considered and interpreted that article, he continued, it had held that the Convention was in fact not part of the law of Israel. This finding was based on the ground that the Convention, being part of conventional, as distinct from customary, international law, could not become part of the domestic law of Israel unless adopted by a Law of the Knesset, and no such law had been passed.

THE PETITIONERS now contended that this finding was incorrect. Justice Shamgar rejected that contention on three grounds:

The thesis proposed was inconsistent with the legal concept accepted in Israel. There was no adequate reason for changing that concept which, in view of the existing constitutional structure, was not only accepted but also desirable. And the situation in England, on which the petitioners relied, was unclear, and could not be said with any certainty to accord with their submission.

He then dealt in some detail with the relevant precedents of the Supreme Court and the English courts, and also cited the opinions of leading Israeli scholars and English jurists on this subject.

The provisions in Article 49, he said, could not be regarded as customary international law. Such a custom had to "be proved by satisfactory evidence, which must show either that the particular proposition put forward has been recognized or acted upon by our own country, or that it is of such a nature, and has been so widely and generally accepted, that it can hardly be supposed that any civilized state would repudiate it." The provision in question must bear "the hallmarks of general assent and reci-

son to change that ruling. It had also been argued, on the basis of the Camp David Accords, that the regulations had no validity in the Gaza Strip. But this argument, too, was unacceptable.

Dealing with two subsidiary points, Justice Shamgar held that the Advisory Board constituted under Regulation 12(3), consisting of the president of the military courts in Judea and Samaria, and two officers of the rank of lieutenant-colonel, was empowered to hear evidence. He also ruled that there was no legal requirement to limit their deportation orders to a particular date.

Finally, Justice Shamgar considered in detail the facts relating to each of the petitioners, and concluded that the respondents and the Advisory Committee were entitled, on the evidence before them, to issue the deportation orders in question.

Since there had been no abuse or excessive use of the respondents' powers, absence of good faith, arbitrariness, or other similar flaw in their proceedings, there was no reason for the court to interfere. He proposed, therefore that the petitions be dismissed.

JUSTICE MIRIAM BEN-PORAT concurred. She referred to a dictum of the authority Starke that, "Treaties should be interpreted in the light of existing international law," and commented that the same rule applied to the interpretation of domestic legislation where a comparison was made with other statutes dealing with the same or similar material.

She then cited Article 43 of the Fourth Hague Convention of 1907 "Relating to Laws and Customs of War on Land."

This article, which appears in the chapter dealing with "Military Authority over the Territory of the Hostile State," provides that "The authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country."

This meant, said Justice Ben-Porat, that persons in the occupied territories may legally be deported if their presence is liable to damage the security of the state or public order, on condition that, in the particular case, there is no other way to protect the population.

The Hague Convention, being part of customary, as distinct from conventional, international law, is binding on Israel. Article 49 of the Geneva Convention, therefore, should be read in the light of Article 43 of the Hague Convention, and proper weight given to the requirement of protecting security and pub-

erty, and Article 49 of the Convention allows the occupying power to "subject protected persons to assigned residence or to internment."

He agreed with Professor Kretzmer, counsel for Acri, that Articles 49 and 73 should be read together, so that protected persons may be interned within the occupied territory, but not deported.

Justice Bach then referred to Article 35 of the Convention, which entitles protected persons to leave the territory "unless their departure is contrary to the national interests of the state," and to Article 48, which entitles protected persons who are not nationals of the power whose territory is occupied to leave the territory "subject to the provisions of Article 35."

All these provisions give wide and ample means to the occupying power to restrict the rights of spies and terrorists within the occupied territory, while a right to deport them from the territory is conspicuous by its absence. Justice Bach also cited the opinions of legal scholars to support his conclusion.

HE DID NOT agree with the president, Justice Bach continued, that his interpretation of Article 49 would lead to unreasonable results.

In regard to extradition, Justice Bach said that the question of extraditing someone from an occupied territory was in itself complicated and unclear. However, if he were called upon to deal with that question, he would still act according to the interpretation of Article 49 which he now advanced.

Although he differed from the president in regard to the construction of Article 49, he agreed that the Geneva Convention was part of conventional, and not customary, international law, and not having been adopted by the Knesset, was not part of our domestic law which gave any sort of rights to the individual.

It was true that representatives of the state had declared that the humanitarian provisions of the convention would be observed, but this depended, in his view, on what were "humanitarian considerations," and on the circumstances of each case.

On the merits of the petition before the court, Justice Bach agreed that there had been no denial of justice or irregularity, and there was no ground, therefore, for the court to interfere.

FOR THE above reasons, the petitions were dismissed.

Lea Zemel, Professor David Kretzmer, Darwish Nasser and Juad Bulus appeared for the petitioners, and the deputy state attorney, Dorit Beinisch, and senior assistant state attorney Nili Arad, appeared for the respondents.

The judgment was given on April 10, 1988.





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בלמ"ס/מידרי

אל: הרשימה המצ'ב

מגורשים.

א. ב-1.1.89. גורשו ששה תושבי יו"ש ושבעה תושבי עזה  
ללבנון. נגד ה-13 הוצאו צווי גירוש ב-17.8.88, לאחר  
שנטלו חלק בהנהגת ההתקוממות ביוש"ע ובהכרזתה. לאחר  
שפנו לוועדות המייעצות שליד אלופי הפיקודים עתרו לבג"צ  
אולם ויתרו על המשך ההליכים ועתה הוחלט לגרשם.

המגורשים הם:

מיו"ש:

1. HANI MUHAMAD ABD AL-RAHIM HALUB (טול כרם)

2. OTHMAN MAHMUD DAQUD DAQUD (קלקיליה)

3. ABD AL-HAMID ISMAIL ABD AL-HAMID BABA (עמארי)

4. JAMAL IBRAHIM ABD AL-MAHSIN FARAJ (דהיישה)

5. YUSSEF HARB MUHAMAD OUDA (בלאטה)

6. ISSAM AMIN ABD AL-FATAH DEBAI (שכם)

7. MASOUD OTHMAN MASOUD ZUAITER (שכם)

מעזה:

8. FATHI (MUSTAPHA) AMAR AHMED HAJAJ (עזה)

9. RIZAK MAHMOUD HASSAN BIARI (עזה)

10. ABDALLAH IADA ABDALLAH ABU SAMAHADNA (עזה)

11. SAID HASSIN HASSAN BARKAH (עזה - בני סוהיולה)

12. AISH A-AZIZ MAHMAD ABU SAADA (ג'באליה)

13. MUNAAM MAHMAD HASSAN ABU ATAYA (עזה)

ג. פרטים ביוגרפיים על כל הנ"ל נמצאים בחוזרנו "הועדות  
העממיות וקבוצות ההלם - הוצאת צווי גירוש", מס' 207  
מה-26.8.88.

ד. בהתיחסותכם לנושא מוצע להעזר בנייר על "הבסיס החוקי  
של הגירוש כאמצעי הענשה" שצורף לחוזרנו 191  
מה-15.7.88.

MINISTRY OF FOREIGN AFFAIRS  
JERUSALEM



משרד החוץ  
ירושלים

הסברה/מידע

אבי בנימין  
2 בינואר 1989



Handwritten: P'x 66 - 310' P'x 66  
December 30, 1987

### Expulsion Orders in the Administered Territories

The Government of Israel is legally responsible for the security of Judea-Samaria and the Gaza District pending a final, negotiated agreement concerning the juridical and political status of these areas. Such an agreement has thus far been elusive due to the refusal of most Arab countries to hold direct peace talks with Israel.

The recent wave of violent disturbances in Judea-Samaria and Gaza prevented inhabitants from leading normal lives in social, economic and educational spheres. The inciters of these riots intended to create anarchy. The riots resulted in a tragic loss of life which Israel deeply regrets.

One of the measures which may be considered in adjudicating the cases against the instigators of these disorders is expulsion.

The expulsion of those responsible for organizing and inciting wanton violence would represent a measure of last resort, in order to restore and ensure public safety and to prevent a tragic loss of life in the future.

As Defence Minister Yitzhak Rabin has stated, "Expulsions have proven effective in preserving peace in the area. This step is taken with care and prudence in conformity with the law of the land, and is subject to review by Israel's High Court of Justice." The legal basis that permits Israel to take these firm measures is as follows:

#### 1. Introduction

In both the Hague regulations and the Fourth Geneva Convention, an attempt is made to strike a balance between security considerations and the humanitarian conditions with respect to

the local population. Indeed, one of the Regional Commander's major preoccupations is to achieve a proper compromise between the two. Thus where, for example, there is a deterioration in public order or a threat to security in or emanating from the administered areas, the Israel Defence Forces (I.D.F.) Regional Commander must intervene if he is to fulfill his duty under Article 43 of the Hague regulations. As will be shown below, his intervention is subject to various judicial, quasi-judicial and administrative safeguards, which ensure that, in each specific case, a balance between security and humanitarian considerations is achieved, without sacrificing one for the sake of the other.

According to Article 43 of the Hague regulations of 1907: "The authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all the measures in his power to restore and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country."

According to Article 64 of the Fourth Geneva Convention: "The occupying power may, however, subject the population of the occupied territory to provisions which are essential to enable the occupying territory to fulfill its obligations under the present convention, to maintain the orderly government of the territory, and to ensure the security of the occupying power, of the members and property of the occupying forces or administration, and likewise of the establishments and lines of communication used by them."

## II. The Defence (Emergency) Regulations, 1945

Most of the Security measures adopted by the military government in the administered areas are based upon the local Jordanian legislation, of which the Defence (Emergency) Regulations, 1945 (the "Regulations") form a part. The regulations were enacted by the British Mandatory Government in 1945 and applied to the whole area under the Mandate, which included the administered areas.



The question as to whether the regulations are still in force in the region was examined by the Israel Supreme Court when dealing with petitions concerning deportation orders. In Abu Awad V. Regional Commander of Judea and Samaria, the Court concluded that the regulations had remained an integral part of the local Jordanian Law by virtue of a 1948 proclamation by the commander of Jordan's Arab Legion and the Jordanian Constitution of 1952. Also in the recent case of Nazal, Makboul and Jayussi V. Commander of Judea and Samaria, the Israeli Supreme Court held that Regulation 112 of the regulations (under which expulsion orders are issued) is valid in the areas of Judea and Samaria. In the case of Kawasma and Wilhelm V. the Ministry of Defence, the court once again confirmed the right to petition to the High Court of Justice to review an expulsion order.

### III. Deportation Orders

Regulation 112 of the Regulations empowers the IDF Regional Commander to deport persons from the administered areas for reasons of security. According to this regulation, a person against whom a deportation order has been issued is required to remain outside the administered areas. However, permission may be requested to return and it will be given careful consideration by the authorities.

The powers of the Regional Commander are strictly limited by Regulation 108 of the Regulations to those cases in which the presence in the administered areas of the person against whom the order has been issued might endanger security.

Any person against whom a deportation order has been issued may appeal to an Advisory Committee which has been authorized by Regulation 112(8) of the Regulations to recommend to the Regional Commander either that he implement the order or that he set it aside. The Committee conducts a hearing at which the appellant and his lawyer may make a presentation. The Committee examines all the evidence (including classified material) and testimony

before making its recommendations. Indeed, in recent years, the Committee has recommended the cancellation of two such orders. A copy of the Committee's findings is sent to the recipient of the order. The appellant may petition the Supreme Court against the recommendation of the Advisory Committee or against the subsequent decision of the Regional Commander. The Court examines whether the order in question complies with the law, and if the recipient of the order so requests, it also examines the classified information. A representative of the International Committee of the Red Cross is present at the hearings before the Advisory Committee and the Supreme Court.

The Regional Commander exercises his powers to issue deportation orders only in the most extreme cases where no other measure can effectively restore and maintain security in the administered areas. Typically, the recipient of a deportation order has a long history as a leader or officer of a terrorist organization. Moreover, he has demonstrated that he will not be deterred by detention or lesser administrative measures. When a very prolonged period of detention is envisaged as a means to prevent someone from seriously endangering security, his expulsion may be preferred.

Deportation orders are, nevertheless, rarely used. During recent years very few such orders have been issued. Given the numerous incidents of terrorism and widespread involvement of individuals in terror organizations, this demonstrates that the sanction of deportation is indeed used only in the gravest instances.

Finally, under IDF Regulations, the actual expulsion is carried out in such a manner as to avoid all danger to the deportee.

#### IV. Article 49 of the Fourth Geneva Convention and "Deportation"

The question has been raised as to whether expulsion of individuals in the manner described above is in accordance with Article 49 of the Fourth Geneva Convention. In reference to this



issue, the Israel Supreme Court held in the Abu Awad case that "The directive in Regulation 108(1) teaches us that the powers granted to the authority due to the emergency situation are given to it for one purpose alone, that is, for ensuring the public order and security. Dr. Piotet also regards this purpose as a legitimate one. It has nothing to do with the deportations for forced labor, torture and extermination that occurred in the Second World War.

Furthermore, the objective of the respondent was to remove the applicant from the country and not to bring him to Israel, to prevent the danger he constitutes to the safety of the public, and not to make use of his manpower by exploiting him for the benefit of Israel."

Also, in the case of Nazal, Makboul and Jayussi V. Commander of Judea and Samaria, the Supreme Court noted that expulsion to Jordan of Jordanian citizens who are residents of the administered areas does not constitute a violation of Article 49.

In his article, "No Peace — No War in the Middle East" (Sydney, 1969) the leading international jurist Julius Stone writes: "...It seems reasonable to limit the sweeping literal words of Article 49 to situations at least remotely similar to those contemplated by the draftsmen, namely the Nazi World War II practices of large-scale transfer of populations, whether by mass transfer or transfer of many individuals, to more hostile or dangerous environments, for torture, extermination, or slave labor..."

#### V. Conclusion

In light of the magnitude of the risk of terrorism facing Israel and the need to maintain law and order in case of grave disturbances, her infrequent use of expulsion orders against individuals who pose a grave and immediate threat to security is both reasonable by objective standards and in full conformity with Israeli law and the Fourth Geneva Convention.



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בלמ"ס/מיודי

אל: הרשימה המצ"ב

מגורשים.

להלן פרטים:

1. המדובר בשתי עתירות שנושאו מניעת גירושם של מספר תושבי ארץ הנמנים על 'קבוצת ה-35' אשר הוצאו להם צו גירוש ביום 17.8.88.

2. הדיון בביהמ"ש העליון בעתירות שבנדון התקיים ביום 27.12.88 בפני השופטים אלון בייסקי וגולדברג. עוד לפני יוון הוברר לצדדים כי ניתנה בינתיים החלטתו של שופט ביהמ"ש העליון, דב לוין, לפיה שוכנע בחסיונו של המידע החסוי בנוגע לעותרים ועל כן אין לגלותו להם.

3. כמו כן, יום קודם לדיון בביהמ"ש, עפ"י אישור שהב"ט, סוכם עם באי כוחם של העותרים, בשיחות בע"פ, כי העותר עבדאללה אבו-סמהדנה יבטל את עתירתו לבג"ץ ויגורש מן האזור וחמשת העותרים הנוספים: עטא אבו קדש, מונעם אטבו עטאיה, נביל טמוס, סיוד חסן בדקה ועאיש אבו סעדה יחתמו על כתב הסכמה ליציאה מהאזור לתקופה של 5 שנים תוך התחייבות להימנע מכל פעילות עוינת במשך תקופה זו (כל העותרים הללו הינם תושבי ארץ).

4. עם הגיעם של העותרים לביהמ"ש מיהרו באי כוחם להתייעץ עמם במטרה להחתימם על כתבי הסכמה. לאחר תום התייעצות זו הוברר כי רק שלושה מהעותרים חתמו על כתבי ההסכמה (עטא אבו קדש, מונעם אבו-עטאיה ונביל טמוס), ואילו העותרים הנותרים סרבו לעשות כן והעדיפו, במקום זאת, לבטל את עתירותיהם ולהיות מגורשים מן האזור לצמיתות כאשר הם מנמקים את צעדם זה בכך שלא הוסר החסיון מעל המידע החסוי בעינם.

5. לאחר מספר דקות הודיע העותר מונעם אבו-עטאיה כי אף הוא חוזר בו מהסכמתו ליציאה מרצון מהאזור והינו מצטרף אל אלה המבטלים את עתירותיהם ומגורשים מהאזור לצמיתות.

6. בסיומו של הליך זה הוגשה לביהמ"ש הודעה משותפת של שני הצדדים ובה סיכום עמדות הצדדים. בהתאם להודעה זו ביטלו ארבעה מהעותרים את עתירותיהם בעוד אשר שני העותרים הנותרים הסכימו לצאת מהאזור לתקופה של 5 שנים, כאשר חזרתם בתום התקופה הנ"ל תהיה מותנית בהתנהגותם בעת שהותם מחוץ לאזור וכן בהתחייבות לחתום על כתב התחייבות נוסף עם חזרתם, לפיו יוסיפו להתנהג כחוק גם לאחר שובם לאזור.

7. באשר לשני עותרים אלה יובהר כי בהתאם להסכם שהושג בין הצדדים, האחריות למציאת מקום אשר אליו יצאו מהאזור ועריכת כל הסידורים בהקשר זה מוטלת עליהם ולא על מערכת הבטחון. עם זאת, באם לא יעלה בידם להסדיר יציאתם מהאזור עד 6.1.89 יתליט המשיב (קרי - מערכת הבטחון) על ועד ומועד היציאה.

כן הוסכם, לגבי כל העותרים, כי יאופשר להם ליטול עימם





בעת צאתם את האזור כל סכום כסף שיחפצו, וכן כי יותר להם להיפגש בכלא עם בני משפחותיהם ובאי כוחם שרם יציאתם. בעקבות הגשת ההודעה המשותפת בוטלו שתי העתירות שבנדון ע"י ביהמ"ש.

8. לאחר מתן פסק הדין ביקשו שניים מהעותרים: סיד חסן ברקה ועאיש אבו סעדה לאמר דבריהם בפני ביהמ"ש. המשנה לנשיא ביהמ"ש העליון קיבל בקשתם זו ובעקבות זאת נשא סיד ברקה נאום של כרבע שעה, אשר תורגם לעברית ע"י מתורגמן. בנאומו הבהיר סיד ברקה, אשר הינו מטיף דתי מטעם הג'יהאד האיסלמי בעזה, כי הינו רואה ביהדות דת הרסנית, וכי ימשיך לפעול בכל דרך אפשרית כנגד המשך הכיבוש בשטחים. כן ציין כי הוא מאמין שבסופו של דבר 'בעלי הזכות' הם אלה שינצחו (כאשר כוונתו לתושבי השטחים) וכי היום לאחר 40 שנות כיבוש ברור כי אין הערבים נהנים מזכויות שוות לאחרים. יופם של דבריו ציין כי הוא מבקש כי במקום שיגרשוהו, יגלו אותו למקום רחוק כלשהו, כגון הנגב או הגליל.

9. נכון להיום ניתן לפעול לגירוש 7 אנשי איו"ש ו-6 אנשי עזה אשר ביטלו עתירותיהם לביהמ"ש. יתר המועמדים לגירוש (11) ממשיכים בהליכי הבג"צ.

הסברה/מידע - מז"ת 2

חיים קורן

29 בדצמבר 1988

הרזם: 12/11434

אל:

אתונה/204, בון/223, בריסל/256, האג/223, לונדון/239, מדריד/192,  
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בטון/466, אוסלו/129

מ-: המשרד, תא: 15128, זח: 1543, זח: ב, טג: בל

תח: 8 גט: הסברה

נד: 8

בלמס/בהול

תמוצת סקירת תקשורת

גירוש 3 תושבי השטחים בהמשך לסקירת תקשורת מהבוקר.  
להלן הבהרות מדויצ (15.12):

1. עבד אל נאח מחמוד זיאדה הסתכן ב-1969 מירון נשהוא  
חמוש. נשפט ל-18 שנות מאסר. לאחר שסיים לרצות את עונשו -  
גורש. עתה נעמייס לבג'צ אך עתירותיו נדחו.

2. עיסה עבדאל סאלח חאמזה ריצה מאסר עולם על הברות  
בפת'ח, החזקת אמל'ה (נשק ורימונים), השתתפות במעולת פתח  
בה נהרגו שני אנשים ונפצעו נוספים. ביקש להמיר עונש מאסר  
עולם בגרוש ולא חוזר לא עת לבג'צ.

3. אחמד חאסן מונהגה - אחד ממנהגרי עסקת גייבריל שוחרר  
בתנאי שלא יחזור לסורו. למרות זאת המשיך להשתתף במעולות

## משרד החוץ-מחלקת הקשר

עוינות ובכך המר את הנאי השחרור. הביע הסכמתו לגרוש  
במקום לחזור ולרצות את עונש המאסר.

הסברה/מידע - מז'ת 2

צש

תפ: שהח, מנבל, ממנבל, סמנבל, אוקיאניה, מצרים, מצפא, אסיה, מאפ,  
אמלט, מזתים, ארבל, הדרבה, מעת, הסברה, ממד, איר, איר, איר, משפט



16500

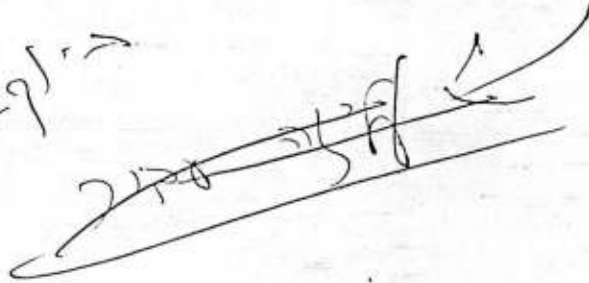
משרד החוץ-מחלקת הקשר

תאריך : 24.08.83

ירוצא

בלמט

חוזב: 16500/8  
אל: דוש/651, אוטבה/200, לוטאנגל/133, אטלנטה/54, בוסטון/93,  
טורונטו/104, יוסטון/67, מונטריאל/92, מיאמי/90, ניוולמיה/64,  
נרנציוסקו/59, שיקגו/120, ניו/707  
מ-: המשרד, תא: 240883, זה: 1610, דח: ב, טג: בל  
חח: גס: מעת  
נד: 8

הד"ר - חגית  


בלמט/בהול

א.ג. 194

אל: הנציגויות - בצנחן אמריקה

גירושית - הודעת דובר המשרד.

דובר משה'ח פירטס הבוקר הודעת בתגובה למחאה האמריקנית.  
להלן נוסח ההודעה:

ארה"ב וישראל חלקות זה מכבר על פרשנות החוק הבינלאומי  
בסוגיות הגירושית. ישראל איננה מקבלת את הפרשנות  
האמריקנית בסוגיה זו.

הזקיות הגירושית נבוקה לא מכבר על ידי בגץ שהגיע לפסק  
דין מפורט ומנומק לפני הגירושית חוקיים גם לפי החוק  
הישראלי וגם על פי המשפט הבינלאומי.

מנהל מע"ת

מע

אד

חפ: שח, רהמ, מנכל, מתנכל, שחבט, אביטל, מעת, הסברה, בירן, תצפא,  
נייבל, השפט, ליאור, מזזית, מתאשטחית



THE POPULAR COMMITTEES / "SHOCK GROUPS"

THE POPULAR COMMITTEES AND "SHOCK GROUPS" IN JUDEA, SAMARIA AND THE GAZA STRIP AND EAST JERUSALEM, WERE ESTABLISHED BY ACTIVISTS OF TERRORIST ORGANIZATIONS AND ARE DIRECTED, CONTROLLED AND FUNDED BY THESE ORGANIZATIONS. THEY ARE MEANT TO FILL THE DUAL PURPOSE OF ENFORCING UPON THE POPULATION, THROUGH THE USE OF VIOLENCE, THE ORDERS OF THE PLO AND THE LEADERS OF THE UPRISING, AND OF INCAPACITATING THE ISRAELI ADMINISTRATION IN THE TERRITORIES WHILE ESTABLISHING ALTERNATIVE MECHANISMS IN ITS PLACE.

THE POPULAR COMMITTEES AND "SHOCK GROUPS" ENCOURAGE AND CARRY OUT ATTACKS AGAINST THE SECURITY FORCES, THREATEN, HARASS, AND HARM THE LOCAL POPULATION AND EMPLOYEES OF THE CIVIL ADMINISTRATION, INITIATE DISTURBANCES OF THE PEACE AND STRIKES AND FORCE THESE ON THE LOCAL POPULATION. THEY ALSO DISSEMINATE MATERIAL DESIGNED TO INCITE DISORDER, DISTRIBUTE FUNDS FROM PLO SOURCES, AND CARRY OUT VARIOUS OTHER ACTIVITIES, ALL MEANT TO PROLONG THE UPRISING.

THE FOLLOWING ARE THE NAMES AND DESCRIPTIONS OF THOSE WHO HAVE RECEIVED EXPULSION ORDERS:



1. MAHMAD 'A GALIL 'A MAHDI MATOUR (EL BIRA)

BORN IN 1950, MATOUR WAS EMPLOYED AS A LECTURER AT EL-BIRA NURSING COLLEGE. HE IS A SENIOR FATAH ACTIVIST, WAS RESPONSIBLE FOR THE CENTRAL REGION OF FATAH IN THE TERRITORIES AND WAS CHAIRMAN OF THE FATAH COMMITTEE OF RAMALLAH. IN HIS CAPACITY AS THE FATAH LEADER RESPONSIBLE FOR THE CENTRAL REGION HE COORDINATED ACTIVITIES WITH OTHER REGIONS, TOOK CHARGE OF LARGE SUMS OF MONEY DESTINED, AMONG OTHER THINGS, TO FUND EXPENSES RELATED TO THE PRINTING OF SUBVERSIVE AND INFLAMMATORY PAMPHLETS DISTRIBUTED DURING THE UPRISING. HE TRANSMITTED DESPATCHES TO TERRORIST ACTIVISTS IN JUDEA AND SAMARIA WHICH INCLUDED DIRECTIVES FOR ATTACKS AND SITUATION REPORTS REGARDING ACTIVITY IN THE REGION. HE WAS ALSO RESPONSIBLE FOR OPERATING FATAH ACTIVISTS IN THE POPULAR COMMITTEES OF THE RAMALLAH AREA.

2. MAS'ODUD 'OTHMAN MAS'ODUD Z'IFER (NABLUS)

BORN IN 1946, Z'IFER IS ONE OF THE MOST PROMINENT POPULAR FRONT ACTIVISTS IN NABLUS. HE TOOK PART IN COORDINATING AND ORGANIZING RIOTS AND DISTURBANCES, AND WAS AN ACTIVE PARTICIPANT IN THE FRONT'S ACTIVITIES IN NABLUS.

3. BALAL 'AZADIN HASSIN SHAKHSHIR (NABLUS)

BORN IN 1952, SHAKHSHIR IS A SENIOR DEMOCRATIC FRONT ACTIVIST. HE WAS CONSIDERED A LEADER OF THE FRONT IN SAMARIA AND WAS AN ACTIVE PARTICIPANT IN COORDINATING AND ORGANIZING THE FRONT'S ACTIVITIES. HE CONTINUED HIS ACTIVITIES DURING HIS TERM OF DETENTION IN PRISON,





TAKING ADVANTAGE OF HIS POSITION AS SPOKESMAN FOR THE INMATES.

4. HANI MAHMAD 'A RAHIS HALUB (TULKARM)

BORN IN 1960, HALUB IS A SENIOR "SHABIBA" (PLO YOUTH ORGANIZATION) ACTIVIST IN TULKARM. AS PART OF HIS DIVERSE "SHABIBA" ACTIVITY, HE WAS INVOLVED IN ORGANIZING AND COORDINATING VIOLENT DISTURBANCES IN TULKARM, AND WAS A PROMINENT ACTIVIST IN THE POPULAR COMMITTEES OF THAT AREA.

5. TAYAIR MAHMAD SALAH NASRALLAH (BALATA REFUGEE CAMP)

BORN IN 1961, NASRALLAH IS A SENIOR FATAH ACTIVIST, AS A RESULT OF WHICH HE WAS SERVED WITH RESTRICTION OF MOVEMENT ORDERS IN THE PAST. HE CONTINUED HIS PURSUIT OF ILLEGAL ACTIVITIES AND WAS INVOLVED IN ORGANIZING VIOLENT "SHABIBA" ACTIONS IN BALATA AND IN THE NEIGHBORING AREAS. HE WAS RESPONSIBLE FOR THE ACTIVITIES OF "SHOCK GROUPS" (ENFORCEMENT ARM OF THE POPULAR COMMITTEES) IN THAT REGION.

6. HAMID ISMA'IL HAMID BABA (AMA'RI REFUGEE CAMP)

BORN IN 1963, BABA IS A SENIOR FATAH ACTIVIST, AND THE HEAD OF THE "SHABIBA" ORGANIZATION IN AMA'RI CAMP. HE WAS FIRST ARRESTED IN APRIL 1980 FOR INVOLVEMENT IN VIOLENT DISTURBANCES, AND WAS LATER ARRESTED IN SEPTEMBER 1983 AS A RESULT OF HIS CONNECTIONS WITH FATAH. BABA WAS SENTENCED TO FOUR MONTHS IMPRISONMENT, THREE OF THEM SUSPENDED. HE WAS DETAINED FOR QUESTIONING IN JANUARY 1985, AND ADMITTED TO PREPARING IMPROVISED EXPLOSIVE CHARGES, DISSEMINATING SEDITIOUS AND INCENDIARY



PAMPHLETS, AND LEADING THE "SHABIBA" ORGANIZATION IN AMA'RI CAMP. HE WAS SENTENCED TO 3 YEARS IMPRISONMENT, 18 MONTHS OF WHICH WAS SUSPENDED. FOLLOWING HIS RELEASE, HE WAS AGAIN ARRESTED IN DECEMBER 1986 FOR PARTICIPATION IN VIOLENT DEMONSTRATIONS AND DISTURBANCES. FOR THE PAST TWO YEARS HE HAS BEEN CONSIDERED A PROMINENT FIGURE IN THE DISTURBANCES IN THE RAMALLAH AREA. DURING THE UPRISING, BABA COORDINATED DISTURBANCES AND WAS INVOLVED WITH THE FATAH COMMAND IN RAMALLAH. HE WAS RESPONSIBLE FOR THE PRINTING AND DISTRIBUTION OF PAMPHLETS CONNECTED WITH THE UPRISING, AND WAS ALSO INVOLVED IN THE OPERATION OF POPULAR COMMITTEES IN THE RAMALLAH AREA.

7. 'OUDA YUSSEF MAHMAD MA'ALI (KAFR NA'AMA)

BORN IN 1958, MA'ALI IS A SENIOR DEMOCRATIC FRONT ACTIVIST IN RAMALLAH AREA. HE WAS DETAINED FOR QUESTIONING IN NOVEMBER 1982, INDICTED FOR MEMBERSHIP AND ACTIVITY IN AN ILLEGAL ORGANIZATION, TRIED, CONVICTED, AND SENTENCED TO 3 YEARS IMPRISONMENT, OF WHICH 2 YEARS WERE SUSPENDED. IN THE PAST FEW MONTHS MA'ALI HAS BEEN A PROMINENT FIGURE IN THE DISTURBANCES IN THE RAMALLAH AND JERUSALEM AREA, DIRECTING YOUTHS TO VIOLENT ACTIVITIES AGAINST ARMY AND POLICE FORCES, INSTIGATING AND DIRECTING ATTACKS ON THOSE SUSPECTED OF "COLLABORATION", AND RECRUITING YOUTHS FOR THE DEMOCRATIC FRONT AND ITS SUBORDINATE ORGANIZATIONS. HE WAS ARRESTED IN JULY 1988 IN CONNECTION WITH THE VIOLENT ACTIVITIES OF THE DEMOCRATIC FRONT AND THE OPERATION OF POPULAR COMMITTEES.

8. MAGAD MAHMAD 'ABDALLAH LABDI (ABU DIS)

BORN IN 1960, LABDI IS A SENIOR DEMOCRATIC FRONT ACTIVIST. HE WAS





FIRST ARRESTED 1981, CHARGED WITH MEMBERSHIP IN THE FRONT, TRIED, AND SENTENCED TO 30 MONTHS IMPRISONMENT, 15 OF WHICH WERE SUSPENDED. AS A RESULT OF HIS CONTINUING ACTIVITIES, HE WAS PLACED UNDER ADMINISTRATIVE DETENTION FOR 6 MONTHS IN OCTOBER 1985. HE WAS ISSUED WITH AN ORDER RESTRICTING HIS MOVEMENTS IN JULY 1986 WHICH WAS EXTENDED TWICE UNTIL JULY 1987. DESPITE THESE MEASURES, LABDI CONTINUED HIS ACTIVITIES IN THE DEMOCRATIC FRONT, AND ACTED AS A FRONT OPERATIVE THROUGHOUT THE UPRISING. HE WAS ARRESTED IN A DEMOCRATIC FRONT "SAFE HOUSE" IN BIR NAGALLAH ON 18 JULY 1988. A SEARCH REVEALED DOZENS OF DOCUMENTS INDICATING HIS ACTIVITIES ON BEHALF OF THE DEMOCRATIC FRONT, AND HIS INVOLVEMENT WITH THE ACTIVITIES OF POPULAR COMMITTEES.

9. AQAF WAHIS KAMEL 'ABDALLAH 'ANTEBA

BORN IN 1961, 'ANTEBA BECAME A LEADER OF THE DEMOCRATIC FRONT IN THE TULKARM SECTOR. HE TOOK AN ACTIVE ROLE IN THE ORGANIZATION AND COORDINATION OF THE DEMOCRATIC FRONT'S PART IN THE VIOLENT DISTURBANCES IN HIS VILLAGE AND IN NEIGHBORING AREAS, AND PARTICIPATED IN ITS OPERATIONAL ACTIVITIES. HE WAS ALSO INVOLVED IN OPERATING THE POPULAR COMMITTEES IN HIS AREA.

10. 'OTHMAN MAHMAD DAOUD DAOUD (KALKILYA)

BORN 1961, DAOUD WAS RELEASED IN ISRAEL'S PRISONER EXCHANGE WITH THE JIBRIL ORGANIZATION. A FATAH ACTIVIST, HE WAS PLACED UNDER ADMINISTRATIVE DETENTION FOR HIS ROLE IN INSTIGATING AND ORGANIZING YOUTHS TO CARRY OUT RIOTS AND DISTURBANCES. DURING HIS TERM IN PRISON HE CONTINUED IN HIS ACTIVITIES AND WAS CONSIDERED TO BE A FATAH LEADER



AMONG THE INMATES.

11. YUSSEF HAREB MAHMAD 'OUDA (BALATA REFUGEE CAMP)

A SENIOR FATAH ACTIVIST, 'OUDA WAS INVOLVED IN COORDINATING AND ORGANIZING "SHABIBA" ACTIVITIES CONNECTED WITH THE VIOLENT DISTURBANCES IN THE BALATA CAMP. HE TOOK AN ACTIVE PART IN THE ACTIVITIES OF THE FATAH ORGANIZATION IN HIS AREA AND NEIGHBORING AREAS, DIRECTING AND INCITING OTHERS TO VIOLENT ACTIONS ON A LARGE SCALE.

12. 'ASSAM AMIN FATAH DEBA'I (NABLUS)

BORN IN 1964, DEBA'I WAS IMPRISONED THREE TIMES, AND IS CURRENTLY SERVING A SENTENCE. HE IS A SENIOR ACTIVIST, PARTICIPATED IN ORGANIZING "SHABIBA" ACTIVITY IN NABLUS CONNECTED WITH VIOLENT DISTURBANCES, AND HAS CARRIED OUT A NUMBER OF ATTACKS. HE CONTINUED HIS ACTIVITY IN PRISON, AND WAS CONSIDERED A SENIOR ACTIVIST AMONG THE INMATES.

13. SIRHAN 'OTHMAN JABBER DWIKATH (BALATA)

BORN IN 1959, DWIKATH WAS FIRST ARRESTED IN APRIL 1977 FOR INVOLVEMENT IN VIOLENT DISTURBANCES. HE WAS DETAINED FOR QUESTIONING IN MARCH 1978, AND ADMITTED TO RECRUITMENT ACTIVITY FOR FATAH, PREPARING AND DISTRIBUTING INFLAMMATORY PAMPHLETS, TRAINING IN BOMB PREPARATION, AND PLANTING AN EXPLOSIVE CHARGE IN NABLUS. HE WAS TRIED FOR HIS ACTIVITY AND WAS SENTENCED TO 20 YEARS IMPRISONMENT. WHILE SERVING HIS PRISON





TERM HE WAS CAUGHT RECRUITING FOR FATAH AND LEADING THE ORGANIZATION IN THE FACILITY. HE WAS RELEASED IN MAY 1985, AS A RESULT OF THE PRISONER RELEASES CONDUCTED AT THAT TIME. UPON HIS RELEASE, DWIKATH BEGAN TO ORGANIZE "SHABIBA" ACTIVISTS AND WAS CHOSEN TO BE MEMBER OF THE "SHABIBA" LEADERSHIP AT AL-NAGAH UNIVERSITY. IN THIS CAPACITY, HE STOOD BEHIND THE COORDINATION AND ORGANIZATION OF MEETINGS AND DISTURBANCES. IN APRIL 1987, HE BECAME THE HEAD OF THE "SHABIBA" AT THE UNIVERSITY. DUE TO HIS SUBVERSIVE ACTIVITIES, HE WAS ARRESTED IN MAY 1987, AND SERVED WITH THREE MONTHS ADMINISTRATIVE DETENTION. AFTER HIS HIS RELEASE HE WAS DISCOVERED TO BE THE FATAH ACTIVIST RESPONSIBLE FOR UPRISING-RELATED ACTIVITIES IN THE NABLUS AREA REFUGEE CAMPS. SUBORDINATE TO HIM WERE OTHER FATAH ACTIVISTS WHO ACTED IN ACCORDANCE WITH HIS INSTRUCTIONS, CAUSING DISRUPTIONS, INCITING VIOLENT DISTURBANCES, ATTACKING SOLDIERS, AND ATTACKING SUSPECTED "COLLABORATORS".

14. JEMAEI IBRAHIM 'A MAHSIN FRAG (DEHAISHE)

BORN IN 1963, FRAG WAS ARRESTED 1985 AND CHARGED WITH PARTICIPATION IN VIOLENT DISTURBANCES. HE RECEIVED A SUSPENDED SENTENCE OF SIX MONTHS IMPRISONMENT. HE WAS ARRESTED IN MAY 1987, AND PLACED UNDER THREE MONTHS ADMINISTRATIVE DETENTION. HE WAS ARRESTED AGAIN IN MARCH 1988, AND SUBSEQUENTLY RELEASED. SINCE HIS RELEASE HE HAS INCITED VIOLENT DISTURBANCES, HEADED THE POPULAR FRONT IN THE DEHAISHE CAMP, AND WAS A SENIOR ACTIVIST IN THE POPULAR COMMITTEES IN THE CAMP AND IN THE REGION.



15. TAYSER RAGEB 'ALI 'AROURI (EL BIRA)

BORN IN 1945, ARURI COMES FROM BATHAM VILLAGE IN THE RAMALLAH REGION, AND CURRENTLY RESIDES IN EL BIRA. HE HELD A POSITION AS LECTURER AT BIR ZEIT UNIVERSITY. HE RETURNED IN 1972 THROUGH THE REUNIFICATION OF FAMILIES PROGRAM AFTER STUDYING FIVE YEARS IN THE SOVIET UNION. HE BECAME A SENIOR ACTIVIST OF THE PALESTINIAN COMMUNIST PARTY, AND HAS BEEN A MEMBER, SINCE THE LATE 1970'S, OF THE PARTY'S RAMALLAH REGIONAL COMMITTEE. HE WAS RESPONSIBLE FOR THE CENTRAL REGION, AND SERVED, AMONG OTHER ROLES, AS A MEMBER OF THE PARTY'S CENTRAL COMMITTEE. SINCE 1974, HE HAD BEEN ARRESTED A NUMBER OF TIMES BY ADMINISTRATIVE DETENTION ORDER UNTIL JUNE, 1978. DURING THE RECENT DISTURBANCES HE PLAYED A CENTRAL ROLE IN ORGANIZING THE PALESTINIAN COMMUNIST PARTY ORGANIZATION COMMITTEE'S ACTIVITIES, AND IN DIRECTING THE PARTY'S COURSE. HE WAS ALSO INVOLVED IN THE ESTABLISHMENT AND OPERATION OF POPULAR COMMITTEES ON BEHALF OF THE PALESTINIAN COMMUNIST PARTY.

16. SAID HASSIN HASSAN BARKAH (BANI SUHEILA)

BORN IN 1956, BARKAH IS A MEMBER OF THE "ISLAMIC JIHAD" MOVEMENT. DURING THE RECENT DISTURBANCES HE WAS RESPONSIBLE FOR THE POLITICAL ACTIVITIES OF THE MOVEMENT IN THE GAZA AREA. HE WAS DIRECTLY RESPONSIBLE FOR THE DRAFTING OF SUBVERSIVE AND INFLAMMATORY PAMPHLETS, MANY OF WHICH WERE DISTRIBUTED IN THE TERRITORIES, AND WERE RESPONSIBLE FOR THE INCITEMENT OF DISORDER AND VIOLENCE.

17. NABIL MAHMAD MUSTAPHA TAMSU (GAZA)

BORN IN 1967, TAMSU WAS TRIED IN 1984 FOR THE THROWING OF A INCENDIARY





OBJECT AND FOR ACTIVITIES INTENDED TO DISRUPT PUBLIC ORDER. HE WAS SENTENCED TO FOUR YEARS IMPRISONMENT, OF WHICH TWO YEARS WERE SUSPENDED. DURING THE RECENT UNREST, HE PARTICIPATED IN A NUMBER OF VIOLENT DISTURBANCES. HE STOOD AT THE HEAD OF THE "POPULAR COMMITTEE" IN THE NASER DISTRICT OF GAZA, AND IN THIS CAPACITY, HE AIDED IN THE ESTABLISHMENT OF A "SAFEHOUSE" FOR TWO INDIVIDUALS WOUNDED DURING THE UPRISING.

18. FATHI (MUSTAPHA) 'AMAR AHMED HAG'AG (GORON REFUGEE CAMP)

BORN IN 1952, IN JULY 1976 HAG'AG ADMITTED MEMBERSHIP IN THE POPULAR FRONT FOR THE LIBERATION OF PALESTINE. HE WAS SENTENCED TO THREE YEARS IMPRISONMENT, OF WHICH TWO YEARS AND THREE MONTHS WERE SUSPENDED. HE WAS DETAINED IN DECEMBER 1983, ADMITTED TO RECRUITING FOR THE FATAH TERRORIST GROUP, AND WAS SENTENCED TO 11 MONTHS IMPRISONMENT. DURING THE RECENT DISORDERS HE ACTIVELY PARTICIPATED IN VIOLENT DISTURBANCES. HE HEADED THE POPULAR COMMITTEE IN HIS REFUGEE CAMP AND WAS RESPONSIBLE FOR THE DISTRIBUTION OF SUBVERSIVE MATERIAL. HE ALSO TAUGHT THE MEMBERS OF HIS COMMITTEE HOW TO PREPARE EXPLOSIVE DEVICES. AMONG THE COMMITTEE MEMBERS UNDER HIS COMMAND WERE THE THREE YOUTHS RESPONSIBLE FOR THE MURDER OF RACHEL WEISS FROM MOSHAV SHAHR IN AUGUST 1988.

19. RIAD WAGLA KAMEL 'AGOUR (GAZA)

BORN IN 1962, 'AGOUR WAS THE HEAD OF A NUMBER OF POPULAR COMMITTEES DURING THE RECENT DISTURBANCES. THE MEMBERS OF HIS COMMITTEES WERE INVOLVED IN THE DISTRIBUTION OF SUBVERSIVE AND INFLAMMATORY MATERIAL,



THE BLOCKING OF ROADS AND THE TORCHING OF SHOPS THAT REMAINED OPEN IN OPPOSITION TO THE WISHES OF THE LEADERS OF THE DISTURBANCES.

20. 'ABDALLAH 'IADA 'ABDALLAH ABU SAMHADNA (GAZA)

BORN IN 1950, SAMHADNA LECTURED AT THE ISLAMIC UNIVERSITY OF GAZA. HE WAS DETAINED IN 1984 AND ADMITTED TO THE TRANSFER OF FIVE GRENADES TO ANOTHER INDIVIDUAL. HE WAS TRIED AND SENTENCED TO FOUR YEARS IMPRISONMENT. WHILE SERVING HIS TERM, HE BECAME KNOWN AS A LEADER AND WAS CONSIDERED TO BE OF VERY HIGH STANDING AMONG THE INMATES. AFTER HIS RELEASE HE WAS FOUND TO BE RESPONSIBLE FOR THE ESTABLISHMENT OF POPULAR COMMITTEES THROUGHOUT GAZA. HE PROVIDED FOR THEIR FUNDING AND GAVE INSTRUCTIONS FOR THEIR ACTIVITIES.

21. 'AISH 'A 'AZIZ MAHMAH ABU SA'ADA (JEBALYA REFUGEE CAMP)

BORN IN 1958, SA'ADA WAS DETAINED IN JANUARY 1979, ADMITTED TO SERVING AS A RECRUITER FOR THE POPULAR FRONT FOR THE LIBERATION OF PALESTINE, AND TO HAVING BEEN TRAINED TO PREPARE IMPROVISED EXPLOSIVE DEVICES. HE WAS TRIED AND SENTENCED TO THREE YEARS IMPRISONMENT. DURING THE RECENT UNREST HE ACTIVELY PARTICIPATED IN VIOLENT DISTURBANCES. HE HOLDS A SENIOR POSITION AMONG THE POPULAR COMMITTEES OF THE COMMUNIST PARTY IN THE NORTHERN GAZA DISTRICT.

22. RIZAK MAHMOUD HASSAN BIARI (GAZA)

BORN IN 1959, BIARI WAS EMPLOYED AS A JOURNALIST. HE WAS DETAINED IN EGYPT DURING HIS STUDIES THERE AND INTERROGATED BY EGYPTIAN





AUTHORITIES ON HIS CONNECTIONS WITH THE PLO. DURING THE RECENT UNREST HE WAS RESPONSIBLE FOR ALL OF THE POPULAR COMMITTEES IN THE NORTHERN GAZA DISTRICT, INCLUDING THE CITY OF GAZA. HE WAS ENGAGED IN THE RECRUITMENT OF COMMITTEE MEMBERS, AND IN THE DISTRIBUTION OF SEDITIOUS MATERIAL, MONEY, AND INSTRUCTIONS FOR ACTIVITY AGAINST SUSPECTED "COLLABORATORS" TO HIS SUBORDINATES.

23. MAHMAD SA'ADI MAHMAD MADOUTH (GAZA)

BORN IN 1950, MADOUTH WAS DETAINED IN 1974, ADMITTED TO MEMBERSHIP IN FATAH, THROWING A GRENADE AT A BUS CARRYING SOLDIERS, PLANTING AN EXPLOSIVE DEVICE IN GAZA AND RECEIVING A SUB-MACHINE GUN. HE WAS SENTENCED TO TWENTY YEARS IMPRISONMENT, AND RELEASED IN MAY 1985 IN THE PRISONER EXCHANGE WITH THE JIBRIL ORGANIZATION. DURING THE RECENT UNREST MADOUTH WAS THE HEAD OF THE POPULAR COMMITTEE IN HIS NEIGHBORHOOD, AND WAS RESPONSIBLE FOR THE DISTRIBUTION OF SUBVERSIVE AND INFLAMMATORY MATERIAL.

24. UNA'AM MAHMAD HASSAN ABU 'ATAYA (GAZA)

BORN IN 1955, 'ATAYA WAS DETAINED IN 1971 AND ADMITTED TO THE POSSESSION OF A GRENADE, PISTOL, AND RIFLE BULLETS. HE WAS PARDONED BY THE LOCAL MILITARY COMMANDER. HE WAS DETAINED AGAIN IN FEBRUARY 1972 AND ADMITTED TO AIDING A WANTED INDIVIDUAL AND THE TRANSFER OF WEAPONS. HE WAS SENTENCED TO FIVE YEARS IMPRISONMENT, THREE YEARS OF WHICH WERE SUSPENDED. HE WAS SUBSEQUENTLY RELEASED IN NOVEMBER 1973, AFTER HIS SENTENCE WAS REDUCED. IN JULY 1976, HE WAS ARRESTED AND ADMITTED MEMBERSHIP IN FATAH, AND HIS ROLE IN CONCEALING WEAPONS. HE



WAS TRIED AND SENTENCED TO FIVE YEARS IMPRISONMENT. IN OCTOBER 1980, A SPECIAL RESTRAINING ORDER WAS ISSUED REQUIRING HIM TO REGISTER DAILY WITH THE GAZA POLICE. THIS ORDER REMAINED VALID FOR ONE YEAR. IN JULY 1981, 'ATAYA WAS DETAINED AND ADMITTED TO THE ESTABLISHMENT OF A FATAH CELL AND THE POSSESSION OF A PISTOL. HE WAS TRIED AND SENTENCED TO FOUR YEARS IMPRISONMENT. IN JULY 1987, SUBVERSIVE MATERIAL WAS FOUND IN HIS BOOKSHOP. IN MARCH, 1988 HE WAS ARRESTED DURING AN OPERATION UNCOVERING THE ACTIVITY OF THE UNITED NATIONAL COMMAND IN GAZA. DURING QUESTIONING, HE ASKED TO BE ALLOWED TO LEAVE THE REGION FOR A YEAR. HE WAS RELEASED, BUT DID NOT LEAVE THE AREA. DURING THE MONTHS OF JANUARY THROUGH JULY 1988, HE CONTINUED HIS ACTIVITIES ON BEHALF OF FATAH WHICH INCLUDED THE DRAFTING AND DISTRIBUTION (BY THE POPULAR COMMITTEES, AMONG OTHERS) OF SEDITIOUS AND INFLAMMATORY MATERIAL IN GAZA.

25. 'ATA MAHMAD HUSSEIN ABU KERESH (SHATI REFUGEE CAMP)

BORN IN 1934, KERESH WAS ARRESTED AFTER INFILTRATING INTO ISRAEL FROM THE GAZA DISTRICT IN 1954 AND WAS SENTENCED TO SIX MONTHS IMPRISONMENT. HE WAS ARRESTED IN JANUARY 1969 AND ADMITTED MEMBERSHIP IN THE FATAH ORGANIZATION AND LEADERSHIP OF A CELL RESPONSIBLE FOR TERRORIST ACTS. HE WAS SENTENCED TO 10 YEARS IMPRISONMENT AND RELEASED IN MAY 1976, DUE TO A REDUCTION IN HIS SENTENCE. HE WAS ARRESTED IN APRIL 1981, AND CHARGED WITH ESTABLISHING FATAH CELLS. HE WAS TRIED AND SENTENCED TO SEVEN YEARS IMPRISONMENT. HE BECAME A LEADER AMONG THE INMATES WHILE SERVING HIS SENTENCE. HE RETAINED HIS CONTACTS WITH FATAH, AND DURING HIS ACTIVITIES IN THE CURRENT UNREST, HE WAS AMONG THE LEADERS OF THE VIOLENT DISTURBANCES IN THE GAZA DISTRICT.





## EXPULSION ORDERS

ON 17 AUGUST 1988, EXPULSION ORDERS THAT WERE ISSUED AGAINST FOUR RESIDENTS OF THE GAZA STRIP ON 8 JULY 1988, WERE CARRIED OUT AFTER THE FOUR WERE GIVEN THE OPPORTUNITY TO APPEAL IN KEEPING WITH THE LEGAL PROCESS. EACH OF THEM PETITIONED THE ADVISORY COMMITTEE OF THE REGIONAL MILITARY COMMANDER, BUT LATER DECIDED TO WITHDRAW THE APPEAL. THEY ALSO DID NOT USE THEIR RIGHT TO PETITION THE ISRAEL SUPREME COURT IN ITS CAPACITY AS HIGH COURT OF JUSTICE; THE FOUR CHOSE TO WAIVE THIS RIGHT.

THE MEN WERE ISSUED EXPULSION ORDERS BECAUSE OF THEIR LONG-STANDING AFFILIATION AND INTENSIVE INVOLVEMENT WITH TERROR ORGANIZATIONS.

## BACKGROUND INFORMATION:

MUHAMMAD ABDULLAH ISMAIL JARABLI, 45 - GAZA.

IMPRISONED TWICE FOR COMMITTING ACTS OF TERROR, JARABLI WAS RELEASED IN THE 1985 EXCHANGE. ON MAY 8 THIS YEAR, HE WAS ARRESTED FOR THROWING A HAND GRENADE AND FOR SMUGGLING ADDITIONAL HAND GRENADES TO "FATAH" OPERATIVES.

AHMAD FUAD MUSTAFA ABU MAGHLAK, 29 - GAZA.

ABU MAGHLAK WAS SENTENCED TO 20 YEARS IMPRISONMENT IN AUGUST 1980 FOR PLACING BOMBS AGAINST ISRAELI CIVILIAN TARGETS. UPON HIS RELEASE IN THE 1985 EXCHANGE, HE CONTINUED ACTIVITIES IN THE "FATAH" ORGANIZATION. UNTIL HIS RECENT ARREST, HE WAS THE "FATAH"



REPRESENTATIVE TO THE GAZA "COMMAND" FOR THE DISTURBANCES.

FATHI IBRAHIM AZIZ SHAKAKI, 35 - RAFIAH.

SHAKAKI IS ONE OF THE IDEOLOGICAL LEADERS OF THE GAZA-BASED "ISLAMIC JIHAD," WHICH CALLS FOR ARMED STRUGGLE AGAINST ISRAEL AND ITS REPLACEMENT BY AN ISLAMIC STATE. IMPRISONED SINCE MARCH 1986 FOR WEAPONS SMUGGLING, SHAKAKI HAS CONTINUED HIS ACTIVITIES BY ISSUING ORDERS TO THE MOVEMENT FROM WITHIN PRISON.

YUSRI DARWISH ABD ELGHANI ELHAMS, 36 - RAFIAH.

ELHAMS WAS ARRESTED IN 1970 AND SENTENCED TO 15 YEARS IMPRISONMENT FOR GRENADE ATTACKS ON IDF SOLDIERS. IN PRISON, ELHAMS WAS A "FATAH" LEADER AND, UPON HIS RELEASE, HE CONTINUED HIS CONNECTION WITH THE ORGANIZATION. HE HAS BEEN INVOLVED IN ORGANIZATIONAL ACTIVITIES BEHIND THE RECENT VIOLENT DISTURBANCES IN GAZA.





## INSTIGATORS OF VIOLENCE RECEIVE EXPULSION ORDERS

ON JULY 8, 1988, EXPULSION ORDERS WERE ISSUED AGAINST SIX RESIDENTS OF JUDEA-SAMARIA (THE WEST BANK) AND FOUR RESIDENTS OF THE GAZA DISTRICT. THE TEN ARE:

SAMIR MAHMUD ABD ELKADER SBEIHAT  
ALI NAFA'A ABDO  
RADWAN AHMAD MUHAMMAD ZIADEH  
JAMAL DIAB LAFI ABU LATIFA  
MUHAMMAD ABDULLAH MUHAMMAD LABADI  
MURSI ABD ELHADI HASSAN ABU AWEILAH  
MUHAMMAD ABDULLAH ISMAIL JARABLI  
AHMAD FUAD MUSTAFA ABU MAGHLAK  
FATHI IBRAHIM AZIZ SHAKAKI  
YUSRI DARWISH ABD ELGHANI ELHAMS

THE EXPULSION ORDERS WILL BE CARRIED OUT ONLY UPON COMPLETION OF THE LEGAL PROCESS. EACH OF THE TEN HAVE THE RIGHT TO APPEAL THE EXPULSION ORDER BEFORE AN ADVISORY COMMITTEE OF THE REGIONAL MILITARY COMMANDER. IN THE EVENT THEIR PETITION IS DENIED, THEY HAVE THE RIGHT OF APPEAL TO THE ISRAEL SUPREME COURT IN ITS CAPACITY AS HIGH COURT OF JUSTICE.

THREE OF THE MEN TO BE EXPELLED WERE RELEASED IN THE 1985 PRISONER EXCHANGE WITH JIBRIL'S "POPULAR FRONT FOR THE LIBERATION OF PALESTINE - GENERAL COMMAND." THE THREE HAVE RENEGED ON THE CONDITION FOR THEIR RELEASE, NAMELY THAT THEY DESIST FROM SUBVERSIVE ACTIVITY.

THE TEN WHO WERE ISSUED EXPULSION ORDERS HAVE MAINTAINED A LONG STANDING AFFILIATION AND INTENSIVE INVOLVEMENT WITH TERROR ORGANIZATIONS: SEVEN OF THEM IN "FATAH" OR ITS AFFILIATED "SHABIBA" YOUTH FRONT ORGANIZATION; ONE IN "ISLAMIC JIHAD," AND TWO IN HAWATMEH'S "DFLP" ("DEMOCRATIC FRONT FOR THE LIBERATION OF PALESTINE"). ALL OF THEM HAVE BEEN JAILED IN THE PAST FOR HOSTILE ACTIVITIES, BUT EVEN IN PRISON, SEVERAL OF THEM CONTINUED TO ACT ON BEHALF OF THEIR ORGANIZATIONS. MOST OF THEM HAVE PLAYED MAJOR STEERING ROLES IN THE VIOLENT DISTURBANCES OF THE LAST MONTHS.

## BACKGROUND INFORMATION

SAMIR MAHMUD ABD ELKADER SBEIHAT, 36 - EL BIREH.



SBEIHAT HAS BEEN ACTIVE IN "FATAH" SINCE 1975 AND HAS UNDERGONE MILITARY TRAINING IN PLO CAMPS. HE HAS BEEN ARRESTED NUMEROUS TIMES ON INCITEMENT CHARGES. IN PAST MONTHS, HE HAS BEEN A MAJOR ORGANIZER OF THE "SHABIBA" AND HAS BEEN ACTIVE IN PRINTING AND DISTRIBUTING FLYERS CALLING FOR ACTS OF VIOLENCE.

ALI NAFI' A ABDO, 32 - NABLUS.

IN JULY 1975 -- AFTER BEING APPREHENDED WHILE ATTEMPTING TO PLANT A BOMB IN BEN-GURION AIRPORT, AND AFTER ADMITTING TO MEMBERSHIP AND TRAINING IN "FATAH", AND THE UNDERTAKING OF TERRORIST ATTACK MISSIONS -- ABDO WAS SENTENCED TO 22 YEARS IMPRISONMENT. RELEASED IN THE 1985 EXCHANGE, HE RESUMED HIS ACTIVITIES IN "FATAH," MAINTAINING CLOSE TIES WITH PLO OPERATIVES IN NABLUS, AS WELL AS ABROAD, AND COORDINATING "FATAH" ACTIVITIES IN NABLUS. JAILED SINCE DECEMBER 1987, HE HAS CARRIED OUT "FATAH" ACTIVITIES AMONG TERRORIST PRISONERS.

RADWAN AHMAD MUHAMMAD ZIADEH, 31 - HEBRON.

ZIADEH HAS BEEN ARRESTED AND JAILED NUMEROUS TIMES FOR HIS ACTIVITIES IN NAIF HAWATMEH'S "DFLP." IN FEBRUARY OF THIS YEAR, HE WAS JAILED FOR ORGANIZING NUMEROUS RIOTS IN HEBRON. WHILE IN PRISON, ZIADEH HAS CONTINUED HIS ACTIVITIES OF INCITING VIOLENT DISTURBANCES.

JAMAL DIAB LAFI ABU LATIFA, 23 - KALANDIA.

SENTENCED TO PRISON IN 1979 FOR BELONGING TO A TERROR CELL WHICH HAD WEAPONS IN ITS POSSESSION AND WAS PLANNING ATTACKS, LATIFA HAS BEEN JAILED A NUMBER OF OTHER TIMES AS WELL FOR HIS HOSTILE ACTIVITIES. A LOCAL "SHABIBA" ORGANIZER AND "FATAH" RECRUITER, LATIFA ALSO ACTIVELY DIRECTED A NUMBER OF RIOTS AT THE OUTBREAK OF THE DISTURBANCES. IN JAIL SINCE JANUARY, HE HAS CONTINUED HIS ACTIVITIES AMONG FELLOW PRISONERS.

MUHAMMAD ABDULLAH MUHAMMAD LABADI, 33 - EL BIREH.

LABADI IS A SENIOR MEMBER OF HAWATMEH'S "DFLP" AND A RECRUITER FOR THE ORGANIZATION. JAILED A NUMBER OF TIMES FOR HIS ACTIVITIES, LABADI HAS TWICE IN RECENT YEARS ALSO BEEN ORDERED TO BE CONFINED TO HIS AREA OF RESIDENCE. SINCE THE OUTBREAK OF THE DISTURBANCES, HE HAS CARRIED OUT MANY "DFLP" MISSIONS, INCLUDING THE PRINTING AND DISTRIBUTION OF FLYERS WHICH CALL FOR VIOLENT RIOTING.

MURSI ABD ELHADI HASSAN ABU AWEILAH, 22 - KALANDIA.

AS ONE OF THE "SHABIBA" LEADERS IN KALANDIA, ABU AWEILAH HAS INCITED AND LED NUMEROUS RIOTS. HE HAS





BEEN PUT IN PRISON A NUMBER OF TIMES. JAILED AGAIN IN DECEMBER 1987, HE HAS CONTINUED INCITEMENT ACTIVITIES FROM PRISON.

MUHAMMAD ABDULLAH ISMAIL JARABLI, 45 - GAZA. IMPRISONED TWICE FOR COMMITTING ACTS OF TERROR, JARABLI WAS RELEASED IN THE 1985 EXCHANGE. ON MAY 8 THIS YEAR, HE WAS ARRESTED FOR THROWING A HAND GRENADE AND FOR SMUGGLING ADDITIONAL HAND GRENADES TO "FATAH" OPERATIVES.

AHMAD FUAD MUSTAFA ABU MAGHLAK, 29 - GAZA. ABU MAGHLAK WAS SENTENCED TO 20 YEARS IMPRISONMENT IN AUGUST 1980 FOR PLACING BOMBS AGAINST ISRAELI CIVILIAN TARGETS. UPON HIS RELEASE IN THE 1985 EXCHANGE, HE CONTINUED ACTIVITIES IN THE "FATAH" ORGANIZATION. UNTIL HIS RECENT ARREST, HE WAS THE "FATAH" REPRESENTATIVE TO THE GAZA "COMMAND" FOR THE DISTURBANCES.

FATHI IBRAHIM AZIZ SHAKAKI, 35 - RAFIAH. SHAKAKI IS ONE OF THE IDEOLOGICAL LEADERS OF THE GAZA-BASED "ISLAMIC JIHAD," WHICH CALLS FOR ARMED STRUGGLE AGAINST ISRAEL AND ITS REPLACEMENT BY AN ISLAMIC STATE. IMPRISONED SINCE MARCH 1986 FOR WEAPONS SMUGGLING, SHAKAKI HAS CONTINUED HIS ACTIVITIES BY ISSUING ORDERS TO THE MOVEMENT FROM WITHIN PRISON.

YUSRI DARWISH ABD ELGHANI ELHAMS, 36 - RAFIAH. ELHAMS WAS ARRESTED IN 1970 AND SENTENCED TO 15 YEARS IMPRISONMENT FOR GRENADE ATTACKS ON IDF SOLDIERS. IN PRISON, ELHAMS WAS A "FATAH" LEADER AND, UPON HIS RELEASE, HE CONTINUED HIS CONNECTION WITH THE ORGANIZATION. HE HAS BEEN INVOLVED IN ORGANIZATIONAL ACTIVITIES BEHIND THE RECENT VIOLENT DISTURBANCES IN GAZA.



12-APR-1988

EXPULSION OF AGITATORS FROM THE TERRITORIES

On April 11, five residents of the Gaza District and three from Judea-Samaria (the West Bank) were expelled. The eight are:

Abdel Aziz Odeh Rafiah;  
Furayj Ahmad Khalil Khayri;  
Muhammad Abu Samara;  
Khalil Kuka;  
Hassan Ghanim Muhammad Abu Shakra;  
Shamal Shati Yunis Hindi;  
Abdel Nasser Abdel Aziz Afu;  
Bashir Adil Nafa Hamad.

Furthermore, 12 other residents were issued expulsion orders. Six of them are from the West Bank village of Beita:

Mahmoud (Anad) Abd Ibrahim Al-Gorob Beni Shamsa;  
Mustafa Mahmud Khamil;  
Sari Halal Khamil;  
Omar Muhammad Said Daud;  
Najah Jamil Sa'ada Dawikat;  
Ibrahim Khadar Ali Jaroub.

The others are:

Adnan Muhammad Abdel Fatah Dahir;  
Ahmad Muhammad Jaber Suleiman;  
Ghassan Ali Azat Al-Masri;  
Ahmad Fawzi Khaled A-Dik;  
Ziad Rushdi Nahalla;  
Jamal Awad Abdel Jawad Zakut.

The eight who were expelled and the twelve who were issued expulsion orders have all been involved in incitement and subversion, including the recent violence in the territories. Most of them are leading activists and chief instigators of the current unrest. The six residents from Beita were all involved in the April 6 attack on a group of Israeli hikers, most of them teenagers. During that attack, an Israeli girl was killed and 14 hikers were injured.

Most of the agitators are longstanding and locally prominent members of extremist organizations: nine with FATAH and, in many of the cases, its affiliated "Shabiba" front youth organization; five with militant Islamic fundamentalist organizations; two with Hawatmeh's Marxist-oriented PDFLP ("Popular Democratic Front for the Liberation of Palestine"); one with Habash's Marxist-oriented PFLP ("Popular Front for the Liberation of Palestine"); and one with the Palestinian Communist Party, which, in 1987, became part of the PLO. Following trials, twelve were sentenced in the past to prison terms, some of them lengthy, for their terrorist activities.





The new expulsion orders will be carried out only after the legal process is completed. The twelve have 96 hours in which to appeal the decision before an advisory committee to the regional military commander. In the event that their petition is denied, they then will have 48 hours to appeal to the Israel Supreme Court, in its capacity as the High Court of Justice.

The eight who were expelled were given the opportunity to submit appeals after having received their expulsion orders several months ago: three petitions were rejected by the High Court of Justice; four decided to waive their petitions after they saw the evidence against them; one decided from the outset not to appeal.



BACKGROUND INFORMATION ON THE AGITATORS

EXPULSED

Abdel Aziz Odeh Rafiah, 33 -- Gaza

The ideological and spiritual leader of the local "Islamic Jihad," an organization which calls for a violent Islamic revolution, "armed struggle," and the liberation of Palestine through "holy war." Over many years, these messages have been an integral element in his sermons and classes. Because of his activities, his movements were restricted by administrative order from September '83 to September '84, and he was forbidden entry to the Al-Azhar University campus from October '84 to July '85. He also served time in prison after having been convicted of incitement.

Furayj Ahmad Khalil Khavri, 40 -- Gaza

Considered to be one of the most prominent FATAH activists in the Gaza District, he coordinated the organization's activities there and also maintained contact with FATAH operatives overseas. He was active in recruiting new FATAH operatives and expanding the FATAH infrastructure, and he encouraged the involvement of high school and college students in violent demonstrations. In 1968, he was sentenced to 13 years imprisonment for his activities in the FATAH. After serving 6 years, his sentence was commuted and he was released. In 1981, he was sentenced to 5 years for his role in a hostile organization and for the possession of firearms.

Muhammad Abu Samara, 27 -- Gaza

One of the leaders of the local "Islamic Jihad" organization, he was, since 1983, arrested and sentenced several times for agitation.

Khalil Kuka, 40 -- Gaza

Chairman of the "Jam'iyya Islamiyya" (a local body identified with the Moslem Brotherhood) in the Gaza District, and Imam in the Shati Mosque, he has, in his very radical sermons, called upon Moslems to fight the Jews with every means available, even if many were to die in the process.

Hassan Ghanim Muhammad Abu Shakra, 38 -- Khan Yunis

A prominent activist in the "Salafiyyun" extremist Islamic fundamentalist organization in the Gaza District, his positions are very close to those of "Islamic Jihad." He incited demonstrations and commercial strikes, and initiated threats against local secular residents. He was warned several times by the authorities, and in October 1986 was fined IS 1150 for his part in disturbances. During the recent events in the Gaza District, he called for a jihad (holy war) and -- claiming that the Israeli soldiers were poisoning the wells -- called upon the crowds to attack the IDF and the Jews.

Shamal Shati Yunis Hindi, 30 -- Jenin

A senior FATAH activist at Al-Najah University and in Shechem (Nablus), he was responsible for FATAH activity there. He first became involved in subversion in 1975 by organizing road blocks and stone-throwing incidents in Jenin. In 1976, he was sentenced to four years in prison after admitting to being an active member in the FATAH, having



recruited others to that organization, being involved in a FATAH terror squad, preparing explosive devices, and participating in disturbances. He has been an agitator since 1980, not only at his local campus of Al-Najah, but also in other universities, such as Bir Zeit. His activities also brought him into close contact with a senior FATAH activist in the Gaza District, "Abu Ali" Shahin, who was expelled in 1984. Because of Hindi's prominent role in subversion and incitement, he was, by order, restricted to his area of residence several times during 1983-84. Because he persisted with his activities, he was placed under six-months administrative detention in February 1986. He was released, however, after 3 months because of health problems. Immediately afterwards he resumed his operations for the FATAH, and, therefore, was again placed under six-months administrative detention in January 1987. In October 1987, he was arrested for organizing violent disturbances in the Jenin district.

Abdel Nasser Abdel Aziz Afu, 32 -- Jenin

One of the local leaders of Habash's PFLP, he began his activities with that organization in 1973 by agitating and participating in violent disturbances. During 1976-79, he served a number of prison terms after admitting to his involvement in organizing unrest and being a member of the PFLP. From 1979 on, he was responsible for PFLP activity, in coordination with other PLO factions, at Al-Najah University. In 1982, he was sentenced to more than five years imprisonment after admitting to his operations there on behalf of the PFLP. While in prison, he recruited new members into the PFLP.

Bashir Adil Nafa Hamad, 28 -- Kalandia

A prominent senior FATAH activist in the Ramallah area, and for seven years a major figure in organizing disturbances in Kalandia, he founded the "Shabiba" organization in 1982. The violent activities of the "Shabiba" were done at his behest, and on several occasions he incited pupils to leave their classrooms, join public disturbances, and engage in such violence as rock-throwing, and tire-burning. In 1982, he was involved in the destruction of the Kalandia police station and the throwing of firebombs. In 1983, he was given a 3-month suspended sentence and a heavy fine for incitement, and in that year was also slated for expulsion together with other violent agitators. In 1985, he participated in burning the house of a woman thought to be cooperating with the authorities. From January through July 1986, he was placed under administrative detention.





ISSUED EXPULSION ORDERS

Mahmoud (Anad) Abd Ibrahim Al-Gorob Beni Shamsa, 36 -- Beita

A prominent local FATAH activist, he served a number of prison terms, including a five year sentence which he completed in 1987. During the unrest in the territories, he was active in inciting and organizing disturbances in his village, and participated in the attack on the hikers.

Mustafa Mahmud Khamil, 28 -- Beita

One of the key participants in the assault on the hikers, he urged the villagers to bind the hands of the Israelis, force them into Beita and then attack them. He has been charged also with the firebombing of a bus carrying Arab workers three months ago.

Sari Halal Khamil, 26 -- Beita

Another one of the key participants in the attack on the hikers, he repeatedly called out, "Slaughter them!" Also he has been charged with the firebombing of a bus in January.

Omar Muhammad Said Daud, 32 -- Beita

Among the leaders of the "Shabiba" in his village, he led the disturbances in Beita during recent months. He, too, played a major role in inciting the attack on the hikers and participated in it.

Najah Janil Sa'ada Dawikat, 25 -- Beita

Another one of the leaders of the "Shabiba" in his village, he too was prominent in the disturbances in Beita during recent months, and at one point was arrested. Besides inciting the attack on the hikers, he specifically urged the villagers to attack one of the boys carrying a camera, fearing that photos might incriminate participating village residents.

Ibrahim Khadar Ali Jaroub, 27 -- Beita

A FATAH activist, he served prison terms for belonging to that organization and for undergoing terrorist training in the use of arms. He was involved in organizing and inciting subversive activities in Beita and at Al-Najah University. After he violated an administrative order in 1987 that restricted his movements because of his activities, orders were subsequently issued to place him under administrative detention. He, too, participated in the attack on the hikers.

Adnan Muhammad Abdel Fatah Dahir, 38 -- El-Bireh

A member of the Palestinian Communist Party since 1972, he has become one of that party's leading figures. In that position, he agitated and organized disturbances in the Ramallah--El-Bireh area, including the recent disorders. He was sentenced to prison several times, but, following his release, always renewed and intensified his activities.



Ahmad Muhammad Jaber Suleiman, 37 -- Turmus Aiye

A senior activist of Hawatmeh's PDFLP in the area of Ramallah and eastern Jerusalem, he was put in prison a number of times for carrying out missions on behalf of his organization. During 1982-84, orders were issued restricting his movements. More recently responsible for PDFLP activities at Bethlehem University, he organized disturbances in the city and recruited new members to the PDFLP. During the recent events in the territories, he intensified his agitation.

Ghassan Ali Azat Al-Masri, 31 -- Ramallah

Involved in subversive and hostile activity since 1974, he has been a prominent FATAH activist in Ramallah and at Al-Najah University. In 1975, he was sentenced to four years imprisonment after admitting to his membership in the FATAH; he underwent training in the use of arms at a FATAH base in Syria.

Ahmad Fawzi Khaled A-Dik, 28 -- Dik

A senior activist of the FATAH in the Ramallah area, he has in recent years organized FATAH activity at Bir Zeit University, and has become one of the leaders of the "Shabiba" on campus. In 1980, he was sentenced to three years imprisonment after admitting that he was a member of the FATAH and had undergone training in the use of arms at a FATAH base. In 1987 he was arrested again for incitement and for promoting "armed struggle" against Israel. Following his release, he resumed his subversive activities.

Ziad Rushdi Nahalla, 35 -- Gaza

In 1971, he was sentenced to life imprisonment for murdering a man who he believed was cooperating with Israel; when arrested, a pistol and hand grenade were found in Nahalla's possession. While in prison, he joined the "Islamic Jihad." In 1985 he was released as part of the prisoner exchange with the Jibril organization, on the condition that he would no longer engage in subversion. However, he continued to take part in hostile activity as a member of "Islamic Jihad," and was involved in the recent disturbances.

Jamal Awad Abdel Jawad Zakut, 31 -- Gaza

A prominent local activist of Hawatmeh's PDFLP, he was twice arrested for belonging to that terrorist organization. In 1985, he was sentenced to eight months in prison (and given also a suspended sentence of 28 months for a period of five years). Following his release in 1986, he renewed his activities within the PDFLP. In the recent disturbances he helped to establish the PLO's "Unified National Command of the Uprising," which has issued flyers that have incited violence and the disruption of daily life, threatened local residents who do not wish to cooperate with these instructions, and harshly condemned efforts to move towards peaceful dialogue.





3-JAN-1988

EXPULSION OF 9 AGITATORS FROM THE TERRITORIES

On January 3, the Israel Defense Forces Spokesman announced that five residents of Judea-Samaria and four from the Gaza District were given expulsion orders. The nine are:

1. Adil (Bashir) Nafa Hamad;
2. Husam Uthman Muhammad Hadar;
3. Bashir Ahmad Kamil Khayri;
4. Jamal Muhammad (Abdallah) Shakir Jabara;
5. Jibril Mahmud Muhammad Rajub;
6. Muhammad Abu Samara;
7. Hasan Ghanim Muhammad Abu Shakra;
8. Furayj Ahmad Khalil Khayri;
9. Khalil Kuka.

The IDF Spokesman noted that the nine are leading activists who have been involved in incitement and subversive activity on behalf of terrorist organizations; all were chief organizers and instigators of the recent violent public disorders in the territories.

Each one is affiliated with an extremist organization: one with Habash's PFLP; three with extreme Islamic fundamentalist organizations; and the rest with Fatah. Following trials, five were sentenced in the past to long prison terms for their terrorist activities. Two were later released in prisoner exchanges with the Jibril organization, on the condition that they would no longer engage in subversion; however, immediately following their release, they renewed their activities. Expulsion has been decided upon as the only means left to halt the activities of these nine agitators in the territories and, thereby, aid in the restoration of calm there.

The expulsion orders will be carried out only after the legal process is pursued in its entirety. The nine have 96 hours in which to appeal the decision before an advisory committee to the regional military commander. In the event that their appeal will be denied, they then will have 48 hours to appeal to the Israel Supreme Court.





BACKGROUND ON 9 AGITATORS TO BE EXPELLED FROM THE TERRITORIES

1. Adil (Bashir) Nafa Hamad --- Kalandia

Born in 1960. Prominent senior Fatah activist in the Ramallah region of Kalandia, and a major figure in organizing disturbances in the camp for seven years. He founded the "Shabiba" organization in Kalandia in 1982; violent activities of that group are done at his behest. On several occasions he has incited pupils to leave their classrooms, join public disturbances, and engage in such violence as rock-throwing, and tire-burning. In 1982, he was involved in the destruction of the Kalandia police station and the throwing of firebombs. In 1983, he was given a 3-month suspended sentence and a heavy fine for incitement, and in that year was also slated for expulsion together with other violent agitators. In 1985, he participated in burning the house of a woman thought to be cooperating with the authorities. From January through July 1986, he was placed under administrative detention.

2. Husam Uthman Muhammad Hadar --- Balata/Nablus

Born in 1961. Connected to senior Fatah operatives; maintains contact with Fatah activists overseas. Since July 1987, one of the heads of the "Shabiba" in Balata and the vicinity. In October 1983, he was detained as a suspect engaged in hostile activity on behalf of the "Shabiba" in his area. In January 1985, he was detained for involvement in subversive activity at Al-Najah University on Fatah Day. Arrested again later that year, he admitted to recruiting for the Fatah and confessed his intention to take part in terrorist attacks. He was consequently sentenced to a 5-year prison term, 18 months of which were served (he was released in July 1987). He was one of those responsible for initiating most of the disorders in the camp and the surrounding areas, as well as participating in them, in recent weeks.

3. Bashir Ahmad Khayri --- Ramallah

Born in 1942. A senior PFLP (Habash) operative in Ramallah, he holds high positions in that organization. Active in agitating the population and causing public disturbances. In 1967, he was placed under 5 months administrative detention for incitement. In 1969, he was sentenced to 15 years for setting a bomb that killed several people and for recruiting for the PFLP. In 1970, the PFLP demanded his release as well as that of other terrorists in exchange for the freeing of hostages; the hijacked planes were later blown up in Jordan. He was released in 1984, and two years later (July 1986) was issued an order restricting his movements for 6 months. From January to June 1987, he was placed under administrative detention.



4. Jamal Muhammad (Abdullah) Shakir Jabara --- Kalkilya  
Born in 1959. In recent years a prominent Fatah activist in his area; the organization's representative on the terrorist organizations' coordinating committee in Kalkilya. The "Shabiba" group in the area takes no steps without first consulting with him. In 1979, he was sentenced to 18 years in prison for organizing a local cell, recruiting members, and planning and carrying out terrorist attacks; he was released in the prisoner exchange with the Jibril organization after serving 6 years. He initiated and took part in meetings to coordinate the disturbances and strikes in the city, and had a prominent role in the riots there on December 21, 1987.
5. Jibril Mahmud Rajub --- Dura  
Born in 1953. A major Fatah operative in Judea-Samaria. Maintains constant contact with senior Fatah operatives, and engages in agitating the population. In November 1970, he was arrested and sentenced to life imprisonment for membership in a terrorist cell that carried out 10 terrorist attacks and possessed large quantities of weapons. In May 1985, he was released as part of the prisoner exchange with the Ahmed Jibril organization. In November 1985, he was arrested again for his role as a major Fatah activist. Released in May 1986, he returned to intensive Fatah activity, was placed under administrative detention in 1986, and was released in March 1987.
6. Muhammad Abu Samara --- Gaza  
Born in 1961. One of the leaders of the local Islamic Jihad organization, an extreme Islamic fundamentalist group. Since 1983, he has been arrested and sentenced several times for agitation.
7. Hasan Ghanim Muhammad Abu Shakra --- Khan Yunis  
Born in 1950. A prominent activist in the Salifiyyun extremist Islamic fundamentalist organization in the Gaza District; his positions are very close to those of Islamic Jihad. He has incited demonstrations and commercial strikes, and initiated threats against local secular residents. He has been warned several times by the authorities, and in October 1986 was fined 1150 Shekels for his part in disturbances. During the recent events in the Gaza District, he called for a jihad (holy war) and, claiming that the Israeli soldiers were poisoning the wells, called upon the crowds to attack the IDF and the Jews.
8. Furayj Ahmad Khalil Khayri --- Gaza  
Born in 1948. Considered to be one of the most prominent Fatah activists in the Gaza District, he maintains contact with Fatah activists overseas and coordinates the organization's activities in the District. Active in recruiting new Fatah operatives and attempts to expand the Fatah infrastructure. Encourages the involvement of high school and college students in violent demonstrations. In 1968, he was sentenced to 13 years imprisonment for his activities in the Fatah. After serving 6 years, his sentence was commuted and he was released. In 1981, he was sentenced to 5 years for his role in a hostile organization and for the possession of firearms.



9. Khalil Kuka --- Gaza

Born in 1948. Chairman of the "Jam'iyya Islamiyya" (a local body identified with the Moslem Brotherhood) in the Gaza District, and Imam in the Shati Mosque, his sermons are extremely radical in nature, calling for the Moslems to fight the Jews with every means available, even if many were to die in the process.

\* "Shabiba"

Organized by adult PLO activists who have served time in prison for terrorist activity, young Palestinian Arabs (ages 12-30) have formed groups known as the "Shabiba." The "Shabiba" is organized around schools, universities, and neighborhoods, and seeks to influence the population, primarily through violent means, such as sending masked men into the schools to force students into the streets, and placing barriers on the roads so that local residents will be prevented from going to work. These groups incite and take a major role in disturbances in the territories.

Islamic Fundamentalism in the Territories

See background paper, November 20, 1987



ניר-אל מעבדה רמון תשס"ח תעשיות ניר קרטון בע"מ  
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צ"י: י. בן-מנחם, מנכ"ל משרד החינוך  
מנהל רשות המבחנים.

— פ"ה נאמר ה"ה וי"ה ק"ה **ק"ה** דמקדש. פנה גם אר"ן אלמס"י. דונתים המקדש.  
שלמה (987-1041) מ"ה א"ה המיד כח"ס מ"ה סע"ר' א"ה 1041.

EMBASSY OF ISRAEL  
WASHINGTON, D.C.



שגרירות ישראל  
ושינגטון

3

48  
(החלקי לא יגיע)

דואר לידי 2

אצול  
להחזיר  
22/1

טופס מברק  
דף: 1 מתוך: 1 דפים  
סוג בשחוני: רגיל  
דחיפות: מידי  
תאריך/ז"ח: 17/1/89-16:45

334

אל: המשרד

אל: מזתי"ם, הסברה/מידע

ערורי

מה הרכב הבג"ץ היושב בענינו.

פלג

36

151 פ.ח. חסמה  
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דחילות: מידוי	שגרירות ישראל / וושינגטון סופס פלוק	זר:
סוג: שמור		כתוב:
תאריך נדפס: 10 בינואר 1989 12:00	מחפ"א, חסברה/מידע	אל:
פס' כבוק:	דע:	כאת: ק/ק לקונגרס.
תפסרד:		
192		

ד"ר פ. ח.

ערורי - אמנסטי

ממשרדו של הסנטור קנדי מוסרים שבכירי אמנסטי פונים למספר גורמים קונגרסיונליים ומבקשים התערבות (טלפונים לכה"מ) לטובת ערורי.

האחריות לנושא אצל קנדי איננה משוכנעת שזו הדרך הרצויה ומבקשת מאין "דו"ח מצבי" על העירעור שתגיש ערורי, בכדי לעזור לסנטור לדחות את הפנייה הנ"ל. לדבריה, יקל עליה אם נוכל להצביע על המועד המשוער להחלטת בג"צ.

(הערה: כמובן אנשי אמנסטי מעריכים שבג"צ ידחה את העירעור וערורי יגורש בקרוב).

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תפוצה:

36





ח' ח' ח'  
→

סדוי/בהול

אל:למדן

תיסיר ערורי.

שלן 421 , 263.

א.מצורף חומר שקיבלנו מת"א ותוכל למסור לקנדי.  
תשומת ליבך במיוחד לאמור בסעיף 6. החומר אינו  
לתנוצה כללית, מתבקשת פניה לארץ לפני שימוש  
ברסף.

ב.לידיעתך, ענינו עמד בפני הליון משמטי מלא, וכולט  
אישור גרושו.

ג.מציעים לא להתערב בשיקולי הסנטור לגבי פניותיו.

ד.קשר - העבירונא נר 485 מאבירות.

להלן 485 מאבירות מ 20.12:

אל:משה'ח/מזתי'מ - פני אביב  
מאת: ר' 482

הנדון: תריסיר אל עארורי

1.הנדון יליד 1945, מדצאו מכנר ליד רמאללה, בשנים  
האחרונות התגורר באל-בירה. שימש כמרצה באוני' ביר זית.

## משרד החוץ-מחלקת הקשר

2.בשנת 72, שב הנדון לגזמ'ע, במסגרת איחוד משפחות, לאחר  
ששהה 5 שנים בברה'מ שם טייס לימודיו.

3.בשנת 74 נעצר הנדון במסגרת חשיפת התארגנויות מה'ע של  
'החזית הלאומית הפלסטינית' ו-'הזרוע הצבאית של המפלגה  
הקומוניסטית'.

4.עם שחרור המשיך בפעילותו ומאז סוף שנות ה-70 שימש  
כאחראי מטעם ה-קמ'פ על איזור המרכז.

5.בשל פעילותו זו היה עצור מספר פעמים בצו של מעצר מנהלי  
מאז שנת 74 ועד 78.

6.בתקופת 'האנתמאדה' עמד הנדון יחד עם פעילים נוספים  
מארגונים אחרים, מאחורי פעילות הסתה לאומניות, הפרדת סדר  
וארגון ועדות עממיות שהוצאו אל מחוץ לחוק. הנדון שימש  
למעשה כאחד הגורמים המרכזיים בהכוונת ההתקוממות ובין היתר  
היה קשור להפצת כרזים שקראו להכשך מעשי האלימות בשטחים.

עד כאן

מצמ'א-מז'ת 2

יל

לש



להלן מ'אבירות':

1. הנדון יליד 1945, תושב אל-בירה, שמש עד למעצרו כמרצה באוניברסיטת ביר-זיית. מוכר כבעל עמדה בבירה ביו'ש ב'מפלגה הקומוניסטית הפלשתינאית' (מק'פ).

2. הנדון נעצר בשנת 1974 לאחר חשיפת התארגנויות פח'ע של 'החזית הלאומית הפלשתינאית' והזרוע הצבאית של המק'פ. בין היתר, ניסו הוא וחבריו להתארגנויות האלה לאסוף נשק באזור, אולם הדבר לא עלה בידם עד למעצרו אז.

3. מעמדו הבכיר של הנדון מתבטא באופי פעילותו ובאירועים בהם נטל חלק. על מעמדו הבכיר מעידה גם העובדה כי שמו נמצא בין החתומים על 'מסמך העצמות' של הפלשתינאים כאחד הנציגים וכחבר במל'פ. (מזכר באותו מסמך שנמצא בזמנו אצל מייסל אל-חוסייני).

4. בעת מעצרו הנוכחי נמצא ברשותו פנקס שהכיל רשימות שכללו, בין היתר, זיהוי הועדות העממיות, בדיקת אפשרות תוכנית השלמה ע'י הסתמכות על ועדות אלו, הדעה להשביט את בתי הכלא, רשימת מבוקשים ע'י כוחות הבטחון (לצורכי מגורים, הוצאות וכו'), מציאת כוחות חדשים נוספים לשמוש באינתיפאדה.

## משרד החוץ-מחלקת הקשר

5. לנדון היה חלק מעשי בביר וחשבו כתכנון, ניהול ונירוט ארועי האינתיפאדה הן בגיבוש מדיניות וורני פעולה והן בתפקודים אחרים.

6. אין לנו ספק, כי באם יכלא הנדון הוא ישמש מנהיג אף בין כותלי הכלא ויוכל להמשיך ולהשכיח על ארועים באזור מתוך הכלא, כפי שעשה בעבר. בעת מעצרו המנהלי היה בעל עמדה בבירה בין הכלואים ואף עסק באותה תקופה בפעילות חתרנית של ממש, לרבות נסיון לגיוס למת'פ את אחד הכלואים.

7. נוכח המאמצים הכבירים המושקעים להשבת הסדר הציבורי והבטחון לאזור יו'ש, גרושו של הנדון מן האזור הינו צעד אשר אין ממנו מנוס. הנדון הוא שהביא על עצמו גזירה זו בפעילותו חסרת הליאות להשגת מטרותיו ולפגיעה בסדר הציבורי ובבטחון האזור.

8. גרושו של הנדון יכה מכה קשה את המק'פ באזור בפרט ואת המערכת הארגונית העומדת מאחר האינתיפאדה בכלל. אין ספק כי פגיעה זו תתרום תרומה מעשית ומשמעותית לנסיונות לשים קץ להתקוממות האלימה והסרת הרסן המתנהלת בעצם ימים אלה באזור.

9. צו הגרוש אושר ע'י הועד המיועץ לאלוף פיקוד מרכז.

10. עתירת הנדון לבג'צ נמצאת בדיון ועדיין אין החלטה.

11. כתן להעביר כל האמור במדקי זה לידיעת סנטור קנדי ולכל שימוש אחר.

מצמא

ל.ב.

ית



: 5k

מס מברק :

שלכם 227.

3. אנא התנצלו על האיחור במתן התשובה.

בן-אפרו

אישור לשכת המנכ"ל: [לציון תאריך וזמן הצורה לספר]

השולח: ט/ב.ט. 9.88 אישור מנהל המחלקה

תֹּאדִיר וּזְמַן<sup>1</sup> חִיבוּר (יְמוּלָא עֵי הַשּׁוֹלַח)

2/4



THE MINISTER OF DEFENSE

Tel-Aviv  
September 4, 1988

The Honorable Claiborne Pell  
Chairman, Committee on Foreign Relations  
United States Senate  
The Capitol  
Washington, D.C. 20510  
United States of America

Dear Mr. Senator,

Thank you for your letter of August 23, 1988 concerning Dr. Taysaer Aruri.

I read your letter most carefully. I would like to provide you with the background which led to the decision to expel Dr. Aruri, and to elaborate on the policy followed by the Government of Israel in these matters.

The basis for the decision in August 1988 to expel Dr. Aruri was the central role he fulfilled over an extended period of time in subversive activities and incitement to violence.

In the 1970's Dr. Aruri, then a senior member of the Palestinian Communist Party, was heavily involved in actions endangering security and public safety. This sort of activity has consistently characterized Dr. Aruri's behavior. The responsible authorities attempted to control his conduct by placing him in administrative detention between 1974 and 1978. Administrative detention is carried out as a preventive measure meant to forestall such activity and thereby fulfill Israel's responsibility under international law to preserve and protect the public safety in areas administered by the Israel Defense Forces.

Dr. Aruri was released from administrative detention in 1978 on condition that he not resume his previous activities. Unfortunately, Dr. Aruri persisted in his illegal behavior, following his release, and intensified his efforts since then. From the outset of the disturbances in December 1987, he has played a major role in organizing the riots.



3/4



THE MINISTER OF DEFENSE

Dr. Aruri's irrepressible, illegal behavior left our security authorities with no choice other than his expulsion. I am aware that expulsion is a drastic step; please allow me to elaborate on the highly deliberative process required before deciding upon such a step.

The means of expulsion is taken only after the most careful consideration and upon the conclusion that all other means have either failed or are of no avail in controlling subversion and preventing grave risks to public safety. It is an exceptional step whose recourse is a means of the last resort. Generally, the overwhelming accumulation of incriminating evidence links the individual to the most intolerable types of behavior. The evidence is reviewed by senior members of the security establishment and is subject to judicial review. Invariably, he constitutes a grave security risk whose behavior may not be controlled by any other means. This was the clear conclusion reached by our authorities in the present instance.

I should emphasize that I, as Minister of Defense, insist upon strict compliance with stringent rules and legal processes established for deciding upon expulsions. I wish to draw to your attention the exhaustive legal recourses available to each individual subject to an expulsion order. He is allowed to appeal the expulsion order and, should the appeal be rejected, he has the right to appeal the expulsion before Israel's Supreme Court. So long as the individual has given notice of his intention to appeal, the expulsion is not carried out. Of course, the legal instances seriously review the grounds for the expulsion and their consistency with local and international law.

Dr. Aruri's appeal of the expulsion order is pending. As stated, he may appeal the decision of the first instance before the Supreme Court of the State of Israel.

The appropriate authorities are aware of Dr. Aruri's medical condition. He has been examined recently and is under constant supervision. I am informed that Dr. Aruri is receiving the medical treatment required by his condition.

21/4



THE MINISTER OF DEFENSE

I feel, Mr. Senator, that in dealing with this matter the picture in its entirety should be kept in mind. Only a political solution may resolve the root causes of the issues involved. Until such time, the Government of Israel is constrained to discharge her responsibilities under international law to provide for normal conduct of daily life and ensure public safety. In this context it is, regrettably, sometimes necessary to make use of such means as expulsion of individuals who constitute the most dangerous risks to public safety.

Thank you again for your letter. I hope that we may have the opportunity to meet in the near future.

With best wishes,

*Y. Rabin*  
Yitzhak Rabin



تبایس کاروری

MINISTRY OF FOREIGN AFFAIRS  
JERUSALEM



מס' 667 (9/9/88)

משרד החוץ  
ירושלים

THE BASIS FOR THE DECISION IN AUGUST 1988 TO EXPEL DR. ARURI WAS THE CENTRAL ROLE HE FILLED OVER AN EXTENDED PERIOD OF TIME IN SUBVERSIVE ACTIVITIES AND INCITEMENT TO VIOLENCE.

IN THE 1970'S, DR. ARURI, THEN A SENIOR MEMBER OF THE PALESTINIAN COMMUNIST PARTY, WAS HEAVILY INVOLVED IN ACTIONS ENDANGERING SECURITY AND PUBLIC SAFETY. THIS SORT OF ACTIVITY HAS CONSISTENTLY CHARACTERIZED DR. ARURI'S BEHAVIOR. THE RESPONSIBLE AUTHORITIES ATTEMPTED TO CONTROL HIS CONDUCT BY PLACING HIM IN ADMINISTRATIVE DETENTION BETWEEN 1974 AND 1978. ADMINISTRATIVE DETENTION IS CARRIED OUT AS A PREVENTIVE MEASURE MEANT TO FORESTALL SUCH ACTIVITY AND THEREBY, FULFILL ISRAEL'S RESPONSIBILITY UNDER INTERNATIONAL LAW TO PRESERVE AND PROTECT THE PUBLIC SAFETY IN AREAS ADMINISTRATED BY THE ISRAELI DEFENCE FORCES.

DR. ARURI WAS RELEASED FROM ADMINISTRATIVE DETENTION IN 1978 ON THE CONDITION THAT HE NOT RESUME HIS PREVIOUS ACTIVITIES. UNFORTUNATELY, DR. ARURI PERSISTED IN HIS ILLEGAL BEHAVIOUR FOLLOWING HIS RELEASE AND INTENSIFIED HIS EFFORTS SINCE THEN. FROM THE OUTSET OF THE DISTURBANCES IN DECEMBER 1987, HE HAS PLAYED A MAJOR ROLE IN ORGANIZING THE RIOTS.

DR. ARURI'S IRREPRESSIVE, ILLEGAL BEHAVIOUR LEFT OUR SECURITY AUTHORITIES WITH NO CHOICE OTHER THAN HIS EXPULSION. I AM AWARE THAT EXPULSION IS A DRASTIC STEP - PLEASE ALLOW ME TO ELABORATE ON THE HIGHLY DELIBERATIVE PROCESS REQUIRED BEFORE DECIDING UPON SUCH A STEP.

THE MEANS OF EXPULSION IS TAKEN ONLY AFTER THE MOST CAREFUL CONSIDERATION AND UPON THE CONCLUSION THAT ALL OTHER MEANS HAVE EITHER FAILED OR ARE OF NO AVAIL IN CONTROLLING SUBVERSION AND PREVENTING GRAVE RISKS TO PUBLIC SAFETY. IT IS AN EXCEPTIONAL STEP WHOSE RECOURSE IS A MEANS OF LAST RESORT. GENERALLY THE OVERWHELMING ACCUMULATION OF INCRIMINATING EVIDENCE LINKS THE INDIVIDUAL TO THE MOST INTOLERABLE TYPES OF BEHAVIOUR. THE EVIDENCE IS REVIEWED BY SENIOR MEMBERS OF THE SECURITY ESTABLISHMENT AND IS SUBJECT TO JUDICIAL REVIEW. INVARIABLY, HE CONSTITUTES A GRAVE SECURITY RISK WHOSE BEHAVIOUR MAY NOT BE CONTROLLED BY ANY OTHER MEANS. THIS WAS THE CLEAR CONCLUSION REACHED BY OUR AUTHORITIES IN THE PRESENT INSTANCE.

I SOULD EMPHSIZE THAT I, AS MINISTER OF DEFENCE, INSIST UPON STRICT COMPLIANCE WITH STRINGENT RULES AND LEGAL PROCESSES ESTABLISHED FOR DECIDING UPON EXPULSIONS. I WISH TO DRAW TO YOUR ATTENTION THE EXHAUSTIVE LEGAL RESOURCES AVAILABLE TO EACH INDIVIDUAL SUBJECT TO AN EXPULSION ORDER. HE IS ALLOWED TO APPEAL THE EXPULSION ORDER AND, SHOULD THE



MINISTRY OF FOREIGN AFFAIRS  
JERUSALEM



משרד החוץ  
ירושלים

APPEAL BE REJECTED, HE HAS THE RIGHT TO APPEAL THE  
EXPULSION BEFORE ISRAEL'S SUPREME COURT. SO LONG AS  
THE INDIVIDUAL HAS GIVEN NOTICE OF HIS INTENTION TO  
APPEAL, THE EXPULSION IS NOT CARRIED OUT. OF COURSE,  
THE LEGAL INSTANCES SERIOUSLY REVIEW THE GROUNDS FOR  
EXPULSION AND THEIR CONSISTENCY WITH LOCAL AND  
INTERNATIONAL LAW.

DR. ARURI'S APPEAL OF THE EXPULSION ORDER IS  
PENDING. AS STATED, HE MAY APPEAL THE DECISION OF THE  
FIRST INSTANCE BEFORE THE SUPREME COURT OF THE STATE  
OF ISRAEL.

THE APPROPRIATE AUTHORITIES ARE AWARE OF DR.  
ARURI'S MEDICAL CONDITION. HE HAS BEEN EXAMINED  
RECENTLY AND IS UNDER CONSTANT SUPERVISION. I AM  
INFORMED THAT DR. ARURI IS RECEIVING THE MEDICAL  
TREATMENT REQUIRED BY HIS CONDITION.

HASBARA/MEYDA

8-9-88

5109

תאריך : 09.38.07 נאשרד החוץ-נוחלקת הקשר

ירצא

בלמס

חוזם: 5109/9

אל: דוש/158, קובי/179

מ-: המשרד/תא: 080988, דח: 1732, ב, ט: 17:01

תה: גס: הסברה

נד: 2

ג' תשנ"ט

למס/בהול

בן-חייט.

ערורי. לשלן נר 90 מ-6.9.

דעבר לטימול רכואי לו זכאי כל עזיר, הנ"ל זכה לביקור של  
רמא באופן מיוחד, זאת לאור פניות הסנטור PELL לשהב"ט.  
נמסר לנו כי הנ"ל כובל מאסתכה, וכל התדוירות להן הוא נזקק  
כמצאות אצלו. לגבי פרנידקע פוטניט ראה נא אצלכם את עותק  
מכתב התשובה של שהב"ט לסנטור PELL מתאריך 4.9 (מופיע  
בנסמך למכתב הנן אלון משהב"ט ליונף למדן).

הסברה/מידע - מצב"א

ב/א

אד

תפ: שהח, מנכ"ל, המנכ"ל, אבוטל, הסברה, בירן, מצב"א, ליאור, מזתים,  
סויבל, השפט, התאפשטחית



מדינת ישראל  
משרד הביטחון

מ י י ד י  
דיפ מיוחד

הממונה על קשרי החוץ

כ"ג אלול תשמ"ח  
5 ספטמבר 1988  
2179 אב/

שגרירות ישראל בוושינגטון - נביל למדן  
שגריר ישראל בוושינגטון - מר משה ארד  
הדמש"נ - א. בן-יוסף  
משה"ת - סמנכ"ל צפ"א  
משה"ת - מנהל צפ"א

הנדון: פניית סנטור פל

לנביל שלום,

1. רצ"ב-מעטפה ובה מכתב התשובה של שהב"ט לסנטור פל בנושא גרושו של ד"ר תיאסיר ערורי.
2. רצ"ב לעיוןך ולעיון המכותבים לידיעה העתק מכתבו של סנטור פל והעתק תשובת שהב"ט.
3. אנא מסור המכתב להעודתו, בהקדם.
4. לחשומת לבכם אין לפרסם המכתב, אך הוא יכול לשמש בסיס לתשובה לפונים נוספים בעניינו של ערורי.

בברכת שנה טובה,

ד"ר חנוך אלוון  
הממונה על קשרי החוץ

The Honorable Claiborne Pell  
Chairman, Committee on Foreign Relations  
United States Senate  
The Capitol  
Washington, D.C. 20510  
United States of America

Dear Mr. Senator,

Thank you for your letter of August 23, 1988 concerning Dr. Yusef Aruri.

I read your letter most carefully. I would like to provide you with the background which led to the decision to expel Dr. Aruri, and to elaborate on the policy followed by the Government of Israel in these matters.

The basis for the decision in August 1988 to expel Dr. Aruri was the central role he fulfilled over an extended period of time in subversive activities and incitement to violence.

In the 1970's Dr. Aruri, then a senior member of the Palestinian Communist Party, was heavily involved in actions endangering security and public safety. This sort of activity has consistently characterized Dr. Aruri's behavior. The responsible authorities attempted to control his conduct by placing him in administrative detention between 1974 and 1978. Administrative detention is carried out as a preventive measure meant to forestall such activity and thereby fulfill Israel's responsibility under international law to preserve and protect the public safety in areas administered by the Israel Defense Forces.

Dr. Aruri was released from administrative detention in 1978 on condition that he not resume his previous activities. Unfortunately, Dr. Aruri persisted in his illegal behavior, following his release, and intensified his efforts since then. From the outset of the disturbances in December 1987, he has played a major role in organizing the riots.



Dr. Aruri's expulsion, which was based on security considerations with no other basis for expulsion. I am aware that expulsion is a drastic step, which allows me to eliminate or severely debilitate persons regarded as a security threat.

The means of expulsion is taken only after the most careful consideration and after all other means have failed or are of no avail in controlling subversion and preventing grave risks to public safety. It is an exceptional measure in a means of the last resort. Generally, the expulsion is based on evidence linking the individual to the most intolerable types of behavior. The evidence is reviewed by senior members of the security establishment and is subject to judicial review. Invariably, he constitutes a grave security risk whose behavior may not be controlled by any other means. This was the clear conclusion reached by our authorities in the present instance.

I should emphasize that I, as Minister of Defense, insist upon strict compliance with stringent rules and legal processes established for deciding upon expulsions. I wish to draw to your attention the exhaustive legal resources available to each individual subject to an expulsion order. He is allowed to appeal the expulsion order and, should the appeal be rejected, he has the right to appeal the expulsion before Israel's Supreme Court. So long as the individual has given notice of his intention to appeal, the expulsion is not carried out. Of course, the legal instances seriously review the grounds for the expulsion and their consistency with local and international law.

Dr. Aruri's appeal of the expulsion order is pending. As stated, he may appeal the decision of the first instance before the Supreme Court of the State of Israel.

The appropriate authorities are aware of Dr. Aruri's medical condition. He has been examined recently and is under constant supervision. I am informed that Dr. Aruri is receiving the medical treatment required by his condition.





SENATE OFFICE BUILDING, WASHINGTON  
DAVID L. BROWN, NEW YORK

SENATE OFFICE BUILDING, WASHINGTON  
DAVID L. BROWN, NEW YORK

# United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

August 23, 1988

Dear Mr. Minister:

I am concerned about the detention on August 8, 1988 of Mr. Taysaer Aruri, a professor of physics at Bir Zeit University. I am concerned, specifically, about the circumstances of his detention and his health while in detention.

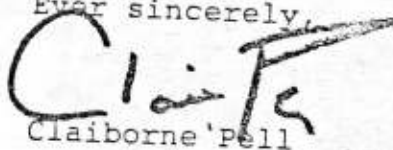
According to information that I have received, Aruri was taken into custody by the Shin Bet on August 8 in Ramallah while he was helping his sister, Itaf Aruri, find a rental apartment. Aruri and his sister were driving in a car and were ordered by three Shin Bet agents to stop the car and get out. One of the agents took Aruri's key and drove away with his car. The other two agents put Aruri in their car and took him to a detention center in Ramallah, and he is currently in Juneid Prison in Nablus. I understand that Aruri has never been interrogated or formally charged with any crime; yet on August 17 you approved an expulsion order against him. The apparent reason for the expulsion is that Aruri, along with several other Palestinian and Israeli intellectuals, signed a "peace treaty" calling for the establishment of an independent Palestinian state alongside Israel.

Aruri's doctor is very concerned about his patient's incarceration, because he must take medication and suffers from bronchial asthma, chronic entero-colitis and psoriasis. Aruri's asthmatic condition is exacerbated by stress and confinement.

I would very much appreciate having the following information about Mr. Aruri. What was the basis for his detention on August 8? Was the expulsion order based on any formal charges against Aruri? Are provisions being made to ensure that Aruri's supply of medicine will be replenished when needed and that the conditions of his detention will take into account his medical situation?

With every good wish.

Ever sincerely,

  
Claiborne Pell

His Excellency  
Yitzhak Rabin  
Minister of Defense  
Tel Aviv, Israel



ירצא

בלתס

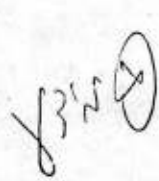
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נד: 8



בלמס/מיוזר

שמרני

שרורי

שלן 676

בנוסף לתומר שהעברנו בזמנו יש להוסיף שערורי (כמו כל  
25 האנשים שהוצא נגדם צו גירוש) הגיש ערר לוועדה  
המיועצת.

במידה והוועדה תדחה שרעורו יוכל לפנות לבג"צ.

מזתיס - הסברה/מידע

טש

צש

תפ: ליאור, מזתיס, אביטל, הסברה, גורן, מנצח, סיובל, משפט





מילדי - בלמ'ס

אל: אוטבה  
ולצר

TAYSIR ARURI - לשלד נר 78 מ-30/8

אין לנו כרגע מידע נוסף מעבר לזה שהועבר אליכם. הנ"ל  
הגיש ערעור על הגירוש (כל ה-25 הגושן) ובמידה והערעור  
יודחה יוכל לפנות לבג"צ.

סברה/מידע - מז'תים

31 באוגוסט 1988