

PUBLIC

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Further information on EXTRA 64/02 (MDE 15/130/2002, 16 August 2002) - Unlawful forcible transfer/collective punishment

ISRAEL/OCCUPIED TERRITORIES Intisar 'Ajuri (f), aged 34
Kifah 'Ajuri (m), aged 28
'Abd al-Nasr Asida (m), aged 34

On 3 September the Israeli High Court of Justice issued a ruling allowing the forcible transfer of Intisar 'Ajuri and her brother, Kifah 'Ajuri, from their home town of Nablus in the West Bank to the Gaza Strip for a period of two years. The ruling permitted 'Abd al-Nasr Asida to remain in the West Bank.

In issuing its ruling, the court accepted the allegations of the Israeli Defence Forces (IDF) that the two siblings had assisted their brother 'Ali (who was extrajudicially executed by the IDF on 6 August) to commit attacks against Israelis. However, the Israeli authorities have not charged Intisar and Kifah 'Ajuri with any offence and have not initiated any proceedings to bring them to trial. The court did not accept the IDF's allegations that 'Abd al-Nasr Asida had assisted his brother to commit attacks against Israelis and did not authorize his forcible transfer to the Gaza Strip.

Intisar and Kifah 'Ajuri were forcibly transferred to the Gaza Strip by the IDF on 4 September. They have no family, home or any means of subsistence in the Gaza Strip.

This ruling by the High Court of Justice was the last step in the appeal procedure available to Intisar and Kifah 'Ajuri. The ruling effectively allows for a grave violation of one of the most basic principles of international human rights law, namely the right of any accused to a fair trial and to challenge any evidence against them.

According to the Fourth Geneva Convention, Palestinians living in the territories which have been under Israeli military occupation since 1967 are protected persons. The unlawful forcible transfer of protected persons constitutes a war crime under both the Fourth Geneva Convention and the Rome Statute of the International Criminal Court.

Amnesty International fears that more Palestinians are at risk of unlawful forcible transfer from the West Bank to the Gaza Strip.

Thanks to all who sent appeals. We will now use longer term campaigning methods on behalf of Intisar and Kifah Ajuri. If possible, please send one final round of appeals, in English, Hebrew or your own language:

- condemning the unlawful forcible transfer of Intisar and Kifah Ajuri to the Gaza Strip;
- calling for them to be allowed to return immediately to their home in Nablus;
- pointing out that if Intisar and Kifah 'Ajuri are accused of a recognizably criminal offence they should be charged and promptly brought to trial in accordance to international standards for fair trials.

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diplomatic representatives of Israel and the Occupied Territories accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.