



URGENT ACTION

PUBLIC

AI Index: MDE 15/130/2002

EXTRA 64/02

Unlawful forcible transfer/collective punishment

16 August 2002

ISRAEL/OCCUPIED TERRITORIES

Intisar 'Ajuri (f), aged 34

Kifah 'Ajuri (m), aged 28

'Abd al-Nasr Asida (m), aged 34

Amnesty International is concerned about the decision by the Israel Defence Forces (IDF) to unlawfully transfer from the West Bank to Gaza three relatives of Palestinians believed to have been involved in organizing or carrying out attacks against Israelis.

Intisar and Kifah 'Ajuri are the sister and brother of 'Ali Ajuri, who is alleged to have been involved in several attacks and who was extra-judicially executed by the IDF on 6 August near Nablus. 'Abd al-Nasr Asida is the brother of Nasr al-Din Asida, who was also allegedly involved in several attacks and who is currently wanted by the IDF.

Intisar 'Ajuri, a pharmacist, was arrested on 4 June, and two days later was served with a 6-month administrative detention order, a procedure which provides for the detention of people without charge or trial. Kifah 'Ajuri and 'Abd al-Nasr Asida were arrested on 18 July along with some 20 other relatives, most of whom have reportedly been released. On the same day, the IDF also blew up the homes of the 'Ajuri family, in the Askar refugee camp in Nablus, and of the Asida family, in Tal village near Nablus.

On 1 August, the IDF West Bank Commander issued orders for the forcible transfer of Kifah 'Ajuri and 'Abd al-Nasr Asida to the Gaza Strip. On 4 August he issued the same order for the forcible transfer of Intisar 'Ajuri. According to the orders, the three will have to remain in the Gaza Strip for two years. The orders do not specify that they would be allowed to return to their home towns or villages in the West Bank after this period.

Lawyers for the three challenged the forcible transfer orders before the military appeal board, which on 12 August rejected the appeal and confirmed the orders to forcibly transfer the three to the Gaza Strip. The lawyers petitioned the Supreme Court, seeking the annulment of the forcible transfer order. On 13 August, the Supreme Court issued a temporary injunction, according to which the IDF has 15 days to respond, after which the Supreme Court will issue a final ruling confirming or annulling the IDF's decision to forcibly transfer the three to the Gaza Strip. On 15 August, the IDF requested that the Supreme Court's hearing take place immediately. It is therefore expected that the final ruling will be issued in the coming days.

The Israeli authorities have not initiated any procedures to charge Intisar and Kifah 'Ajuri and 'Abd al-Nasr Asida with any specific offences or to bring them to justice.

Amnesty International is opposed to any measures of collective punishment, such as unlawful forcible transfers and house demolitions. If the Israeli authorities have any evidence that Intisar and Kifah 'Ajuri and 'Abd al-Nasr Asida have committed any recognizably criminal offence, they should bring them to trial in full compliance with international standards for fair trial. If the Israeli authorities do not intend to prosecute them, they should be released. The order to forcibly transfer them to the Gaza Strip should be annulled in all cases, as it is a violation of international humanitarian law.

BACKGROUND INFORMATION

Article 49 of the Fourth Geneva Convention states that "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." Article 76 adds that "Protected persons accused of offences shall be detained in the occupied country, and if convicted they shall serve their sentences therein." Article 33 stipulates that "No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited".

In July 2002 the Israeli authorities announced their intention to forcibly transfer from the West Bank to the Gaza Strip relatives of people known or suspected of having organized or carried out attacks against Israelis. On 1 August 2002 the IDF West Bank Commander signed an amendment to the Military Order 378 (of 1970, concerning security regulations), which provides for the forcible transfer of Palestinians from the West Bank to the Gaza Strip.

Intisar et Kifah Ajuri and Abd al Nasr Asida are the first to be served with forcible transfer orders and it is feared that the Israeli authorities are planning to carry out more unlawful forcible transfers in the near future.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English, Hebrew or your own language:

- calling for the annulment of the order for the unlawful forcible transfer of Intisar and Kifah 'Ajuri and 'Abd al-Nasr Asida;
- condemning the use of collective punishments such as unlawful forcible transfers and house demolition, and calling for an end to such practices;
- reminding the Israeli authorities of its obligations under the Fourth Geneva Convention not to forcibly transfer any Palestinians within or outside the Occupied Territories;

APPEALS TO:

Prime Minister Ariel Sharon
Office of the Prime Minister
3 Kaplan Street, PO Box 187
Kiryat Ben-Gurion
Jerusalem 91919, Israel

Telegrams: Prime Minister, Jerusalem, Israel
Fax: + 972 2 670 5475
E-mail: pm_eng@pmo.gov.il
Salutation: Dear Prime Minister

Meir Sheerit
Minister of Justice
Ministry of Justice
29 Salah al-Din Street
Jerusalem 91010, Israel

Telegrams: Minister of Justice, Jerusalem,

Israel
Fax: + 972 2 628 8618
E-mail: sar@justice.gov.il
Salutation: Dear Minister

Elyakim Rubinstein
Attorney-General/Legal Advisor to the Government
Ministry of Justice
29 Salah al-Din Street
Jerusalem 91010, Israel
Telegrams: Attorney-General, Jerusalem, Israel
Fax: + 972 2 628 5438
Salutation: Dear Attorney-General

and to diplomatic representatives of Israel
accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.