

European Union grants temporary stay to exiled Palestinian militants

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On Wednesday May 22, after two weeks of internal squabbling within the European Union, 12 of the 13 Palestinian militants expelled by Israel and temporarily allowed into Cyprus, under a deal that ended the siege at the Church of the Nativity in Bethlehem, were flown to six European Union countries. Portugal and Belgium have taken one each, Greece and Ireland two each and Italy and Spain three each. The remaining exile has stayed behind in Cyprus until a EU member country accepts him.

The transfer of the men from the occupied West Bank was illegal under humanitarian law, the International Red Cross (ICRC) has stated. Vincent Lusser, spokesman for the Middle East department of the ICRC in Geneva told the *Independent* newspaper, “transfers outside occupied territory are illegal and that covers the 13 men.” Article 49 of Annex 4 of the Geneva Conventions states that “individual or mass forcible transfers... from occupied territory to the territory of the occupying power or to that of any other country... are prohibited, regardless of their motive.” It further states that an occupying power “shall ensure... that members of the same family are not separated.”

However, Lusser said at least the transfers were better than the situation that had existed previously and “the solution found was probably better for the people concerned.”

The EU has issued a statement regarding the conditions of stay for the 12 men. It says that the host countries will provide for the exiles “on a temporary basis and exclusively on humanitarian grounds.” According to this statement the individual arrangements regarding their living conditions like housing, whether they will be allowed to work or study, or if relatives are allowed to visit, will be made exclusively by the host countries. The locations of the men will be kept secret and the host states will make their own security arrangements. The residency permits will be in place for one year. What happens after

that has not been decided. The Palestinian exiles will not be allowed to leave their host countries.

Italian Premier Silvio Berlusconi made clear the onerous and undemocratic nature of the conditions facing the exiles. The three taken in by Italy will be living together in a secret location, he said. They would have legal status similar to that granted Mafia turncoats, giving them protection and only “limited freedom of movement”.

Italian authorities said Italy would “pull the hospitality mat out” from under the three if they didn’t abide by security arrangements.

The 13 Palestinians include Abdullah Daoud, the Palestinian intelligence chief in Bethlehem, and members of the Al Aqsa Brigade and Hamas. It is Daoud who has stayed behind in Cyprus. The exiles were among the more than 200 men, mostly civilians, including 31 Catholic priests and four nuns, five Armenians and four Greek Orthodox, who took cover from the Israeli military occupation of the West Bank in the Church of the Nativity in Bethlehem. The site is recognised by Christians as the birthplace of Jesus.

Israel’s offensive was carried through in the most ruthless manner, ignoring any international humanitarian agreements such as the Geneva Convention. In the case of those seeking refuge in the Church of Nativity, however, Israel could not simply ignore the importance of the site and risk inciting international condemnation. While in Jenin military bulldozers flattened private houses with their civilian inhabitants still inside, the Israeli Defence Forces had to proceed more cautiously under the circumstances of the siege at Bethlehem.

For 39 days, those who had taken refuge had to live in the most squalid sanitary conditions. There was only one toilet, no water and hardly any food. The rotting corpses of two Palestinian shot by Israeli soldiers were placed under the church in makeshift wooden coffins.

Finally, the same team of British and US negotiators who brokered the deal that ended the blockade of Yasser Arafat's headquarters in Ramallah secured an agreement between the Palestinian authority and Israel Government to end the siege. The 13 mentioned Palestinians were to be exiled to Europe, whilst another 26 militants, including policemen and members of the Al Aqsa militia linked to the Palestinian leader, Yasser Arafat, were driven to the Gaza Strip under US escort. The civilians were freed.

The end of the siege was celebrated by the European press as an example of how the EU could have some impact in Middle Eastern affairs. Little was said regarding the fact that it was arrived at by flouting international laws once again. In truth the sole motivation of the EU states was to save Israel from a potentially embarrassing situation. They did so in flagrant disregard of the democratic rights of the Palestinians, who were in effect deemed to be guilty of the charges levelled against them by Israel and summarily deported. Arafat was forced to sign an agreement accepting the exiling of Palestinians under Israeli diktat.

It is significant that Britain, which negotiated the agreement, has not agreed to take a single exile. Under the draconian anti-terror laws passed by the Labour government last February, the 13 would have been subject to immediate deportation back to Israel. It is an offence to incite, or call for, militant acts abroad against *any* government, not just the British. Terrorism, which used to be defined as violence with political motivation, is now defined as covering anyone serving a "political, religious or ideological" cause, who uses violence or the threat of violence against people or property. So even if no charge of perpetrating terrorist acts against Israel was proved, membership of the Al Aqsa brigades or Hamas would be enough to initiate deportation proceedings.



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