

Israel expels first Palestinians under new military edict

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Israel has deported two Palestinian men to the Gaza Strip under a new military regulation that came into effect two weeks ago restricting the right of Palestinians to live in the West Bank. The new regulation is a charter for ethnic cleansing that could lead to the expulsions of tens of thousands of Palestinians. It is the latest step restricting Palestinians' freedom of movement and residency rights based on their Palestinian ID card.

Ahmad Sabah, a 40-year-old Palestinian, was the second person to be deported under the new policy. He was sent to Gaza after serving nine years in an Israeli jail, instead of being released to the West Bank where his immediate family was waiting for him, because his ID card was issued in Gaza.

His family said that Sabah, who was arrested in 2001 for "security offences" against Israel, has no connection to Gaza and has refused to leave the border crossing in protest at his treatment. "It is my right to return to my wife and family", he said.

The Israeli military authorities said in a statement, "The individual's release to the Gaza Strip was done in accordance with the Prison Service's decision and in light of the location of his place of residence, and was not due to a repatriation order issued by any military commander."

The legislation contravenes the 1949 Geneva Convention on the treatment of occupied populations and breaches the undertakings given by Israel to the Palestinian Authority under the Oslo Accords.

Sabah's deportation follows that of Saber Albayari, who was deported to Gaza after undergoing medical treatment in an Israeli hospital on Wednesday. Albayari had been living in Israel for the past 15 years, but was sent to Gaza when Israeli authorities discovered that he had been born there.

The two cases presage future deportees being sent to Gaza, whose entire population Israel has kept under siege and where life is a living hell. Up to 70,000 Palestinians could be at risk of deportation under the military order.

Under the new decree issued by the Israel Defence Force (IDF), anyone who enters the West Bank illegally is defined

as an infiltrator, as is "a person who is present in the area and does not lawfully hold a permit", and will be deported from the West Bank and Israel within 72 hours. Alternatively, they will face indictment—by the military courts—on charges carrying prison terms of up to seven years, without any right of appeal to civilian courts. The military may also order the infiltrator to pay for the costs of his or her detention, custody and expulsion.

The order extends the original 1969 definition of an infiltrator, which originally applied only to those illegally staying in Israel after having passed through countries then classified as enemy states—Jordan, Egypt, Lebanon and Syria.

The term infiltrator also applies now to Palestinian residents of Jerusalem, visitors who are citizens of countries with which Israel has friendly relations such as the United States and Israeli citizens, whether Arab or Jewish. It is up to IDF commanders to determine exactly who is an infiltrator.

This is likely to entrap anyone holding an ID card issued in Gaza and their West Bank-born children, those born in the West Bank or abroad who for some reason lost their residency status, and foreign-born spouses of Palestinians. Since 2000, Gazans in the West Bank have been declared as illegal if they have Gazan addresses, and many, including some born in the West Bank, have been deported to Gaza.

Naturally, the term "infiltrator" does not apply to Jewish settlers illegally colonising Palestinian land or residing in "outposts" that have not been authorised by the Israeli authorities.

This new restriction comes on top of earlier restrictions on Palestinians' right to move freely within the Occupied Territories. They have long required special authorisation to enter the Jordan Valley and more recently to enter areas near the Security Wall, even if their homes are there.

The order overturns the agreements under the 1993 Oslo Accords and overrides the Palestinian Authority's jurisdiction over its citizens. Since 2007, when Hamas forestalled a coup by Fatah and took control of Gaza, the authorities have treated Gaza and the West Bank as two

separate entities, restricting Gazans' right to live, work, study or even visit the West Bank. A military diktat, without even the fig leaf of military legislation, requires Palestinians with an address in Gaza to request a permit to stay in the West Bank.

According to international law, Israel has no jurisdiction over the West Bank, Gaza, the Golan and East Jerusalem, and its legislation is null and void.

HaMoked, the human rights organisation, first brought the new order to light last November. It has asked the IDF to delay the order, given "the dramatic change it causes in relation to the human rights of a tremendous number of people," and wrote a letter to Ehud Barak, the defence minister, signed by 10 other groups, protesting that "The orders are worded so broadly such as theoretically allowing the military to empty the West Bank of almost all its Palestinian inhabitants."

The order is part of a broader Israeli policy of ethnic cleansing aimed at reducing the number of Palestinians in both Israel and the Occupied Territories and increasing the number of Jewish immigrants, who were a minority even in the area originally designated by the United Nations in 1947 as the Jewish state under the Partition Plan. This policy, which is being accomplished by both military edicts and civilian law, is a longstanding one.

Three pieces of legislation enacted after the establishment of the Israeli state—the Absentees' Property Law, the Law of Return and the Israel Citizenship Law—stripped the right of those Palestinians who had fled or were driven out of their homes to return, while allowing unrestricted immigration and automatic citizenship of Jews from all over the world. Even those Palestinians who did not leave only became citizens of the new state under the 1952 Israel Citizenship Law, and they were subject to military rule until 1966. Tens of thousands of Palestinians remained stateless in Israel until 1982.

Following the 1967 War, Israel subjected the Occupied Palestinian Territories (OPT) to military rule that lasted until 1981 and treated all Palestinian residents of the OPT as non-citizens and foreign residents. The majority had Jordanian nationality. A quarter of a million Palestinians who were not in the OPT during the war were not allowed to return, and 150,000 were stripped of their ID cards when their exit visas expired. Israel used emergency regulations inherited from the British Mandate to deport 1,522 Palestinians between 1967 and 1992.

Israel's illegal annexation of East Jerusalem in 1967 and the Golan in 1981 meant that Palestinians came under Israeli civil rule and were declared residents, not citizens, of Israel. Application to become a citizen was subject to discretion of the minister of the interior, who has complete control over

who can become a citizen.

Israel has used a 1974 regulation to deprive many Palestinians who live in East Jerusalem of their IDs and residency rights if they have been absent for more than seven years and have been granted permanent residency or citizenship rights elsewhere.

In 1988, when the Palestinian National Council called for the establishment of a Palestinian state in the West Bank and Gaza alongside Israel, King Hussein of Jordan surrendered his claim to the West Bank and his administrative and legal ties to it. He revoked the Jordanian citizenship of the West Bankers, a violation of their human rights under Article 15/1 of the Universal Declaration of Human Rights, so that 1.5 million Palestinians became stateless. They have even fewer rights than refugees.

The Oslo Accords ended Israel's control over Palestinian affairs, including restrictions on the right to travel and return to their homes in Palestinian-controlled areas, although Israel controlled all border crossings. More than 100,000 returnees were issued with Israeli ID cards.

But Israel re-imposed the restrictions and froze all applications for family reunification after the outbreak of the intifada in September 2000, following Ariel Sharon's provocative entry into the Al Aqsa compound and the breakdown of the Camp David talks in July 2000. The resumption of the brutal military occupation and the imposition of lockdowns, curfews and roadblocks closed down the economy, creating untold poverty and misery for the majority. More and more Palestinians left the West Bank and Gaza.

Far-right Israeli politicians have called for the transfer of all Arab Israelis out of Israel, while Kadima leader Tzipi Livni suggested that they move to the new Palestinian entity when or if it were established. More recently, some politicians have called for Arabs to be stripped of their Israeli citizenship.

Such a policy flows inexorably from the establishment of state based on religious exclusivity. The Zionist state must employ the most ruthless measures to ensure that the Palestinians in the OPT and Israel itself do not constitute a majority, as is expected within a decade.



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