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Date: March 3, 2016
In your response please note: 37230

To:
Advocate Avichai Mandelblit
Attorney General
Ministry of Justice
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By Fax: 02-6467001

Urgent!

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شارع أبو عبيده ٤
القدس ٩٧٢٠٠
هاتف. ٦٢٨٣٥٥٥ ٠٢.
فاكس. ٦٢٧٦٣١٧ ٠٢.

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Dear Sir,

Re: **Deportation of assailants' relatives to the Gaza Strip**
Ours: our letter 37230 dated November 25, 2015
Yours: your file 803-04-2015-003211 Reference 83-99-2015-102170

1. I hereby write to you following publications on the media regarding the demand of the Prime Minister that you approve the deportation of assailants' relatives to the Gaza Strip. We hereby request your intervention in a bid to prevent the use of this measure, which is contrary to the law.
2. On November 25, 2015, we wrote to your predecessor, Advocate Yehuda Weinstein, after the issue was raised and put on the public agenda. A copy of said letter is attached hereto for your convenience.
3. In our said letter we emphasized and we emphasize now again that the deportation of family members is contrary to the absolute prohibition against the deportation of protected residents according to Article 49 of the Fourth Geneva Convention (1949), and also in view of the position of the state of Israel according to which after the implementation of the disengagement plan, the Gaza Strip is no longer under its control, and the rules of belligerent occupation no longer apply to the relations between the state of Israel and the residents of the Gaza Strip. In view of said position, deportation can no longer be regarded as assigned residence according to Article 78 of the Geneva Convention, as was done in the past.
4. In addition, the measure of deportation of assailants' relatives constitutes collective punishment, which is prohibited under international law in the context of the laws of war and under international human rights law. The supreme principle which prohibits the use of sweeping and arbitrary punitive measures that harm entire groups of people also constitutes an important part of customary international law.
5. It should be further noted that contrary to the interpretation given by the Supreme Court to Regulation 119 of the Defence (Emergency) Regulations 1945 - as allowing deterrence measures, such as house demolitions, even

when they harm innocent people - the power under Regulation 112 regarding deportation was interpreted as applicable only to the **same person** whose actions may constitute a threat to the security of the area.

6. In response to our first letter we were advised that "at this stage there is no intention to take such steps." (Response letter of the Department of Counseling and Legislation at the State Attorney's Office dated January 21, 2016, the detailed of which are referenced above).
7. In view of the publications on the media that the Prime Minister and additional ministers now wish to examine the possibility of using the draconian and extreme measure of the deportation of assailants' relatives to the Gaza Strip, we found it appropriate to remind once again the clear and unequivocal unlawfulness of said measure. In view of the above we seek your intervention to prevent the implementation of this measure, as its unlawfulness requires.
8. Your response will be appreciated.

Sincerely,

Anat Gonen, Advocate
Legal Department Coordinator