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ISRAEL'S STRUGGLE AGAINST ISLAMIC TERRORISM: LESSONS FROM THE EXPULSION OF HAMAS MILITANTS TO SOUTHERN LEBANON

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Israel's Last Offensive against Hamas

A series of brutally successful Hamas terrorist operations in October deeply shook the nation: two Israelis were killed in a shooting spree in a crowded cafe district in downtown Jerusalem; Corporal Nachshon Wachsmann was kidnapped and subsequently killed, as was the leader of the failed IDF rescue mission, Captain Nir Poraz; and on October 19, a suicide bomber blew up a crowded bus in downtown Tel Aviv, killing twenty-two people. All of these actions were perpetrated by Hamas, and the organization proudly touted its "achievements" in its struggle to replace Israel with an Islamic state. In the shadow of this series of atrocities, as the debate has been renewed about how to best fight Hamas, it may be helpful to critically examine Israel's last major offensive against Islamic-inspired terrorism — the deportation of more than 400 Hamas and Islamic Jihad militants in December 1992.

Israelis from across the political spectrum hardly expected their government's unprecedented decision to expel 415 militants from the administered areas on December 16, 1992. The Labor-led coalition of Prime Minister Yitzhak Rabin even had the backing of the left-wing Meretz party. Immediately following seven murders of Israeli soldiers and police officers by Hamas over twelve days, virtually the entire political spectrum supported the government's dramatic edict. Public opinion polls indicated that the government's action had the support of more than 90 percent of the population.

Civil Rights Activists Go to Court

Hundreds of Islamic militants affiliated with the Hamas and Islamic Jihad organizations were arrested, placed on buses, and were on their way to exile in Lebanon when the Association for Civil Rights in Israel secured a restraining order against the Minister of Defense, temporarily preventing

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the expulsion from taking place. Consequently, the buses were halted overnight before they crossed the border. After a hearing the next morning, the Supreme Court sitting as the High Court of Justice rescinded the injunction and on December 17, 1992, the expulsion was carried out.

The Palestinians reacted with anger and alarm. The Palestinian delegation to the peace talks then being held in Washington announced their withdrawal until Israel reversed the expulsion. Once the initial shock wore off, however, the Palestinians found that the Israeli action had a profound unifying effect on their fragmented body politic. The expulsions also dramatized Israel's acknowledgment that Hamas had become a major rival of the Palestine Liberation Organization (PLO), despite the PLO's insistence that it alone represented the interests of the Palestinians.

The outgoing Bush administration criticized the action. White House spokesman Marlin Fitzwater said that Arabs and Israelis "need to form a concerted voice calling for an end to all forms of violence, and avoid reactions such as deportations that risk complicating the search for peace." President-elect Bill Clinton said in a news conference that while he sympathized with Israel's anger and frustration over the activities of groups like Hamas, he also felt that deportation was an overly severe reaction. The United Nations responded to the deportations with Security Council Resolution 799, condemning the expulsions. Despite the international reaction, at the end of January, the Israel Supreme Court sitting as the High Court of Justice unanimously upheld the deportations.

Although the High Court had granted legal legitimacy to the expulsions, the international outcry against the action proved politically unbearable. On February 1, 1993, with pressure on Israel intensifying, the U.S. and Israel announced an agreement whereby 101 expellees were to be immediately returned and the remainder to have the duration of their exile halved. All the expellees were permitted to return by December 15, 1993.

The expulsions focused attention on the dilemma Israel faces, as a democracy plagued by endemic terrorism, in preserving elemental human rights while simultaneously attempting to curb the workings of Islamic-inspired violence aimed at liquidating the state and undermining any prospects for bilateral or regional peace between Israel, the Palestinians and the neighboring Arab states.

Origins of the Use of Expulsion

Expulsion was originally authorized in local law by the British Mandatory government in Regulations 108 and 112 of the Defence (Emergency) Regulations of 1945 (DER). Used extensively to obstruct both Jewish and Arab rebellions against the British administration, Jews were exiled to Eritrea, Kenya, and other British colonies in Africa, while Arabs were expelled to Lebanon, Syria, and the Seychelles. The regulations continued in force during the Jordanian occupation of the West Bank and the Egyptian occupation of the Gaza Strip.

As a consequence of Israel's exercise of self-defense in the Six-Day War of 1967, the administered areas (also known as the West Bank and Gaza Strip, or, alternatively, Judea, Samaria, and the Gaza District) came under Israeli control. The DER were brought in compliance with the Fourth Geneva Convention with the issuance of the Order Concerning Security Provisions of 1970. Issued in parallel form in the different parts of the administered areas, this order sets forth a criminal code for security offenses. As required by international law, application of the DER in the administered areas has continued pursuant to Article 43 of the Hague Regulations of 1907 (see below).

The administrative legal measure of expulsion is not intended to punish individuals for offenses they have committed, but rather primarily to prevent the perpetration of illegal acts. Israel regards expulsion as an exceptional security measure and issues these orders only against individuals in the administered areas who pose grave threats to the lives of Israelis or Palestinians.

A range of procedural safeguards are employed. The government claims that expulsion orders are issued exclusively under extreme circumstances when lesser administrative measures such as travel limitation orders and administrative detention orders have proven ineffective in deterring individuals from sustained involvement in terrorist activities. Moreover, expulsion and the lesser administrative measures are only employed in cases where regular criminal judicial procedures cannot be used because of danger to the lives of witnesses or because secret sources of information cannot be revealed in open court. Successive Israeli governments have maintained that when an individual can be brought to trial, they do not resort to administrative legal measures. As an additional safeguard, before any expulsion order is issued, all the classified and unclassified material relevant to the case is submitted for review

by senior lawyers at the Ministry of Justice. Each expulsion order is issued only upon the approval of the Attorney General.

According to Regulation 112 of the DER, a person against whom a deportation order has been issued is required to remain outside the administered areas for the duration of the order. That person may, according to the DER, petition an Advisory Committee, which can recommend that the order be set aside. Under Israeli practice in effect since 1980, as a matter of administrative law, the hearing must in most instances be held prior to the expulsion.

At the hearing, the petitioner, represented by counsel, may present witnesses as well as documentary evidence. The committee examines all the evidence, typically including classified material, before making its recommendations to the IDF regional commander to either implement the order or set it aside. In practice, the recommendations of the Advisory Committee are followed by the military. Furthermore, the appellant may petition the Supreme Court sitting as the High Court of Justice to override the decision of the regional commander. The Israel Supreme Court is known for its political independence and commitment to civil rights.

Palestinian militants generally fear expulsion, both for the obvious personal difficulties it creates, and because it distances them from the struggle with which they identify. The militants prefer imprisonment in Israel or the administered areas to freedom in Lebanon, Jordan, or elsewhere. This attitude explains the utility of the measure. The security service can threaten a repeat offender, "the next time you are caught you will be expelled," and he may reconsider his terrorist involvement. If such a threat is carried out, the authorities need not choose between keeping the dangerous individual under administrative detention or maintaining continuous surveillance over his movements.

The Expulsions of December 1992

In the decade and a half before the December 1992 expulsions of Hamas and Islamic Jihad militants, Israel had used expulsion sparingly. In the period 1976-1984 only eight individuals were issued expulsion orders, and during the period 1967-1976 a few tens of such orders were issued during most of those years. In the first nine months of the intifada beginning in December 1987, 58 Palestinians were expelled from the administered areas as a result of the upsurge in violence. Since September 1988, no new expulsion orders had been issued. Although then-Defense Minister Rabin consid-

ered expulsion effective in deterring terrorism, its utility diminished during recent years due to the lengthy appeals process that the Israel Supreme Court imposed upon the government as a result of the first *Kawasma* case, decided in 1980, which required that a hearing be held, in most instances, before an expulsion order is carried out. Indeed, in August 1992, as a gesture to the Palestinians, the newly elected government of Prime Minister Rabin canceled eleven expulsion orders that were then pending before the Supreme Court.

Following a string of terrorist murders in late 1992 committed by Hamas and in response to the danger posed by Islamic-inspired terrorism, the government's Ministerial Committee for National Security adopted decision No. 456 on December 16, 1992, authorizing the IDF regional commanders of Judea and Samaria and Gaza to promulgate emergency orders to expel immediately those inciting terrorism. The decision specified that the expulsions would be limited in duration, not to exceed two years. The committee, acting for the government, further determined that expellees would have the right to appeal only after their expulsion. They would not themselves be able to appear before the Appeals Board but could be represented by a family member or a lawyer. The decision of the Appeals Board would be final. In the Attorney General's response to petitions before the Supreme Court over the Hamas expulsions, it was argued that the emergency orders were necessary because of the "unique and severe security situation." The Attorney General stated that in balancing between security needs and legal procedures, such as prior hearings, the need for immediate implementation of the expulsion orders took precedence. The security officials' assessment was that any delays in the process "might have provoked an even more severe wave of unrest and violence aimed at creating pressure...upon the State of Israel to cancel the intended deportation" and that some of those chosen to be expelled would go underground and would become unlocatable. On the basis of the government's decision, the regional commanders promulgated emergency orders under which 415 separate expulsion orders were issued, some for eighteen months and others for two years. Some 80 percent of the expellees had previously been arrested for security offenses.

Under considerable international pressure to permit the expellees to return, at one point Prime Minister Rabin made an offer that they could all return in nine months if the intifada was called off. This trial balloon was not acted upon as the expellees gloried in their media coverage and had no interest in rescuing Israel

from its political dilemma. Furthermore, they had neither the ability nor the remotest inclination to suspend the intifada.

Nineteen expellees were returned almost immediately, most for reasons of ill health or because an error had been acknowledged in selecting them for expulsion. Pursuant to an understanding with the United States reached in early February 1993, Israel offered to allow the immediate return of a further 101 expellees whose cases had been favorably reviewed by the Committees of Appeal, and agreed to halve the exile period of all of the remaining Hamas and Islamic Jihad militants. Some 189 who had been served with eighteen-month expulsion orders were to be allowed to return on September 9, 1993, some nine months after their exile. Of these 189, Israel even had announced its willingness to permit 123 to return in February, 101 of them pursuant to decisions of the Committees of Appeal. For their own reasons, the expellees refused to do so, insisting that all would return or none. Nearly all of the remaining 215 temporary expellees, those initially served with two-year expulsion orders, returned on December 17, 1993, exactly one year after their expulsion. Eighteen chose to remain in Lebanon.

Expulsion and International Law

International law can be divided into two categories: customary and conventional. In general, customary international law binds all nations. Conventional law has more limited applicability in that it binds only those states that have ratified and, if required by the local legal system, transformed a specific international treaty into municipal law.

Under customary international law there can be little question that expulsion from occupied territories is permitted. The Hague Regulations make no reference to deportations. Thus, for example, between 1920 and 1925 the forces occupying the Rhineland (United States, Great Britain, Belgium and France) deported 41,808 local residents. The deportees were not afforded any right to appeal despite the fact that the deportations took place in a time of peace.

The Fourth Geneva Convention of 1949 is the leading source of conventional international law concerning relations between the residents of an occupied territory and the administering government. Drafted in the aftermath of World War II, Article 49 of the Fourth Geneva Convention prohibits "individual or mass forcible transfers, as well as deportations." In considering the Israeli practice of expulsion from the administered areas, the Israel Supreme Court could

have sidestepped the entire controversy concerning Article 49. From a positive law standpoint, there was never any need to delve into the meaning of this provision, as the Supreme Court had repeatedly determined that the provisions of Article 49 are conventional international law and *not* declaratory of any rules of customary international law. Moreover, although Israel has signed and ratified the Fourth Geneva Convention, the convention has not been enacted by the Knesset into municipal legislation or included in the legal system of the administered areas by means of orders issued by the IDF regional commanders. For this reason, expellees, as private individuals, would not have standing to rely on Article 49 in the domestic courts of Israel, since Israel, like Britain, follows the rule that constitutive treaties are not automatically incorporated into municipal law even though they bind the state in the international arena.

Before expanding upon the legality of expulsion, according to Israeli courts, let us first examine how different Israeli governments have viewed the practice of expulsion.

Israeli Government Positions on Expulsion

Successive Israeli governments since 1967 — Labor, Likud, and National Unity — have taken the position that the Geneva Convention of 1949, which Israel ratified in 1951, are not *de jure* applicable (i.e., legally binding) to its administration of the administered areas. While serving as Attorney General of the State of Israel, the current Supreme Court President, Meir Shamgar, announced in 1971 that the government's administration of the territories would be in accordance with the humanitarian provisions of the Convention on a *de facto* basis. Israel is the only nation from among the many states that have captured territory in recent decades that has applied the Fourth Geneva Convention's humanitarian terms even on a *de facto* basis.

Israel has argued before the UN Security Council that even if the Fourth Geneva Convention were *de jure* applicable, Israel as a belligerent occupant would nevertheless be permitted to expel individuals who threaten the security of the administered areas. This argument is based primarily on Article 43 of the Hague Regulations of 1907. The Hague Regulations, which are recognized as customary international law, embody the following basic principle in Article 43: "The authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all the measures in his power to restore and ensure, as far as possible, *public order and safety*, while *respecting*,

unless absolutely prevented, the *laws in force in the country*." Many security experts believe that expulsion serves to preserve public order and safety; therefore Article 43 would appear to justify the use of expulsion, at least in grave circumstances.

Israel has also advanced the argument that its use of expulsion respects the laws in force as required by Article 43. Indeed, Israel endeavors to preserve the amalgam of laws it found in place in 1967. As was previously noted, the Defence Emergency Regulations (DER) permit, in certain circumstances, the use of expulsion.

As both customary international law and the relevant local law (the DER) permit the selective use of expulsion in order to deter threats to Israel's public order and safety, Article 49 of the Fourth Geneva Convention should *not* be interpreted as forbidding these expulsions. Thus, Israeli governments, past and present, have regarded the use of expulsion orders against individuals who pose a grave and immediate threat to security and public order as reasonable, by objective standards, and in full conformity with local and international law.

The Hamas Expulsion Ruling

On January 28, 1993, the Israel Supreme Court sitting as the High Court of Justice ruled on the petitions challenging various procedural and substantive aspects of the temporary expulsion of the Hamas and Islamic Jihad militants. The Court unanimously rejected claims that the expulsions were contrary to international law on the grounds that the orders were based on detailed information pertaining to each individual case. It did not consider the international law arguments regarding Article 49, addressed in several earlier decisions, while it rejected various arguments that Article 49 bars expulsion of residents from the administered areas.

The Supreme Court's written opinion began with an examination of the practices and objectives of Hamas and Islamic Jihad. Hamas, the Court explained, "combines the most extreme Islamic fundamentalism with absolute opposition to any arrangement with Israel or recognition of it and preaches the destruction of the State of Israel." Hamas was formed as an offshoot of the Muslim Brotherhood. The Hamas Covenant, published in August 1988, calls for the liberation of Palestine in its entirety, "from the sea [Mediterranean] to the river [Jordan]." Article Six of the Covenant declares that all religiously faithful Palestinian Muslims are obliged "to unfurl the banner of Allah over every inch of Palestine." Its ultimate goal is a great Islamic

state throughout the Middle East, without any national boundaries. In pursuit of this goal Hamas rejects the Israel-PLO agreement, as well as the entire peace process. Article Thirteen of the Covenant denounces all peace initiatives and claims that "[t]here is no solution to the Palestinian problem except through *Jihad* [holy war]."

The Hamas Covenant is more a religious document than a political manifesto. Many of its 36 paragraphs consist of lengthy quotes from the Koran. Moreover, the Covenant makes no pretense at moderation or refinement. Thus, it adopts absurd anti-Semitic libels such as accusing the Jews of instigating two world wars and establishing international organizations such as the League of Nations, the United Nations, and the Rotary Club as means to control the world. Hamas has received generous financial as well as moral, political, and military support from Iran.

Adopting violence during the intifada, Hamas murder victims have included Jewish children and the elderly. Many of its victims, including Palestinians accused of cooperating with Israel or offending strict Islamic morality, were dispatched with horrifying cruelty.

Islamic Jihad is one of the most complex and dangerous of the Palestinian terrorist organizations. It has many groups in various Middle Eastern countries, and some in Europe as well. Like Hamas, it is also strongly opposed to the peace process. Before Hamas began engaging in violence during the intifada, Islamic Jihad castigated it for its lack of commitment to the "armed struggle." Islamic Jihad maintains the view that war against Israel and Jews in general is an essential prerequisite toward accomplishing the goals of Islam. In addition to encouraging routine sorts of intifada violence (e.g., throwing rocks or Molotov cocktails at Israeli vehicles), it indoctrinates its youth to carry out suicide attacks by such methods as car bombs. Many of the intifada's most deadly attacks, such as the forcing of an Israeli bus off a cliff while en route to Jerusalem, were perpetrated by Islamic Jihad militants.

The Question of Due Process

With this background in mind, the Supreme Court considered the legal impact of the absence of a hearing prior to the expulsions. After restating the fact that the DER do not by their terms require a prior hearing, the Court noted that it considers the right to a prior hearing as one of the rules of natural justice, citing precedents from Jewish religious law as well as its own decisions. However, the Court stated that from a legal standpoint

there are instances in which the security needs of the state justify immediate expulsion without the right to a prior hearing, based on a balance between the two considerations in a particular case. The Court referred to instances where it ruled that exceptional situations warrant departure from the norm of prior hearings:

Giving a right of [prior hearing] in the said circumstances, before implementing the order, meaning a delay in taking action for the period necessary to hold the hearing in this Court,... constitutes a substantive risk to human life and substantive concern as to the frustration of the possibility of taking the necessary action.... In this example the supreme value of preserving human life takes priority over the value of a right of hearing. This balance between these two values is the supreme value in our legal system.

Thus the court concluded that the absence of a prior hearing does not in and of itself invalidate the individual expulsion orders. However, the court stated it need not determine whether this immediate expulsion action by the government was justified since granting the right to a belated hearing would correct the procedural defect, if one had occurred. The court ordered that the IDF make arrangements that would permit personal appearances by the expellees at their appeals.

While the court upheld the individual expulsion orders, it ruled that the global orders of the regional commanders authorizing the expulsions were invalid. By denying the right to a prior hearing without providing the reasons in each instance, as is required, the orders went beyond the authority of the military government:

Only *concrete* exceptional circumstances can create a different balance between the conflicting rights and values, and such circumstances were not detailed in the wording of the [orders].... It thereby sweepingly and in an overall way canceled the right of hearing and such power is not vested in the military commander.

Yet the expulsions were allowed to stand as individual orders, as authorized by DER 112. Even though the general orders denying the right to a prior hearing were not authorized by DER 112, the Court determined that, as applied to the individuals expelled in this case, DER 112 itself provided sufficient authority for each expulsion order until an appeal committee decision is made.

Pursuant to the Court's decision, arrangements were made to handle appeals brought by any of the individual expellees. Fourteen Appeals Committees were estab-

lished in accordance with the High Court's ruling. They were empowered with the authority, without the need to make recommendations to the regional commander, to cancel or shorten the duration of the temporary expulsion orders. Further appeals could be taken to the Supreme Court sitting as the High Court of Justice. Petitioners were given the right to appear personally before the Appeals Committees and to be represented by their attorneys or family members. They could meet with their attorneys at the Aumriya crossing point to Lebanon, with the IDF providing transportation for their attorneys. A representative of the International Committee of the Red Cross could attend any hearing, both before the Appeals Committee and the Supreme Court. The expellees, however, rejected the entire appeal process.

The Alternatives to Expulsion

It is important to consider Israel's legal alternatives to expulsion. When weighed against Israel's options, namely, the imposition of the death penalty or very long terms of solitary confinement in prison, expulsion is arguably the most humane measure available. Many countries deport individuals for various reasons, creating hardship on a far greater scale than that experienced by the Islamic militants expelled by Israel. The United Kingdom, for instance, routinely deports persons suspected of involvement in terrorism, pursuant to the Prevention of Terrorism (Temporary Provisions) Acts of 1974, 1976, 1986, and 1989. During the Gulf War period, the UK and the United States deported many Iraqi and other Arab nationals.

Given the greater extent to which other countries have utilized expulsion when it was deemed necessary or advantageous, widespread criticism of Israel's use of expulsion appears hypocritical. Moreover, considering the absence of commensurate (and in some cases any) condemnation of the many clearly egregious instances of expulsion by other nations, the question arises as to whether the international community has "clean hands" when it criticizes Israel's action on humanitarian grounds. Finally, despite the vocal opposition by many governments to Israel's action, not one stepped forward to admit the Hamas and Islamic Jihad members, even on a temporary basis.

While media coverage on CNN, ABC, NBC, National Public Radio, and elsewhere dealt Israel an unjustified blow, the expellees were not, as frequently depicted, a group of pious, innocent men. In light of their sympathetic portrayals in the media, Israel belatedly revealed some of the evidence it collected against

them, such as a video tape showing the expellees' spokesman, Dr. Abdul Rantisi, exhorting a frenzied mob in Gaza to violence against Jews.

Outlook for the Future

Israel paid a heavy price for the expulsions. In the political arena, Israel's government clearly miscalculated. Extensive media coverage was facilitated by Lebanon's refusal, apparently at Syrian and PLO urging, to let the expellees disperse. Although previous expulsions by Israel had been protested by the Palestinians, the International Committee of the Red Cross, the United Nations General Assembly and Security Council, these protests had always subsided relatively quickly. Anticipating that worldwide antipathy for Islamic militants would limit the resistance to a *fait accompli*, the government of Prime Minister Rabin was rudely awakened to its miscalculation.

As worldwide opposition grew, unity within the Israeli government coalition over the wisdom of the expulsion began to crumble. In the initial vote in the Ministerial Committee for National Security, only Justice Minister David Libai abstained. A short time later, however, the rank and file of the Meretz party, Rabin's left-wing coalition partner, began expressing disapproval of the government's action.

Members of the opposition parties in the Knesset lambasted the apparent ineptitude of the government's implementation of a policy they had long urged it to adopt. Other contentious issues, such as the source of the leak that enabled the Civil Rights Association to initially block the expulsion, the role of the Supreme Court, and the reason why a few expellees were sent into exile by mistake, were widely debated by the Israeli public.

Despite the decision of the Supreme Court upholding the expulsions as individual orders, in this writer's opinion it appears highly unlikely that the government of Prime Minister Rabin will again resort to expulsion. This assessment should hold, regardless of the threat or provocation, for both temporary and indeterminate expulsion orders. The political cost simply appears to be too great. Even a possible future government led by the right-of-center Likud party would likely draw similar conclusions from the bitter political price that Israel paid for expelling the Islamic militants. Simply put, the security value of expulsion now appears to be outweighed by its political repercussions.

Although the Palestinian Authority, led by the PLO, is being pressed by Israel to act against Hamas terrorists, it too is unlikely to use expulsions. The PLO has

been reluctant to act against Hamas violence directed at Israelis, despite its obligation under Article XVIII of the Cairo Agreement to "take all measures necessary in order to prevent acts of terrorism, crime and hostilities" against Israel. PLO Chairman Yasser Arafat has not ordered the Palestinian Police to disarm the Islamic extremists under the jurisdiction of the Palestinian Authority and has limited the Palestinian Police's response to making noisy public arrests of Hamas activists following their murder of Israelis, which are always followed by muted releases. Hamas members have even been recruited into the Palestinian Police, apparently in an effort to broaden support for Arafat and his administration. Many Israelis consider this conduct to constitute tacit, if not active, collusion between Hamas and the PLO, with Hamas pursuing the PLO's long-term goal of destroying Israel.

Hamas is, in many ways, unique among organizations that are hostile to the State of Israel. Unlike a state, Hamas has neither diplomats with whom to negotiate nor territory to invade. Hamas is not like the PLO which, while not a state, has a well-established organization and an "address." As a collection of terrorists who take orders from a shadowy leadership, Hamas is far more difficult to locate, let alone combat. In the days following the October 1994 Tel Aviv bus bombing, various statements from the government implied that Israel has not yet exhausted its options in dealing with Hamas. Speaking on Israel Television on October 19, Rabin stated: "If we want to embark on a war to the finish against Hamas, we need to move beyond words. We, the executive branch, have to be allowed by the legislative branch to strengthen our activities, with tools giving us the ability to fight extremist terrorism like this. Today, we do not have this capability." Rabin did not elaborate on exactly what "tools" were required.

There are several possible options Israel could take in its fight against Hamas and Islamic Jihad, each with its own particular legal/political/strategic calculus. Legal measures such as longer prison terms, greater use of administrative detention or house demolition, and the institution of the death penalty have a certain utility, insofar as they may be appropriate punishments and effective deterrents. But, as in the case of expulsion, these measures may have prohibitive political costs, both in the domestic and international contexts. Another option is to increase intelligence gathering in order to prevent attacks from occurring in the first place. This is difficult due to the closed nature of Islamic organizations and the IDF's withdrawal from areas

where many of the attacks originate. Closing mosques, schools, and social clubs which are centers of Islamic fundamentalist recruitment and incitement would be another option, but of course Israel would be criticized for abrogating freedom of religion and association. Sharply curtailing the number of Palestinians who commute daily to their jobs in Israel has in the past temporarily reduced the incidence of terrorism. However, this option would be self-defeating in the long run as increased unemployment and poverty would increase the popularity of the Islamic extremist organizations. Certainly other countries could take steps to intercept Hamas and Islamic Jihad funds which flow from its supporters in the West and Arab states to operatives in the Gaza Strip and elsewhere.

Whatever measures Israel decides to implement, they will have to be both creative and efficient, for if

the activities of Hamas and Islamic Jihad go unchecked, not only may the peace process be derailed, but dozens if not hundreds more Israeli and Palestinian lives will be lost.

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