

# No Magic Solution: The Effectiveness of Deporting Terrorists as a Counterterrorism Policy Measure

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Since the outbreak of the Palestinian attacks against Israelis in September 2015, a number of different proposals have been sounded on measures to help stop the latest wave of terrorism. One such proposal was the deportation of terrorists or their families to the Gaza Strip. The defense establishment considered this measure already in November 2015,<sup>1</sup> and Prime Minister Benjamin Netanyahu subsequently asked Attorney General Avihai Mandelblit for a legal opinion about deporting the families of terrorists abetting terrorism to the Gaza Strip. According to Netanyahu, “The use of this tool will substantially reduce terrorist acts against Israel, its citizens, and its residents.”<sup>2</sup> Although the Attorney General opposed the measure, arguing that it violated Israeli and international law,<sup>3</sup> the proposal to deport terrorists still garners broad support among government ministers and among the families of victims of terrorism,<sup>4</sup> and will presumably resurface in future debates about how to deal with the threat of terrorism.

This article considers the effectiveness of the deportation of terrorists and their families as a counterterrorism measure. To date, Israel has resorted to this measure a number of times in order to cope with Palestinian terrorism – including in 1992, when 415 Hamas and Islamic Jihad operatives were expelled to Lebanon, and in 2011 as part of the deal to release of the kidnapped Israeli soldier Gilad Shalit. Despite the use of this tool, however, both its effectiveness in reducing terrorism and its effects on the deported militants are unclear. This assessment relies on an analysis of two case studies: the

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deportation of Hamas and Islamic Jihad operatives in 1992, and the exile of key al-Qaeda figures in the 1980s and 1990s. The goal in this article is to provide an informed perspective, based on past cases in Israel and elsewhere, on the effectiveness of deporting terrorists in order to reduce terrorist activity. Unlike other measures in the fight against terrorism, such as demolition of terrorists' homes, which was assessed by an IDF research team appointed in late 2004 by then-IDF Chief of Staff Moshe Ya'alon and found to be ineffective,<sup>5</sup> the policy of deporting terrorists has so far not been studied and still maintains its popularity as a means of combating terrorism. Using past case studies, this article examines the question in order to assist policymakers in the future debate regarding the use of this measure.

### **The Israeli Discourse Regarding the Deportation of Terrorists**

The call to deport terrorists is not unique to Israel; in fact, many countries regard it as an important measure in the War on Terror. France, which in recent years has faced the terrorist threat and suffered Islamic terrorist attacks, is regarded as particularly aggressive in its stance on the deportation of terrorists, expelling 129 suspected foreign terrorists between 2003 and 2013.<sup>6</sup> Following the November 2015 attacks in Paris, President François Hollande sought to expedite the required legal proceeding in order to rapidly deport "foreigners constituting an especially severe threat to public order."<sup>7</sup> Furthermore, deportation as a counterterrorism measure was also used by the British authorities in Mandatory Palestine: in response to Jewish underground activity against the British Mandate forces, the British exiled 251 Etsel (National Military Organization) and Lehi (Freedom Fighters of Israel) members to detention camps in Africa in October 1944. Those deported were able to return only in July 1948, two months after the State of Israel was established. The British justified the deportations in part as a means of deterrence, but primarily as a means of removing these individuals from operational activity against British forces in Israel/Palestine.<sup>8</sup>

Israel's ongoing struggle against Palestinian terrorism has long featured proposals to deport terrorists, which was also evident in various proposed bills. Already in 1992, in the framework of the debate on a bill introduced by MK Benjamin Netanyahu on simplifying the proceedings for deporting terrorists, MK Michael Eitan cited part of the rationale for this measure, saying, "When they [the terrorists] are deported, they can no longer murder Jews."<sup>9</sup> In other words, deporting terrorists removes them far from the

theater of activity, thereby preventing them from committing additional acts of terrorism.

Beyond this, however, deporting terrorists is regarded as a measure that deters others from committing similar acts, and therefore plays an important role in establishing Israeli deterrence against terrorist organizations and preventing additional terrorist attacks. Deputy Minister of Defense Eli Ben Dahan cited this rationale when he said that “the only way [to stop the terrorists] is to deter them. It is necessary to explain to [potential terrorists] that at the end of the day, if they carry out an attack, their families will suffer greatly. I don’t think there is any greater damage than to deport them.”<sup>10</sup> Former General Security Agency (Shin Bet) Director MK Avi Dichter is a prominent supporter of deporting terrorists, saying: “The most deterring punishment I have ever seen is deportation. Nothing frightens a terrorist more than [the fear] that he and his family will be deported, because it disrupts their entire way of life.”<sup>11</sup> Some validation of the severity of the punishment of deportation and the fear of deportation within Hamas can be found in a statement by Hamas spokesperson Sami Abu Zuhri, who said that if Israel carries out its threat to deport the leaders of the organization from the West Bank to the Gaza Strip, it would “open the gateway to hell.”<sup>12</sup>

In light of this combination of prevention and deterrence, the idea of deporting terrorists has earned much popularity among Israeli legislators. For example, MK Yoav Kish argued that “deporting terrorists and their families is a war against terrorism... it will indisputably cause a halt in incitement and knife attacks,”<sup>13</sup> and Minister of Transportation Yisrael Katz, who sponsored a bill on deporting the families of terrorists, said, “Deporting families of terrorists will prevent this terrorism.”<sup>14</sup> Indeed, the defense establishment likewise regarded this measure as an effective means in the struggle against terrorism. In a 2002 Supreme Court hearing, the Court accepted the view of the IDF that deporting the families of terrorists from the West Bank to the Gaza Strip would help deter potential terrorists.<sup>15</sup> In the context of the current wave of Palestinian violence, in late November 2015 the defense establishment again considered the deportation of families of terrorists to the Gaza Strip as a good policy step to halt the wave of terrorism.<sup>16</sup> At the same time, the defense establishment has not always supported the deportation of terrorists: in

The very fact of their deportation affected the Hamas and Islamic Jihad activists sent to Lebanon in 1992 in a number of ways that improved the status and capabilities of their respective organizations.

June 2014, following the kidnapping and murder of three Israeli teenagers by a Hamas cell, the defense establishment opposed the deportation of dozens of Hamas operatives from the West Bank to the Gaza Strip.<sup>17</sup>

Deportation is indeed a severe punishment that removes the person deported from his surroundings, and makes it difficult for him to carry out terrorist acts. Yet while those advocating the deportation of terrorists as a policy tool in the struggle against terrorism stress the removal of the terrorist from his surroundings, they often do not consider the processes occurring during the period of the deportation. A number of studies on political exiles – those deported or forced to leave their homeland because of political activity – have emphasized the formative impact of exile on positions and views, as well as on strategies of struggle and political behavior.<sup>18</sup> One important work argues that exile proved a watershed in processes of fundamental importance for political rethinking, and that exile offered learning opportunities for political players that were forced to live and study agendas and political projects formerly unknown to them.<sup>19</sup> The period of exile following the deportation thereby provides an opportunity to forge new organizational connections, pursue possibilities for cooperation, and test new strategies of struggle, as well as ideational and ideological development. Two case studies can help illuminate some effects of deportation on terrorists: the deportation of Hamas and Islamic Jihad operatives to Lebanon in 1992, and the political exile of key al-Qaeda figures during the 1980s and 1990s. An examination of the effects of the period of exile in these two cases, taken from two different political contexts, will facilitate a better understanding of the long term effects of deporting terrorists.

### **The Deportation of Hamas and Islamic Jihad Operatives in 1992**

The first instance in which Israel used mass deportation as a tool for dealing with Palestinian terrorism occurred in December 1992. Terrorist attacks against Israel at that time had escalated, peaking with the kidnapping and murder of Border Policeman Senior Sergeant Nissim Toledano by Hamas on December 13, 1992. Hamas members kidnapped Toledano in order to obtain the release of Sheikh Ahmed Yassin, who was being held in an Israeli prison. In response to the event, the Rabin government decided to deport 415 Hamas and Islamic Jihad activists to Lebanon immediately.<sup>20</sup> The mass deportation of leaders and senior figures was intended to damage the organizational infrastructure and operational capabilities of the two

organizations. Israel deported activists from the West Bank and the Gaza Strip in trucks to southern Lebanon, but Lebanon refused to accept them into its territory. As a result, they settled in a tent camp in Marj al-Zohour, north of the Security Zone in southern Lebanon.<sup>21</sup>

The deportation to Marj al-Zohour had several significant effects on the Hamas and Islamic Jihad deportees. First, the tent camp where those deported resided was controlled by Hezbollah. The Shiite organization welcomed the deportees with open arms and regarded the deportation as an opportunity to forge connections with the Palestinian terrorist organizations, and as such, operational connections between the Sunni Hamas and Shiite Hezbollah.<sup>22</sup> Hezbollah trained the deportees, supplied them with food and equipment, taught them new fighting tactics, and upgraded their terrorism capabilities. They also taught Hamas and Islamic Jihad personnel how to make the explosives and car bombs needed for suicide attacks – a terrorist tactic that was hitherto unique to Hezbollah among Middle East terrorist organizations, but that became a strategic weapon for Hamas after the Oslo Agreements were signed. Although Hamas was founded in 1987, its first suicide attack came only in April 1993 at the Mehola Junction in the Jordan Valley. According to Israeli journalist Shlomi Eldar, who specializes in Palestinian politics and interviewed key members of Hamas, “this was an import of a new jihad pattern, which was copied from Hezbollah in southern Lebanon and later adopted by the military wing of Islamic Jihad,”<sup>23</sup> whose leaders and operatives were among those deported to Lebanon. Instead of a deterrent designed to damage the organizational infrastructure and operational capabilities of Hamas and Islamic Jihad, the deportation to southern Lebanon amounted to a “terrorism school” in which the deportees learned new highly destructive tactics that they implemented in Israel upon their return.

In addition to training together and learning new capabilities, the deportation to Lebanon also provided an opportunity for Palestinians to form long term connections with Hezbollah and Iran. Before the deportation to Lebanon, Hamas, the Palestinian extension of the Sunni Muslim Brotherhood movement, was averse to connections with Shiite Iran. However, according to Sakr Abu Fakher, a Lebanese researcher specializing in Palestinian politics, this view changed during the exile of Hamas activists in Lebanon. “The psychological taboo [among Hamas members] against Shiism was broken in Marj al-Zohour, where the Palestinians came into close contact with Hezbollah and actually got along.”<sup>24</sup> Hezbollah and Hamas realized

that they could establish long term relations on the basis of their common *muqawama* (violent resistance) activities against Israel, despite the sectarian and ideological gaps between them. This connection paved the way for a relationship between Hamas and Iran, which was subsequently of great help to Hamas. Following the initial connection with Hezbollah, senior Hamas officials later secretly visited Iran in order to “get better acquainted with the Iranian mentality,” and to learn from the Revolutionary Guards’ experience in their struggle against Israel.<sup>25</sup> Finally, the shared stay in Marj al-Zohour also led to closer cooperation between Hamas and Islamic Jihad. The gap in principle between the two organizations persisted, but the new circumstances overcame the internal disputes of Palestinian politics of that period, and a new era of practical cooperation between them began, which intensified over the following years.<sup>26</sup>

In addition to the establishment of connections with Hezbollah and Iran, the deportation of Hamas and Islamic Jihad activists helped raise the status of the deportees among the Palestinian public. Among Hamas, the group included many renowned figures in the movement, who later became prominent leaders in the organization. The case of Ismail Haniyeh, elected Prime Minister of the Palestinian Authority in 2006, demonstrates this effect: according to Eldar, “the deportation to Marj al-Zohour and the interactions with the movement’s leadership” gave Haniyeh the biggest political opportunity of his life. During the period of his deportation, Haniyeh acquired new connections and political expertise, “with the active student becoming a junior leader.”<sup>27</sup> Another junior activist, Hamas operative Abdel Aziz al-Rantisi, became a leader and spokesman of the deportees, and the deportation to Lebanon thus became the primary catalyst for Rantisi’s rise within Hamas.<sup>28</sup> Haniyeh, Rantisi, Mahmoud al-Zahar, Ismail Abu Shanab, and other Hamas members later said that their stay in the deportation camp was a turning point for them, and shaped their future course after their return.<sup>29</sup>

### **The Political Exile of al-Qaeda Leaders**

The very fact of their deportation affected the Hamas and Islamic Jihad activists sent to Lebanon in 1992 in a number of ways that improved the status and capabilities of their respective organizations. This change among the terrorists during exile, however, was not unique to members of Hamas and Islamic Jihad: a similar change is also evident in the case of key al-Qaeda figures who were political exiles.

Osama Bin Laden, who founded and led the al-Qaeda organization until his death in May 2011, was a political exile. Bin Laden, a Saudi citizen close to the royal family, was expelled from Saudi Arabia in 1991 following his public criticism of the Saudi regime and his support for Islamic terrorist organizations.<sup>30</sup> From Saudi Arabia, Bin Laden went to Sudan, where he stayed until May 1998, when under American pressure he was expelled from the country. During his stay in Sudan, he continued his outspoken criticism of the Saudi royal family, which he defined as un-Islamic, but also forged connections with other Islamic terrorist organizations. He developed close ties with Ayman al-Zawahiri,<sup>31</sup> leader of the Egyptian al-Jihad organization, who later became Bin Laden's right hand man (and leader of al-Qaeda after Bin Laden's death). Al-Zawahiri left Egypt in 1985, after being tried and imprisoned for his role in the assassination of President Anwar Sadat.<sup>32</sup> He then went to Pakistan, where he joined the so-called Afghan Arabs who fought against the Soviet forces that had invaded Afghanistan in 1979. After the war ended, al-Zawahiri was unable to return to Egypt because of his activity in al-Jihad. Instead, he joined Bin Laden in Sudan.<sup>33</sup>

The reunion of Bin Laden and al-Zawahiri and their shared exile in Sudan were an especially significant chapter in their personal histories and the evolution of al-Qaeda. Bin Laden said that his stay in Sudan and the meetings he held during this period were "the most important and fruitful of his life."<sup>34</sup> Most notably, he used Sudan as a base for his future jihad activity against the US: although al-Qaeda was formally established in 1988, only during Bin Laden's stay in Sudan did its leader begin the operational planning for a terrorist campaign against the United States. According to testimony from various sources, only in Sudan did Bin Laden begin to "deliberately focus" on the US as the "common and clear enemy [of the various jihad organizations] rather than the nearest enemy [the Arab regimes]." During this time, he began to engage in "building a considerable military organization to carry out operations against U.S. military, administrative, and business targets."<sup>35</sup> Bin Laden thus continued his activity against the Saudi regime from Sudan, but also began simultaneously to plan his war against the US from this country, in which he was far from the reach of the American and Saudi intelligence services.

Since leaving Egypt, al-Zawahiri searched for a base for jihad activity in Egypt.<sup>36</sup> Exile in Sudan provided him with this "safe haven," and enabled al-Zawahiri and his associates to carry out increasingly deadly terrorist attacks against Egyptian targets without interference. In Sudan, al-Zawahiri

planned al-Jihad's two leading operations: the attack on the Egyptian embassy in Pakistan in November 1995, which killed 16 people,<sup>37</sup> and the failed assassination attempt against Egyptian President Hosni Mubarak in Ethiopia in June 1995. Planned in Sudan, this assassination was also assisted by the Sudanese intelligence services.<sup>38</sup> Exile in Sudan thus became a base for international terrorist activity by al-Zawahiri and the Egyptian al-Jihad organization, as well as an operational base for al-Qaeda activity in East Africa and a point of departure for Bin Laden's war against the United States.

Following the unsuccessful assassination attempt against Mubarak, Egypt, the United States, and other countries exerted pressure on Sudan to expel Bin Laden and al-Qaeda operatives from its territory. Bin Laden was thus subsequently forced to leave Sudan, and he returned to Afghanistan in May 1996. Upon his return, Bin Laden described Afghanistan as "an invincible land which enjoys security, pride, and immunity against the humiliation and subjugation to which our brothers are subject to in their own country [Saudi Arabia]."<sup>39</sup> Bin Laden returned to Afghanistan as a hero, receiving from the Taliban regime a generous welcome and protection. He exploited this immunity in order to publish his famous declaration of war against the US, in which he advocated killing Americans and their allies, both civilians and military.<sup>40</sup> More importantly, however, from the site of his exile in Afghanistan, Bin Laden planned the first of al-Qaeda's major attacks: the attacks against the US embassies in Kenya and Tanzania in August 1998, the attack against the *USS Cole* in the port of Aden in October 2000, and the September 11 attacks in the US itself. The planning of these missions would have been impossible without the presence of Bin Laden and other senior al-Qaeda leaders in Afghanistan, where al-Qaeda's training camps were also located.

## Conclusion and Policy Recommendations

The deportation of terrorists is frequently regarded in Israel as an easy and quick solution to the challenge of terrorism. It was first used in 1992 against Hamas and Islamic Jihad operatives, again as part of the Shalit deal in 2011, and in a number of other cases. Elsewhere, France has deported many terrorism suspects from its territory, and the British Mandatory authorities exiled hundreds of Etzel and Lehi operatives to Africa as part of their counterterrorism struggle against the Jewish undergrounds before the establishment of the State of Israel. Deportation of terrorists is regarded

as an act that distances the threat, thereby decreasing the likelihood of terrorist attacks; damages the terrorist groups' organizational infrastructure (especially in cases of mass deportation); and deters others from committing terrorist acts.

Deportation, however, is highly problematic under international law,<sup>41</sup> and is also liable to heighten – rather than reduce – the motivation to undertake terrorist attacks. Furthermore, as argued in this article, deporting terrorists could potentially enhance the capabilities of terrorists and their organizations, aid them in fostering new connections with other terrorist organizations, and enhance their status in local public opinion. The use of suicide attacks among Palestinian terrorist groups is largely a result of the deportation of Hamas and Islamic Jihad operatives to southern Lebanon, where they became acquainted with members of Hezbollah and learned new terror tactics from them. This innovation introduced a new dimension of lethality into the history of Palestinian terrorism, which was reflected in the wave of suicide attacks that were carried out in 1994. In contrast, the exile of senior al-Qaeda leaders to Sudan, and later to Afghanistan, contributed significantly to the internationalization of the terrorism of Bin Laden and al-Zawahiri, played an important role in escalating Bin Laden's struggle against the US, enabled the deadly terrorist attacks against Egypt from Sudan, and helped orchestrate al-Qaeda's deadly terrorist attacks, including the September 11 attacks.

Despite the negative effects of deportation in these two cases, however, not every act of deportation necessarily leads to ideological extremism or to the improvement of terrorist capabilities among those deported. For example, most of the members of al-Aqsa Martyrs Brigade who barricaded themselves in the Church of the Nativity in 2002 and were deported to European countries and the Gaza Strip did not return to terrorist activity, and some of them even spoke openly about the need for dialogue between Israel and the Palestinian Authority on the basis of the 1967 borders.<sup>42</sup> It appears that the effect of deportation of terrorists depends mainly on the nature of the regime and the degree of governance in the country to which

If Israel decides to resort to deportations, it is best to restrict them to extreme cases and to individuals, rather than undertake a mass deportation of operatives from a single organization, and ensure that the deportation is to a Western country with political ties to Israel, instead of to a country that is likely to support terrorist activity from its territory.

the terrorists are expelled. While a country like Sudan, which sponsored terrorism, supported and aided Bin Laden and his associates in committing terrorist acts from its territory, and Hezbollah gladly adopted the Hamas and Islamic Jihad operatives, a responsible country that is eager to belong to the international community, with all the norms that this entails, will refrain from such support. Under conditions of limited governance or a regime that sponsors terrorism (as is the case in many so-called “failed states”), however, deportation can be a formula for remotely controlled terrorism. Such a situation is likely to both increase the terrorist threat against Israel and make it more difficult to thwart and prevent terrorist attacks, due to the geographic distance and the limited intelligence control in a hostile country.

These findings call for a renewed debate about the deportation of terrorists, particularly as this idea surfaces repeatedly in Israeli discourse on measures to counter and deter Palestinian terrorism. Given the potential negative long term consequences, it is preferable to refrain from using this tool, or at least to take the negative consequences of this measure into consideration. It is questionable whether Hamas and Islamic Jihad would have learned how to prepare the explosive charges and car bombs necessary to carry out suicide terrorist attacks had they not met and trained together with Hezbollah in southern Lebanon, or whether the Egyptian al-Jihad organization under Ayman al-Zawahiri would have been able to operate so freely in carrying out deadly terrorist attacks had he not been living in Sudan, far from the reach of the Egyptian security services. In the event that Israel decides to resort to deportations, it is best to restrict them to extreme cases and to individuals, rather than a mass deportation of operatives from a single organization, and ensure that the deportation is to a Western country with political ties to Israel, instead of to a country that is likely to support terrorist activity from its territory.

## Notes

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