



המוקד להגנת הפרט

HAMOKED

Center for the Defence of the Individual

هموكيد - مركز الدفاع عن الفرد

Date: May 11, 2010

In response please indicate: 43160

Att.:

Major Limor Takhnai

Population Registry Section

Legal Advisor for the West Bank

VIA FAX

Dear Madam,

Re.: al-Kabash, ID

Removing "Inactive" ID tag

1. My client, whose details are in reference, is a Palestinian resident of the Occupied Palestinian Territories (OPT), who has been incarcerated in Israel since 1985, serving a life sentence.
2. Following a communication regarding a visit by his family, on March 22, 2003, Assistant Section Head of International Organizations and External Relations, Second Lieutenant Aviel Gerbi, unexpectedly informed HaMoked that "a query in our database shows that the prisoner's ID is tagged as inactive (he is not considered a Palestinian resident)".
3. We should emphasize that this is the first time that such an odd response was received in the case of my client, as permits for visits by his family members have been granted in the past without issue.
4. We contacted the Palestinian Ministry of Interior, but they informed us that **there was no registration problem in the original Palestinian population registry and that my client was actively registered there**. We were further informed that although the puzzling tag did

not appear in the original registry, the Palestinian Authority had tried several times to inquire about this with the Civil Administration only to be met with a persistent refusal to deal with the matter.

A copy of the Palestinian Ministry of Interior confirmation that my client is actively registered there, as well as its Hebrew translation, are attached as **Appendix A**.

5. We hope that this is no more than a technical error, but it is difficult to avoid the impression that tagging the ID as “inactive” is simply part of the Civil Administration’s past practice to “erase” or “freeze” the population registry records of OPT residents who were sentenced to long prison terms. We have contacted you several times in the past regarding this misconduct.
6. Needless to say, to this day, the legal basis for tagging IDs as “inactive”, and in particular, for determining that the person concerned “is not considered a Palestinian resident”, when it is clearly evident that this is an OPT resident who is registered in the population registry, remains unclear. On the face of it, this appears to be an entirely unlawful practice.
7. In light of the aforesaid, we ask for your immediate intervention to remove the “inactive” tag from my client’s records in the copy of the Palestinian population registry held by Israel (or any other similar tag or record related to his being a resident of the OPT).
8. We wish to emphasize again that **there is no problem with my client’s registration** in the original Palestinian registry. The tag appears only in the copy held by Israel.
9. Also, we would like to be informed of the legal basis for the “inactive” ID tag, under what circumstances such tags have been issued and who has the authority to do decide on such. We would also like to receive a clear answer as to the legal basis for the determination that under such circumstances a person “is not considered a Palestinian resident”.
10. I would appreciate your prompt response.

Respectfully,

Ido Blum, Advocate