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Date: June 15, 2014

In response please cite: 31250

To:

Mr. Benjamin Netanyahu
Prime Minister of Israel

Via Fax: 02-5605000

URGENT!

Via the Prime Minister's Office – Public Inquiries Department

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Dear Sir,

Re: Severe movement restrictions on Palestinian residents of Hebron and the West Bank

1. In recent days, there were media reports about severe movement restrictions imposed on Palestinian residents of the West Bank, especially those living in the Hebron district. This, following the abduction of three Israeli youths on the evening of Thursday last, June 12, 2014.
2. According to information that has reached HaMoked through the media and other avenues, this mainly concerns the following restrictions: a general closure on the Hebron District; a ban on departures abroad via Allenby Crossing by all Hebron residents under age 50; closure of Erez Crossing for Israelis' travel into the Gaza Strip; and a freeze on all family visits to inmates held in Israel.
3. **We categorically protest against these movement restrictions, and most of all against the instruction not to allow departure abroad of Hebron residents under age 50.** This instruction hurts thousands of people who are completely guiltless, whose freedom of movement has been denied completely, indiscriminately, and without a time limit.

4. The right of Palestinian residents of the Occupied Palestinian Territories to freedom of movement is a basic right:

[T]he individual's right to travel freely inside and outside the borders of his country is a quintessential expression of the autonomy of personal will. The constitutional principle – deriving from human dignity – on every individual's personal development, contains freedom of movement within it. Indeed, **the constitutional protection of freedom of movement is an expression of the constitutional protection afforded to liberty** (HCJ 5016/96 **Horev v. Minister of Transport**).

5. It also during emergency that a balance should be struck between the urgent security need and the infringed right:

[T]here is no possibility of making a clear distinction between the status of human rights in times of war and their status in times of peace. The dividing line between terror and calm is a fine one. This is the case everywhere. It is certainly the case in Israel. There is no possibility of maintaining it over time. **We must treat human rights seriously both in times of war and in times of calm.** We must free ourselves from the naïve belief that when terror ends we will be able to put the clock back (HCJ 7052/03 **Adalah Legal Centre for Arab Minority Rights in Israel vs. Minister of Interior**).

[6] Furthermore, it is unclear what security need is achieved by the order, given that all those who travel through the Allenby Crossing are identified and searched, and their luggage is searched as well; this sweeping directive, which applies to all the population under age 50, and also the other movement restrictions imposed on the Palestinian population in recent days, **amount to collective punishment, in grave breach of international law:**

"No general penalty, pecuniary or otherwise, shall be inflicted upon the population on account of the acts of individuals for which they cannot be regarded as jointly and severally responsible." (Article 50 of the Regulations annexed to Hague Convention IV, 1907)

[7] Furthermore, this directive and all of the movement restriction detailed above have never been published as required. **It is the duty of the military commander to publish the order, pursuant to which these restrictions are being imposed, and to bring it to the knowledge of the affected population,** and not rely on unofficial (and sometimes clashing) media reports.

[8] Lastly, **it is the duty of the military commander to address urgent humanitarian cases, which may require immediate departure abroad**, such as urgent medical treatments. Thus far it has not been published whom should be contacted in such cases, and how these cases would be handled.

[9] We await your prompt response, no later than noon, June 16, 2014, otherwise we would have to consider legal action.

Sincerely,

Ms. Dalia Kerstein
Executive Director