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Date: August 4, 2015
In your response please note: 31706

To:
Major General Sami Turgeman
GOC Southern Command
Israel Defense Forces

By Fax: 08-9902655

URGENT!

Dear Sir,

Re: **Ban on the travel of Israelis to the Gaza Strip through the Erez Crossing**

1. HaMoked: Center for the Defence of the Individual is a human rights association which has been assisting Palestinians for many years to realize their rights *vis-à-vis* the Israeli authorities. HaMoked handles, *inter alia*, cases involving visits of Israelis to the Gaza Strip.
2. On July 26, 2015, we were surprised to learn that the military had decided to no longer enable the passage of Israelis to the Gaza Strip. Applicants handled by HaMoked who arrived that morning to the Erez Crossing, carrying with them the permit which had been arranged for them, heard it for the first time on that occasion.
3. From telephone conversations we had with the commander of the Israeli desk at the Gaza District Coordination Office, we learnt that on the eve of July 23, 2015, a decision was made to freeze the travel of Israelis to the Gaza Strip – including individuals whose application had long been approved; individuals wishing to return to their spouses and children in Gaza; and not to renew the stay permits of Israelis currently staying in Gaza under the "split families' procedure" – until further notice. We were further informed by the commander of the Israeli desk that said measures were taken following the disappearance of two Israeli citizens who had entered the Gaza Strip without coordination or permit a few months ago.
4. A number of written responses which were received from the Israeli desk since then stated that the entry to Gaza would not be permitted. The letters noted that:

As reported in the media on July 23, 2015, in view of the security situation in the Gaza Strip, the GOC Southern Command ordered to temporarily limit the travel of Israelis to the Gaza Strip, with the exclusion of specific cases and under exceptional, unique and urgent circumstances only, which will be examined on their



4 Abu Obeidah St.
Jerusalem 97200
Tel. +972.2.6283555
Fax. +972.2.6276317

شارع أبو عبيده ٤
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هاتف. ٠٢. ٦٢٨٣٥٥٥
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mail@hamoked.org.il
www.hamoked.org.il

merits according to the entire security considerations and humanitarian circumstances, due to the concern for the lives of Israelis in the Strip, which is coupled by the risk embedded in the travel of Israelis to the Strip for the needs of the terror organizations."

5. As you know, also prior to the above directive, Israelis were permitted to enter the Strip only in very exceptional humanitarian cases. As a general rule, the current procedures enable the entry of Israelis married to a Palestinian spouse residing in the Strip (split families), as well as humanitarian visits of immediate family members who have a life-threatening illness or who have been hospitalized for a protracted period of time, and visits for the purpose of participation in a wedding or a funeral of an immediate family member.
6. The split family procedure has already been in force for many years and was even entrenched in the military's undertakings to the High Court of Justice (HCJ 10043/03 **Abajian v. Commander of Military Forces in the Gaza Strip**). The procedure expresses the military's obligation to protect the rights of these families to maintain joint life. This does not concern a routine visit of family members or a visit of Israelis for commercial purposes. This concerns nuclear family units, parents and their children.
7. In view of government resolution No. 3598 dated June 15, 2008, concerning the Citizenship and Entry into Israel (Temporary Order) Law, 5763-2003, it is no longer possible to submit a family unification application with a spouse who either resides or is registered in the population registry as having an address in Gaza. In view of the sweeping prohibition imposed on Palestinians from Gaza to live together with their spouses and children in Israel, **the only option available for such families to realize their right to family life is by living in the Strip or visiting it.**
8. The sweeping ban on the travel of Israelis to the Gaza Strip means forced separation between spouses and between parents and their children, and constitutes a severe violation of fundamental rights which are protected under both Israeli law and international law.
9. The ban creates an impossible situation for hundreds of split families which have been conducting their lives for many years between the Strip and Israel. In the vast majority of the cases it forces the Israeli spouses to emigrate and leave the home which they have established (in the absence of any other choice) in the Strip. Consequently, the Israeli spouses will be forced to leave their minor children in the Strip, or alternatively, to separate their Israeli children from the parent who resides in Gaza and from their daily routine over there (school, friends, family members, etc.) These ramifications are severe and painful, and it is doubtful whether they were seriously and properly considered when the decision was made to freeze the travel of Israelis to Gaza, not to renew the stay permits in the Strip and to order individuals whose permits expired to immediately leave to Israel.
10. It should be noted that over the years, including after the implementation of the disengagement plan and the establishment of the Hamas regime in the Strip, the split families' procedure continued to apply, and the entry and stay of split families was approved. In view of the above the current decision extremely deviates from the customary policy. It should also be noted that throughout the years during which the soldier Gilad Shalit was held captive by Hamas, no such ban was imposed.

11. The two Israeli citizens with respect of whom there is concern that they are held by Hamas, entered the Strip without any coordination with the Israeli authorities and occurred many months ago, while many of the applicants wishing to enter or to continue to stay in the Gaza Strip in the framework of the procedures according to the travel of Israelis is permitted, had visited or stayed in the Strip during said months with no interruption.
12. Moreover. As opposed to said two civilians, who have no ties to the Gaza Strip and its residents, the individuals who are allowed entry in accordance with the current procedures are members of the Palestinian nation, who have immediate family members, in many cases with kinship relations, who have been visiting and residing in the Strip over many years during which no harm was inflicted on them. In view of the above the concern for the safety of the individuals who enter the Strip has no basis and is contrary to the circumstances and the long term routine of Israelis who travel safely to and from the Strip.
13. In view of the above we request:
 - A. To immediately renew the visits by spouses from split families of their children and spouses in the Strip, particularly in view of the opening of the school year and schools in the Gaza Strip shortly.
 - B. To enable spouses from split families staying in Gaza to arrive to the Erez Crossing for the renewal of their stay permits in the Strip.
 - C. To enable immediate family members to visit for humanitarian reasons their relatives who reside in the Gaza Strip.
14. In view of the severe injury inflicted on the citizens and residents of the state, including the split families, who tied their fate with their spouses and families in the Strip, and relied for many years on the administrative undertaking which was entrenched in the procedure as well as in the judgments of the Supreme Court, and in view of the inhuman situation which these families must currently face – should the harsh and sweeping "freeze" continue to exist, we will have no alternative but to consider an application to the proper legal instances.
15. Your prompt response is appreciated.

Sincerely,

Anat Gonen, Advocate

CC:

Minister of Defense, Mr. Moshe Ya'alon.

Coordinator of Government Activities in the Territories, Major General Yoav Mordechai