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To
Colonel Eyal Toledano,
Legal Advisor to the Military Commander
in the West Bank

By fax

Extremely urgent!

Dear Sir,

Re: **The immediate return of a 14-year-old minor girl to her home in the West Bank, after she was illegally deported to the Gaza Strip**
Gh. _____, identity card number _____

1. I hereby appeal to you urgently regarding the minor Gh., whose details are captioned above, to ask your **immediate intervention** in order to coordinate her return to her home, her mother and family in the West Bank. This, after she was released from custody to the Gaza Strip.
2. The minor's mother, Ms. N. _____, has authorized the attorneys of HaMoked: Center for the Defence of the Individual to handle the return of her minor daughter Gh. to her home in the West Bank.
A copy of the mother's power of attorney is attached and marked **A**;
A copy of the mother's identity card is attached and marked **B**.
3. **The minor Gh. was born in 2003 in the city of Ramallah in the West Bank.** Gh.'s parents separated a few years ago, and she has been living with her mother and siblings in a-Ram in the West Bank. According to the information provided by her mother, the minor's father also lives in the West Bank.
4. Additionally we wish to stress that the minor Gh. suffers from epilepsy and has seizures once every 3-6 months. Therefore she receives regular medication and regular medical supervision at Al Amal Medical Center in a-Ram.
A copy of a medical confirmation about her illness is attached and marked **C**.
5. On January 13, 2018, as the minor told us, she was arrested in Issawiya Neighborhood in Jerusalem by the Border Police. The minor was interrogated by the police for illegal presence and was taken to a remand hearing at the Jerusalem Magistrates Court on January 15, 2018 (RH ____ -01-18 **State of Israel v. _____**).

6. Honorable Judge Eitan Cohen rejected the police's request to extend the detention given the minor's young age and ordered her release subject to the conditions of her appearing for investigation proceedings or trial whenever she is required to do so, as well as furnishing bail by a resident [of Israel] in the sum of ILS 1,500, which was paid by her family members.
A copy of the protocol of the hearing and the decision is attached and marked **D**.
7. As the hearing protocol indicates, this is not the minor's first arrest for presence in Israel with a permit, **but unlike in previous instances, this time the authorities decided, for some obscure reason, to release her to the Gaza Strip instead of to her home in a-Ram.**
8. In a phone conversation held today between a representative of HaMoked and the minor Gh., she said that on the day of release she was woken at 5:00 A.M. and notified that they were going to release her at the Qalandia checkpoint. But to her extreme dismay, after hours of travel, the **representatives of the IPS** [Israel Prison Service] released her when it was already dark at Erez Crossing. In unspeakable obtuseness which cannot be justified, no one bothered to explain to the minor where she was, or offer her to phone her family. In addition, none made sure that her family actually knew about the minor's release and the fact that she should be picked up, as required by her young age.
9. **We wish to stress that until the time of her release – the minor Gh. had never been in the Gaza Strip.** Scared and frightened, she crossed to the Palestinian side of the crossing. A representative of the Palestinian Authority who was at the crossing, who noticed her distress and realized she had no idea what to do, took her to his home, letting her stay overnight with his family. On the following day, with the help of the PA's representative, the minor managed to contact her mother and let her know what had happened to her. Now the minor is staying at the home of her father's relatives in the Gaza Strip whom she had never met before.
10. The minor's mother contacted the Palestinian Coordination Office in Ramallah on January 28, 2018, to ask they act for the return of her daughter to the West Bank.
11. As stated, this is a minor, aged 14.5, who was born in Ramallah in the West Bank, and has been maintaining a center-of life in the West Bank from the day she was born, and both of whose parents are also living in the West Bank. Undoubtedly this outrageous conduct of the authorities will have to be examined, and also how a minor ended up in a strange place at night. But for now **we demand your immediate intervention to ensure the damage is limited and the minor returned to her family in the West Bank.**
12. Beyond necessity, we recall that in HCJ 4019/10 HaMoked: Center for the Defence of the Individual et al. v. the Military Commander of the West Bank Area et al., the Respondents undertook not to deport Palestinians whose address was registered as being in the Gaza Strip, who had moved to live in the West Bank by September 12, 2005. All the more reason that this principle should be applied with respect to a minor born in the West Bank – who

has no connection to the Gaza Strip and who has been separated from her parents and family – and to enable her immediate return to the West Bank.

13. At this stage and given the unique and urgent circumstances of the case – a minor girl who was born in the West Bank, who is far away from her home and mother, disconnected from her natural environment and having to stay with unfamiliar relatives in Gaza, and who needs medical treatment and supervision – if a positive answer is not provided by February 1, 2018, we will have to turn to the Supreme Court with an urgent petition.
14. I sincerely hope our appeal will be handled with the proper urgency and speed.
15. This letter is also sent to the Head of the Gaza District Coordination Office for the issuance of a permit of passage to the West Bank.

Sincerely,

[–]

Abir Joubran-Dakwar
Advocate

Attached: A-D

Copy:

IPS Commander