

Date: 13 September 2005

In the response please cite: 37220,
37230

Osnat Mendel, Att.
Director – HCJ Division
State Attorney's Office
Ministry of Justice

Most urgent!!!
By fax

Dear Madam,

Re: **Pre petition:**
Restoring basic services to the civilian population in the Gaza Strip
following the withdrawal

1. This appeal is made on behalf of HaMoked: Center for the Defence of the Individual – a human rights organization that has defended the human rights of Palestinian residents of the Gaza Strip for many years.
2. On 11 September 2005 the last soldier left the territory of the Gaza Strip and responsibility over these territories passed to the Palestinian Authority, in accordance with the announcement dated 12 September 2005. However, the crossings to Israel, to the West Bank and abroad remain under Israel's exclusive control. Under these circumstances it is clear that the military is still responsible for many aspects of the life of the civilian population in Gaza.
3. Unfortunately, we quickly realized that although the disengagement plan has been an established fact for over six months, the withdrawal was not accompanied by plans for ensuring continued normal life for the Palestinian civilian population. **Presently, the Rafah Crossing is hermetically sealed but an alternative crossing has yet to be opened; the office of the Military Legal Advisor for the Gaza Strip is not processing applications; there is no coordination between the Palestinian and the Israeli DCOs, and therefore applications for passage between Gaza and the West Bank or entry to Israel are not processed; the Israelis' desk does not have a fax machine and therefore applications cannot be sent.**
4. In recent days we appealed to various organs demanding that they immediately renew services for the civilian population, particularly in cases of urgent applications. We were only told that there was much confusion at the moment, and that matters would become clearer in the future.
5. With all due respect, a Gaza resident who must urgently travel abroad to donate a kidney to his brother, who is hospitalized in Egypt, cannot afford to wait for matters to become clear. A woman who must travel to the West Bank for an urgent MRI, an exam which is only available in the West Bank, in order to detect a cancerous tumor, must not pay with her health for the confusion which has ensued.
6. We are aware of the change that has taken place in the Gaza Strip, but the fact that the military would maintain control over the crossings even after the withdrawal was known in advance. **Even if matters are, as stated, in the process of being finalized or under**

negotiation, a proper interim solution must be found for all the issues I mentioned above, and, to this day, we have not been notified of any reasonable solution.

7. In light of the above I request that you inform me most urgently of what you intend to do in order to bring civilian life back on track, and how you intend to handle urgent appeals involving passage through one of the crossings or coordination with the Palestinian side.

Respectfully,

Gil Gan-Mor, Att.

Copies:

Minister of Defense

GOC Southern Command

Coordinator of Government Activities in the Territories

Head of International Law Division

Military Legal Advisor for the Gaza Strip (via the International Law Division's fax)

Military Legal Advisor for the West Bank