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Major General Yosef Mishlav  
Coordinator of Government Activities in the Territories  
IDF

Tel: 03-6975302  
**Fax: 03-6976306**

Dear Sir,

Re: **Families split between the Gaza Strip and the West Bank: A chronicle of forced separations**

1. Pursuant to our meeting on 20 December 2005, I wish to present to you again, at your request, the harsh phenomenon of prolonged, forced separations between spouses and between parents and children.
2. The story repeats itself – a couple lives with their children in one of the two parts: the Gaza Strip or the West Bank. One of the spouses receives a travel permit for the other part, for the purpose of a family visit (or for any other purpose), but when, after a short while, he wishes to return, his application is refused due to a closure or any other bureaucratic reason, and the spouse is "stuck" there, unable to return home to his spouse and children. A person may remain stuck for a month, six months, or longer. Indisputably, this is an unbearable reality of life.
3. Take, for example, the story of the **Majari** family: a young couple who reside in Gaza with their two children, a four-year-old boy and an 11-month-old baby. On 1 July 2005, Mrs. Majari traveled to the West Bank, without the children, to visit her ill father. She was granted a travel permit for this purpose. A week later, she requested a permit in order to return to the Gaza Strip, but was denied. HaMoked's letters explained that the woman resides in Gaza and her young children are waiting for her there, including a baby whom she is still breastfeeding, but only on 11 September 2005, after we petitioned the HCJ (**HCJ 8526/05**), did the military commander allow her to return home. **Duration of forced separation – two months.**
4. The **Madhoun** family went through a similar trauma: a young couple living in Jalameh, in the West Bank, with their four young children. On 12 July 2005, Mr. Madhoun and his six-year-old son traveled to the Gaza Strip for a brief family visit, by means of a travel permit. Mrs. Madhoun and the three girls remained home in Jalameh. That same day, an attack was perpetrated in Netanya and a closure was imposed on the Territories (a closure which has in fact continued to this day). As a result, Mr. Madhoun and his son were "stuck" in Gaza. During their stay in Gaza the boy became ill but was unable to reach the family doctor in the West Bank for treatment. It was only on 1 November 2005, after HaMoked submitted a petition to the HCJ on their behalf (**HCJ 9896/05**), that they received a permit and returned to their home in the West Bank. **Duration of forced separation – three months.**
5. The **Bahlul** family experienced their own painful separation: this is another case of a young couple living in Gaza with their five children. On 1 July 2005, Mrs. Bahlul traveled with her children for a family visit to Nablus, by means of a travel permit. A short while later, she submitted an application for an entry permit in order to return to

Gaza. Her request was denied due to the closure imposed on the Territories. On 11 October 2005, she received a written notice of this decision. Meanwhile, the school year had begun while children were "stuck" in the West Bank. Only after HaMoked threatened to submit a petition (pre petition), was the application finally approved. On 31 October 2005, Mrs. Bahlul and her children returned to Gaza. **Duration of forced separation – over three months.**

A copy of the letter dated 11 October 2005 is attached, appendix A.

### **Pending applications**

6. The **Al-Badu** family is still waiting for a response by the Military Legal Advisor for the West Bank. Again, this is a young couple living in Gaza with their two infant daughters: a two-year-old and a seven-month-old. On 6 June 2005, Mrs. Al Badu traveled with her daughters to visit their grandparents in Tulkarm, by means of a travel permit. In the beginning of July she submitted an application for a travel permit in order to return home, but a closure had already been imposed and since that time she has been "stuck". In early December she requested HaMoked's assistance. The response to HaMoked's appeal, dated 8 December 2005, stated that following the attack in Netanya, on 5 December 2005 a closure had been imposed on the Territories and therefore Mrs. Al-Badu would not be able travel to Gaza. **Duration of forced separation: six months and counting.**

A copy of the letter dated 8 December 2005 is attached, appendix B.

7. The **'Abd a-Dayem** family are a couple, residents of the Territories, who live in Gaza with their one-year-old son. On 22 June 2005, Mrs. 'Abd a-Dayem traveled with her son to visit his grandparents in the West Bank, by means of a permit. Mrs. 'Abd a-Dayem has been appealing to the DCO since the end of June 2005, requesting a permit to return to Gaza. Even the fact that her husband was hospitalized for complicated head surgery had no effect. A closure is a closure. In early December she contacted HaMoked. The response to HaMoked's appeal, dated 8 December 2005, stated that she was prohibited from traveling on confidential, security related grounds, a claim which seems puzzling in light of the fact that only a few months prior she received a travel permit, and considering that she is the mother of a one-year-old baby. **Duration of forced separation: six months and counting.**

A copy of the letter dated 8 December 2005 is attached, appendix C.

8. The **Qa'eys** family is also awaiting a response from the office of the Military Legal Advisor. This is another case of a couple, residents of the Territories, who live in Jenin with their six children: the eldest is seventeen and the youngest, six years old. On 12 July 2005, Mrs. Qa'yes and the youngest son traveled to Gaza for a family visit, by means of a travel permit. Mr. Qa'eys and the other five children remained home in Jenin. A short while after she arrived in Gaza, Mrs. Qa'eys appealed to the DCO for an entry permit, however due to the closure she was "stuck" in Gaza, and has since been unable to return to her husband and children. The young son has been cut off from his father and older siblings. HaMoked's appeal has not yet been answered (letter to the Military Legal Advisor for the West Bank dated 22 December 2005, numbered 41267). **Duration of forced separation – 5 months and counting.**
9. Another aspect of protracted separations due to closure is visits to spouses who were deported to Gaza. Such is the case of the **Bazur** family - a couple who live in Jenin with their twin one-year-old boys. In late 2003, Mr. Bazur was removed to Gaza. Since then, Mrs. Bazur and her children must rely on permits to maintain their relationship with Mr. Bazur. Mrs. Bazur has been applying for DCO permits for many months, but due to the

closure her applications are repeatedly refused. On 8 December 2005, she obtained a response in writing, following HaMoked's appeal on her behalf. **Duration of forced separation – a year and counting.**

A copy of the letter dated 8 December 2005 is attached, appendix D.

10. These are a few examples illustrating the phenomenon and its scope.
11. It would appear that there is room to update procedures in order to prevent the unnecessary infringement on family life. Among other things, **it is important to clarify that even during full closure, a person must be permitted to return to his home, spouse and children. This is clearly a humanitarian exception, particularly in light of the severe effects on children, who are separated from their mother or father.** A situation in which a person is separated from his family through no fault of his own, due to the mere fact that he was incidentally present in another part of the Territories during a closure, is unlawful and in any case, manifestly unreasonable. The unlawfulness and unreasonableness are especially obvious in light of the fact that the State allows tens of thousands of workers to enter Israel during the closure, but at the same time prevents passage between Gaza and the West Bank.
12. Second, **it must be made clear that the issue of registered address is irrelevant.** Family ties between Palestinians from Gaza and the West Bank are common, for these are members of the same people, who maintain social and cultural ties despite the lack of territorial contiguity. Considering that Israel does not permit changes of address between the parts, the registered address of one of the spouses will often not reflect his or her actual place of residence. Certainly, this does not justify sentencing a couple to protracted, forced separation. The practice of granting a one way permit and refusing to grant a second permit for the return journey is an outrageous act carried out in bad faith. The professional officials must be informed that when told that the case before them concerns a split family – they must facilitate its unification immediately.
13. Third, **an attempt must be made to simplify bureaucracy and procedures, since the harm caused in such cases increases with each passing day.** Thus, for example, since the application is submitted a short while after the travel permit has been granted, security screenings must be expedited. HaMoked and other organizations attempt to simplify matters and attach the relevant documents, and our appeals should be reviewed urgently even when the formal application submitted by the Palestinian Authority is not sufficiently clear.
14. In light of all of the above, I am hopeful that you will initiate measures to change this state of affairs and put a stop to the harsh phenomenon of prolonged separation between spouses and between parents and children in cases of families split between the Gaza Strip and the West Bank.

Respectfully,  
Gil Gan-Mor, Att.

Enclosed: A-D

Copies:

Colonel Shlomi Mukhtar, Head of Operations Directorate, Coordination of Government Activities in the Territories

Colonel Nir Pres, Head of Gaza DCO

Colonel Pnina Sharvit-Baruch, Head of International Law Division

Colonel Yair Lotstein, Military Legal Advisor for the West Bank

Colonel David Binyamin, Military Legal Advisor for the Gaza Strip  
Lieutenant Colonel Moshe Levy, Head of Gaza Operations Directorate  
Lieutenant Colonel Itzik Edri, Head of West Bank Operations Directorate  
Lieutenant Yigal Ostenowsky, Adi Leibowitz, International Law Division