

Date: 3 June 2007  
In the response please cite:  
37320

Major General Yoav Galant  
GOC Southern Command

By fax: 08-9902655

Re:

Unreasonable and arbitrary directive as a condition for appeals to the Erez DCO in the Gaza Strip

Ref: yours dated 8 May 2007  
yours dated 19 February 2007  
ours 37230 dated 21 January 2007

1. I hereby appeal to you to request that you immediately cancel the unreasonable and arbitrary directive, which requires provision of private telephone numbers of residents of the Occupied Territories who contact the DCO through a human rights organization or a private attorney to appeal the denial of an application to enter Israel (hereafter: **"the new directive" or "the directive"**), as follows.
2. In response to our objection to the said requirement, you first wrote, on 19 February 2007, that our position had been accepted and the demand had been rescinded.
3. Three months later, on 8 May 2007, we were suddenly notified that the first letter was sent to us **by mistake**, as "this was an internal position which was disseminated as part of staff work in this matter [...] [and that] the sending of the letter was not coordinated with the relevant officials, and in any case, these officials did not approve the distribution of the letter to external organs".

In the same breath you announced that having weighed all the relevant considerations, you had decided to leave the directive intact.

4. We are perplexed by your claim that notice of the cancellation of the requirement was sent to us by mistake. We consider this claim to be no more than a pretext for reinstating the arbitrary and outrageous requirement, which serves as an easy – and dubious – means for obtaining the personal telephone numbers of Palestinians and for evading and disavowing your previous notice stating the requirement had been cancelled. Our reasons are several:
  - A. In your most recent letter you noted that you had not obtained the positions of all the relevant officials regarding the cancellation of the requirement. This claim is especially bewildering given your statement in articles 1.b. and 1.c. of your previous letter, according to which the directive was "put forward by the ISA, for 'operative needs' and was previously approved (in principle) by the DCO. [And that] following the Coordinator's directive, the DCO call center no longer demands telephone numbers as a condition, in accordance with the **directive of the head of the DCO and the clarification of the matter with the ISA**" (emphasis added A. J.).

It follows that all the officials involved in issuing the directive approved its cancellation, including the ISA and the Head of the DCO.

Furthermore, in the preface to the previous letter it was stated that the response we received was given by the Southern Command following a consultation with the

Head of the DCO, which proves beyond doubt that the response was sent to us after the positions of all of the relevant officials had been obtained.

- B. In article 3 of your previous letter, you announced that the Gaza DCO was instructed to cancel its demand to receive telephone numbers from organizations such as HaMoked. If this was indeed a "mistake", why is it that following your notice, DCO staff refrained from demanding the telephone numbers of Palestinians we represented, and provided substantive responses to our inquiries?!
- C. In article 2 of your most recent letter, you stated that the aforesaid directive did not violate a Palestinian's right to privacy, and the demand for a telephone number "is customary in applications to enter many countries, across the world".

In terms of procedure, there is no room for comparison between a Palestinian who applies for a permit to enter Israel in order to travel from the Gaza Strip to the West Bank - which form a single integral unit<sup>1</sup> - and a citizen of one country who wishes to enter the territory of another country. This is so since while there is no direct contact between the Palestinian applicant and the Gaza DCO, this is not the case when a citizen of one country wishes to enter the territory of another country.

For example, an Israeli citizen who wishes to enter the United States is required to submit a visa application at the American consulate or embassy in Israel. The embassy requires the visa applicant's telephone number, since contact between the embassy and the citizen is direct, and the information is necessary for providing responses to the Israeli citizen, or contacting him for clarifications.

As you well know, this is not the case with regard to Palestinians' appeals to the Gaza DCO, since the Israeli DCO in Gaza refuses to receive applications directly from Palestinians who seek a permit to enter Israel in order to travel to the West Bank.

As a rule, the Palestinian is instructed to submit his application for a permit to enter Israel through the Palestinian DCO in Gaza, and the latter transfers the application to the Israeli DCO. Responses to the applications are transferred by the Israeli DCO to the Palestinian DCO and the Palestinian DCO notifies the Palestinian applicant of the response.

Appeals against decisions by the Israeli DCO are also submitted to the DCO for re-consideration through attorneys or human rights organizations, and the DCO's responses or requests for clarification are directed towards the representatives. (See paragraph 7 of our letter dated 21 January 2007, based on the MAG's response dated 30 June 2006).

Therefore, the comparison between an application by a Palestinian seeking a permit to enter Israel and an application by a citizen of one country, seeking to enter another country, has no basis in reality.

- 5. In light of all of the above, we request that you re-consider your position and cancel the directive-requirement. I would further wish to inquire:

A. Who are the officials who decided on the reinstatement of the aforesaid directive?

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<sup>1</sup> See: Art. 11(1) of the Interim Agreement signed by Israel at the White House on 28 September 1995; Art. 1(2) of Annex 1 to the Interim Agreement, security policy; the proclamation with regard to the implementation of the Interim Agreement (Proclamation No. 7); Agreement on Movement and Access between the State of Israel and the Palestinian Authority dated 15 November 2005).

- B. What is the purpose of obtaining the personal telephone numbers of Palestinian applicants? How does the reinstated directive serve the authority vested in the Gaza DCO, in reaching decisions regarding the entry of Palestinians to Israel for the purpose of passage to the West Bank?
  - C. Where are the telephone numbers stored? What officials have access to them?
  - D. How are the telephone numbers of Palestinians who apply for an entry permit used?
6. Until we receive your final position as to the above and your responses to the aforementioned questions, some of which were included in our letter of 21 January 2007, but have not been answered, we request that you order that processing of applications and appeals which have been or will be submitted to the DCO is undertaken without stipulating the provision of the personal telephone number of the Palestinian applicant.
7. I would appreciate your prompt response.

Respectfully,

Abeer Jubran, Att.

Copies:

Major General Yosef Mishlav, Coordinator of Government Activities in the Territories  
Colonel Nir Peres, Head of Gaza DCO  
Att. Osnat Mendel, HCJ Division, State Attorney's Office  
Att. Meni Mazuz, Attorney General  
Lieutenant Chaim Sharvit, Legal Advisor to the Gaza DCO