Every person has the right to travel freely within his country:

travel between the West Bank and the Gaza Strip

"In order to maintain the territorial integrity of the West Bank and the Gaza Strip as a single territorial unit, and to promote their economic growth and the demographic and geographical links between them, both sides shall implement the provisions of this Annex, while respecting and preserving without obstacles, normal and smooth movement of people, vehicles, and goods within the West Bank, and between the West Bank and the Gaza Strip."

(The Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, Annex I, Article I [2])

Despite being physically separate, the West Bank and Gaza Strip constituted a single political unit. The residents of both these areas have a shared national identity and since the start of the occupation, the two areas became integrated in all aspects of life: family ties, education, culture and economy. The residents of the West Bank and Gaza are entitled to freedom of movement between the two parts of the Occupied Palestinian Territories (OPT). This fundamental right – the equivalent of a citizen's right to travel freely within his country – is enshrined in international humanitarian and human rights law, and Israeli constitutional law. The right to freedom of movement may be restricted for security reasons, but imposing sweeping, disproportionate and unreasonable travel restrictions is a clear violation of both international law and Israeli law.

Since October 2000 – contrary to its obligations under the Oslo Accord and to the decisions of the High Court of Justice (HCJ) – Israel has been implementing a policy designed to separate the Gaza Strip from the West Bank. Israel divides the Palestinian people into two distinct and entirely separated groups based on their registered address. HaMoked assists many Palestinians, in an effort to remove the restrictions imposed by Israel and which prevent their travel between the two parts of the OPT.

Under Israel’s current official policy, travel from Gaza to the West Bank is restricted, as a rule, to "the minimum required". The only criteria for approving applications for travel from the West Bank to Gaza are the absence of a security preclusion and the existence of "objective humanitarian circumstances" as narrowly interpreted by Israel. This policy infringes on the rights of protected persons to freedom of movement and family, contravenes the military obligation to ensure residents of the occupied territory are able to maintain a normal life, and constitutes a severe violation of Israeli law and international humanitarian law.

HaMoked calls on Israel to discontinue its policy of forcibly removing Palestinians from their homes, which constitutes a violation of a resident's right to choose his place of residence inside his country, and consolidates the separation between the Gaza strip and the West Bank.
7.6.1967  **Israel occupies the West Bank and the Gaza Strip and issues the orders regarding defense regulations**  
The orders stipulate, inter alia, that "the military commander may decree by order that any area or site is a closed area for the purpose of this order. A person who enters an area or site closed in this manner, or leaves them, [...] without written permission issued by the military commander or on his behalf, will be charged with violating this order" (section 70).

8.7.1967  **The military proclaims the West Bank and the Gaza Strip to be closed area**

8.1.1969  **The military issues the Order Regarding Identity Cards and the Population Registry**  
The Order stipulates that a "resident of the Area" – a person lawfully present in the West Bank and whose permanent place of residence is located therein – must notify of any change in his details recorded in the registry within 30 days of the day of the change. A similar order was issued for the Gaza Strip.

29.6.1969  **The military issues the Order Regarding the Prevention of Infiltration**  
The Order stipulates that an "infiltrator" – defined as a person who unlawfully entered the West Bank from enemy states (Jordan, Syria, Egypt and Lebanon) – may be prosecuted and deported. A person who entered the West Bank lawfully but remained there unlawfully, due to the breach or expiration of his permit, may also be deported as an "infiltrator". A "resident of the Area" is defined as a person who permanently resides in the West Bank. A similar order was issued for the Gaza Strip.

5.7.1970  **The military issues the General Entry Permit, regulating the entry and presence of Israelis and foreign residents in the West Bank**  
The Order stipulates, inter alia, that an Israeli cannot relocate to the west Bank unless "by personal permit issued by the military commander"; an Israeli who intends to visit the West Bank for over 48 hours, must obtain a "permit from the military commander; and that an Israeli cannot set up "structures, an encampment, a camp-site [...] unless under a personal permit issued by the military commander". The Order was never cancelled but never enforced.

1972  **The military formulates the general permits for travel between the West Bank and Gaza**  
OPT residents are allowed to leave one area and enter the other, without a personal entry permit.

16.9.1982  **The military commander reformulates the Order Regarding Defense Regulations**  
Section 90 replaces section 70. The military commander's authority is separated into two stages: under subsection 90(a) the "a military commander is authorized to declare any area or site to be closed. Subsection 90(b) stipulates that with regards to "an area or site, closed as stipulated in subsection (a), a military commander is authorized to order that one of the following regulations shall prevail therein. [...] no person shall enter the closed area or remain therein". This means that the closure of the area does not automatically limit entry and presence therein. The Order on the closure
of the West Bank, which includes no restriction on entry or presence therein, is not revised. From this point on, Palestinians entering the West Bank do not legally require a written permit for that purpose.

1987-1991 Israel changes its policy and issues a temporary order which cancels the general permits on entry and presence in the west Bank and Gaza – allegedly for a limited time
Following the first intifada, and during the First Gulf War, Israel prohibits OPT residents to leave their area of residence unless by personal permission from the military commander. However, the law does not require this to be a written permit – therefore, Palestinians who seek to enter the West Bank from Israel, most often, gain permission from the soldier stationed at the checkpoint and require no permit. The Temporary Order for the West Bank is in effect to this day.

1993 Israel imposes a total closure on the OPT "pending further notice"
Following the killing of Israeli civilians and members of the security forces, the military temporarily cancels personal exit permits from the West Bank. To enforce the closure, Israel positions checkpoints, some along the Green Line, others inside the OPT. Israel also uses checkpoints to separate the West Bank and East Jerusalem. Permits to enter Israel are issued sparingly, according to criteria kept concealed from Palestinians. The total closure has never been lifted.

1993-1995 The Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, known as the Oslo Accords
The authority to administer the OPT population registry is transferred to the Palestinian Authority (PA). To ensure that Israel has an accurate copy of the Palestinian population registry, the PA is required to inform the Israeli side of every change in its population registry after the fact, yet the decisive registry is the one managed by the PA (Annex III [28]). The Agreement makes no particular reference to address changes between Gaza and the West Bank.

The Agreement stipulates that: "In order to maintain the territorial integrity of the West Bank and the Gaza Strip as a single territorial unit, and to promote their economic growth and the demographic and geographical links between them, both sides shall implement the provisions of this Annex, while respecting and preserving without obstacles, normal and smooth movement of people, vehicles, and goods within the West Bank, and between the West Bank and the Gaza Strip." (Annex I, article 1[2]).

1995 Israel incorporates the Interim Agreement into the military legislation in the Proclamation Regarding Implementation of the Interim Agreement (Proclamation No. 7)
Under Article 6(b) of the Proclamation: "The decision of the commander of IDF forces in the area that the powers and responsibilities remain with him will be decisive for this matter".

1999 The safe passage prescribed in the Interim Agreement reaches full implementation
After many years of Israel obstructing the activation of the safe passage, travel between Gaza and the West Bank through Israel is arranged. The arrangements include no obligation to hold permits for entry or presence in
the West Bank or Gaza, nor for Israel. In practice, a Palestinian who travels from one part of the OPT to the other, encounters no problem and faces no obstacles.

October 2000

**The outbreak of the second intifada: Israel decides to separate the Gaza Strip and the West Bank; the safe passage is closed; Israel halts all processing of issues concerning the Palestinian population registry**

Israel divides the residents of Gaza and the West Bank into two completely separate groups, based on their registered address in the population registry. Notices on updated addresses, sent by the PA to the military, are not entered in the Israeli copy of the population registry. On the ground, the military relies on its own records, and not on PA-issued identity cards (Israel would later cite subsection 6(b) of Proclamation No. 7, to argue that in fact, it always retained the authority over the updating of addresses):

- “Gazans” present in the West Bank are detained at military checkpoints for hours and encounter difficulties upon departure or return from Jordan, for being registered in a Gaza address
- Israel deportes Palestinians from the West Bank to Gaza based on their address, claiming that they are present in the Area without permission for their settlement; Palestinian who arrive in Gaza for a visit are stranded, denied permission to return to the West Bank.
- Israel closes the safe passage. Palestinians seeking to travel between the two parts of the OPT via Israel, are required to obtain a permit to enter Israel. Such permits are still issued but only minimally.

2001

**The Palestinian Authority stops updating address changes in the population registry**

The PA stops updating addresses in the population registry, following complaints by Palestinians whose address was updated by the PA but not by Israel, who were accused by the military of forging identity cards and had difficulties passing through checkpoints, as well as pressure from Israel.

15.8.2002

**Israel confirms: the West Bank and the Gaza Strip form a single territory**

In its response in the Ajuri case, Israel clarifies that "In practice, the legislation enacted in the two regions is generally identical, the judicial actions in the two regions come under one roof, and the administration, even if separate, is coordinated in the two regions – both as regards civilian affairs and security affairs". The State also contends that: "Israel’s decision to administer the two regions by means of different commanding officers was an organizational determination, and in the present case is not very significant […] Clearly, it cannot be successfully argued that these are separate territorial units as regards the relevant provisions of international law.

3.9.2002

**The Ajuri verdict: the HCJ rules that the West Bank and Gaza Strip should be viewed as a single territorial unit**

Judgment is rendered in HaMoked's petition concerning the relatives of perpetrators of attacks on Israeli civilians, whom Israel sought to forcibly transfer to Gaza. The HCJ revokes the removal order issued against one of the three petitioners, stressing that a person's forcible transfer from his place of residence, is highly injurious to his dignity, liberty and property; furthermore, an essential condition for “assigned residence” is that the person himself
poses a danger, and that assigning his residence helps avert that danger and that “assigned residence” is not to be used for the purpose of general deterrence. In the judgment, President Barak determines that "the area of Judaea and Samaria and the area of the Gaza Strip should not be regarded as areas alien to one another, but should rather be regarded as one territory". The HCJ further ruled that the forcible transfer of West Bank residents to Gaza did not amount to deportation, but rather to assigned residence within the same occupied territory, as defined in Article 78 of the Fourth Geneva Convention.

2003 onwards

**HaMoked petitions the HCJ regarding passage between the West Bank and Gaza**

HaMoked petitions on behalf of Palestinians who had been forcibly transferred from their homes in the West Bank to Gaza (see for example 18.6.2003); Gazan brides who marry men from the West Bank, but are not allowed to travel across to the West Bank to hold their wedding ceremonies and start their married life (22.3.2007); prisoners who live in the West Bank but released from the prisons in Israel directly to Gaza, based on their registered address, (10.4.2005); patients who must travel to the West Bank for medical exams which are unavailable in Gaza (15.5.2005).

18.6.2003

**HaMoked petitions against the forcible transfer of a Palestinian from the West Bank to Gaza**

The petitioner relocated to the West Bank in 1991. The PA entered his current West Bank address in the population registry and in his identity card. Despite its undertaking in the Oslo Accord, Israel refused to update its copy of the population registry. The man was detained at the Allenby Bridge border crossing en route abroad, incarcerated for one day, then deported to Gaza on the grounds that his registered address was in Gaza. Following the petition, Israel decides to allow the petitioner to return to his home in the West Bank.

27.12.2004

**The HCJ endorses the agreement, attained in the framework of HaMoked's petition, to allow relatives to visit Palestinians who were deported to Gaza following the siege on the Church of the Nativity**

The petition challenged the Israeli decision to disallow a West Bank couple to travel across to the Gaza strip to visit their son, who had been deported to Gaza at the end of the siege on Palestinians who had barricaded themselves in the Church of the Nativity. Under the agreement attained in the petition, all first degree relatives of the Church of the Nativity deportees may file individual applications to visit Gaza, which will be considered promptly and approved subject to a security clearance and provided that the West Bank and Gaza are not under complete closure.

10.4.2005

**HaMoked petitions on behalf of a Palestinian who was released from a prison within Israel directly to Gaza based on his registered address, although his home is in the West Bank**

Israel objects to his return to the West Bank, claiming that "his settlement had not been approved" and that he is considered a security threat. During proceedings, and after an order nisi was issued, the State admitted that documents such as "permits for settlement" do not exist and the change of address in the population registry constitutes such a permit. The petition is dismissed on security grounds, without a ruling on the question of
15.5.2005 HaMoked petitions on behalf of a Gaza Palestinian, who requires an entry permit to Israel in order to reach the West Bank for a medical examination vital for saving her deteriorating eyesight
In the petition, HaMoked argues that as a representative of the occupying power, under international humanitarian law, the military must uphold the basic rights of OPT residents, including their right to medical treatment, and if a certain medical treatment is unavailable in the area under its control, it must do the utmost to enable the vital medical examination or treatment. After the petition is filed, and before it is heard, a permit for entry to Israel is issued.

7.9.2005 HaMoked petitions the HCJ to instruct the military to allow a Palestinian to return to her home in Gaza
The petitioner, who lives in Gaza, traveled to the West Bank to visit her ailing father. When she attempted to return to her home, the military prevented her from doing so due to a security impediment, this despite having permitted her entry to Israel only a week before. Following the petition the military recants and allows her return to her home.

12.9.2005 The end of the military administration in Gaza ("disengagement")
Following an Israeli Government Resolution, military forces withdraw from the Gaza Strip, and transfer their authorities to the Palestinians. The military administration in the Gaza Strip ends. In practice, Israel retains effective control over Gaza’s land, maritime borders and airspace.

15.11.2005 Israel and the PA regulate the opening of the Gaza border crossings after the Israeli withdrawal
The agreement stipulates that the Rafah border crossing be opened and operated by the Egyptians and Palestinians, under EU supervision. Use of the border crossing would be subject to the prior approval by Israel and the PA. The agreement also regulates the operation of the Kerem Shalom crossing, reserved for the passage of goods, and of the Karni cargo terminal, and includes general understandings regarding the establishment of a seaport in Gaza, restoration of its airport, and secured shuttles between it and the West Bank.

13.3.2006 HaMoked petitions the HCJ against the blanket restrictions on travel between the West Bank and the Gaza Strip
The petition reviews the strict travel restrictions imposed during the second intifada, and demands to allow passage between Gaza and the West Bank, unrelated to "exceptional humanitarian circumstances". HaMoked asserts that the Oslo Accord established that the Gaza Strip and the West Bank form a single territorial unit, and that Palestinians are entitled to freely move between them, as any person is free to move within his own country. The Supreme Court refuses to hear the petition on its merits on the grounds that it challenges a general policy.

30.11.2006 A UN report reveals Israel has been breaching all articles of the Agreement on Movement and Access it had signed with the PA
The report by the United Nations Office for the Coordination of Humanitarian
Affairs (OCHA), details the various violations of the Agreement. The report establishes, inter alia, that Israel does not fulfill its commitment to facilitate movement between Gaza and the West Bank and that the crossings designated for goods and people remained closed for most of the year.

**22.3.2007**

**HaMoked petitions the HCJ to instruct the military to allow a Gaza family to travel across to the West Bank to participate in a wedding ceremony**

The petitioner bride's wedding was postponed several times due to the military refusal to grant her, her parents and siblings entry permits to Israel, for the purpose of travel from Gaza to the West Bank. The parties reach an agreement whereby the petitioner and her family are allowed to travel to the West Bank, under a guarantee to return to Gaza in two weeks. The petitioner can remain with her husband in their home in the West Bank for two months, during which time she must take action to change her registered address. The petitioner accordingly changes her address in the Palestinian population registry to Tulkarem. Israel refuses to enter the new address in its copy of the registry. In 2008, HaMoked is forced to file another petition against Israel’s policy regarding the update of addresses. Concurrently, HaMoked files a number of petitions on behalf of other brides who have not succeeded in traveling across to join their spouses in the West Bank. Israel refuses to allow their passage (or allows it only for the wedding ceremony, after which they must return). The court rules the state must formulate a written procedure, addressing the method of filing an application to travel between Gaza and the West Bank, and the criteria for granting a permit. The court joins these petitions with the petition regarding the update of addresses. The State Attorney's Office refers to the joint petitions "the settlement petitions". This is the first verbal indication of the policy of separation between Gaza and the West Bank.

**19.9.2007**

**Israel decides to allow the travel of people into and out of Gaza only in cases it deems humanitarian**

The Israeli Security Cabinet declares Hamas is a terrorist organization that has taken control of the Gaza Strip and turned it into hostile territory. Israel imposes more sanctions on the Hamas regime "in order to restrict the passage of various goods to the Gaza Strip and reduce the supply of fuel and electricity. Restrictions will also be placed on the movement of people to and from the Gaza Strip […] taking into account the humanitarian aspects relevant to the Gaza Strip".

**November 2007**

**The military begins to issue stay permits to Gazans who are present in the West Bank**

According to an internal decision of the military – which was never publicized and only revealed in 2008, in a response to HaMoked's application under the Freedom of Information Act – "[a]s of November 2007, a resident of the Gaza Strip who is present in Judea and Samaria is required to hold a stay permit for Judea and Samaria". The military claims the authority to issue such permits is derived from the Temporary Order regarding the suspension of the general travel permits.

**13.3.2008**

**HaMoked petitions the HCJ on behalf of four children who were born in Ramallah and live there, but are erroneously listed as living in Gaza in the Israeli copy of the population registry. Israel refuses to correct the**
error, exploitation the registry as part of the drive to split between Gaza and the West Bank.

In the hearing, Israel admits that an error seems to have occurred in the children's registration in its copy of the registry. The justices instruct Israel to correct the children's address in its records once the PA sends notice to that effect. After previously insisting on receiving a detailed settlement application from the PA, the State is now obliged to correct the address.

15.4.2008  Contrary to the Interim Agreement and the HCJ ruling, the civil administration claims the West Bank and the Gaza Strip form two distinct and separate territories

In response to HaMoked's inquiry regarding address change applications by OPT residents, the spokesman of the civil administration asserts a distinction should be made between requests to change an address within the West Bank and those for a change an address from the West Bank to Gaza and vice versa. He claims that the latter constitute requests for a "change of domicile", the approval of which requires a decision by senior officials and is reserved for exceptional humanitarian cases.

24.7.2008  The military demands that a West Bank Palestinian seeking to visit her ailing spouse in the Gaza Strip, pledge never to return to her home in the West Bank

HaMoked petitions the HCJ against the military commander, and argues Israel is not authorized to effect demographic changes in an occupied territory. After the petition is filed, Israel consents "ex gratia" to allow the woman to travel across unconditionally. HaMoked requests the court to review the unlawful policy, whereby Israel exploits the distress of West Bank Palestinians to pressure them into relocating to Gaza. In July 2010, the HCJ deletes the petition on the grounds it has become moot and theoretical, and refuses to consider the general Israeli policy described in the petition.

8.3.2009  The military formulates a procedure for handling Gaza residents’ applications to "settle" in the West Bank

The procedure – publicized in the context of the "settlement petitions" – stipulates that movement between the Gaza Strip and the West Bank be limited to the "minimum required"; the military examines only detailed applications transferred by the PA; the criteria for approving applications are security clearance and the existence of "objective humanitarian circumstances". The procedure is based on the premise that family ties do not qualify as humanitarian circumstances. HaMoked files individual petitions against the procedure. The HCJ justices decline to consider these petitions, since the issue of principle was considered in the "settlement petitions" and one must wait for the judgment therein.

18.9.2009  The Coordinator of Government Activities in the Territories and the Gaza District Coordination Office declare a boycott of human rights organizations, and announce they will not handle applications by organizations on behalf of Gaza residents

Following the boycott declaration, HaMoked and other organizations appeal to the Ministry of Defense and the State Attorney's Office demanding the boycott be lifted. The organizations stress that human rights organizations – which assist thousands of Palestinians wishing to leave and enter Gaza – are
often the only means of representation available to these residents, and blocking their activities in the Gaza Strip might have severe ramifications.

In November 2009, the State Attorney's Office announces the military will hereinafter strictly adhere to protocol, including the provision of written responses to applications by the organizations.

26.11.2009 Israel announces a deportation policy – any person who relocated to the West Bank from Gaza after October 2000 or against whom security material exists, will be forcibly transferred to Gaza.

The policy is presented before the court as part of the state's response to HaMoked's petition to instruct the military to refrain from deporting a Palestinian from Hebron to Gaza. Israel further announces that anyone who was “erroneously” deported to Gaza or otherwise came to be stranded in Gaza, would be allowed to return to the West Bank. HaMoked appeals to the military or petitions the court on behalf of persons who – according to the official policy – should be allowed to return to the West Bank, but Israel retreats, revealing the statement to be nothing but empty words.

19.1.2010 Following HaMoked's petition, Israel announces it has cancelled a deportation order from the West Bank to Gaza issued against a Palestinian police officer and has released him from custody: The officer was held in detention for almost ten months on the baseless claim that he was “illegally present” in the West Bank.

In 1995, as part of the implementation of the Oslo Accords, with Israel’s approval and protection, the officer relocated to the West Bank from Gaza in his official duty. Over the years, he married and started a family in the West Bank. In 2009, the military arrested him in order to forcibly transfer him to Gaza, by reason of illegal presence in a closed zone, contending he did not have a permit for the West Bank.

Following HaMoked's urgent petition against the deportation and the temporary court order preventing the deportation, Israel attempted to keep him in custody pursuant to the Order regarding Prevention of Infiltration, classifying him as an "infiltrator" for this purpose. Israel now made an opposite claim – the man remained lawfully in the West Bank, until his permit expired. This is the first known instance where a Palestinian who was listed in the OPT population registry was designated an "infiltrator".

HaMoked asserts that the "permits" to which Israel referred, never existed nor were required and therefore could never expire or be breached. Following a second petition by HaMoked, the HCJ issues an order nisi, placing the onus of proving the deportation is necessary on the State. The State revokes the deportation order in response.

15.3.2010 HaMoked and other human rights organizations in a general petition to the HCJ: cancel the "settlement procedure" which consolidates the separation between the West Bank and the Gaza Strip, and critically disrupts the fabric of life of OPT residents.

The petitioners argue that the new military procedure which stipulates, inter alia, that movement between Gaza and the West Bank will be limited to the "minimum required" – is illegal and constitutes a severe violation of international humanitarian law and Israeli law. The procedure violates the rights of protected persons to freedom of movement and family life and breaches the military’s obligation to ensure protected persons in an occupied
territory are able to lead normal lives.

13.4.2010 The military revises the Order regarding the Prevention of Infiltration – from now on, any person present in the OPT without a permit issued by the military commander, is deemed to be an infiltrator and liable for deportation or imprisonment

Palestinians are required – for the first time ever – to hold a written permit to remain in the West Bank. The requirement is made retroactively applicable. An infiltrator faces deportation, which can be carried out within 72 hours, or a prison term. HaMoked asserts that the Order does not specify the type of stay permit and no such permit is known.

25.5.2010 A new general petition by HaMoked and other Israeli and Palestinian human rights organizations: Israel must stop its policy of forcibly removing Palestinians from their homes

The petitioners demand Israel be instructed to update its copy of the Palestinian population registry, since its refusal to do so constitutes a violation of the Interim Agreement and of the legislation related to the population registry. The organizations further demand Israel stop forcibly transferring residents of the West Bank to Gaza, based on their registered address in the Israeli copy of the registry. This is an unlawful practice which violates the right to choose a place of residence within one’s country, recognized in Israeli and international law alike.

27.10.2010 Unacceptable practice of the military transforms the West Bank into a closed zone to Palestinians only: the military does not enforce the order regulating Israelis' entry to the West Bank, and settlers in their hundreds of thousands live there without the required permits

Under the order regulating the entry and presence of Israelis and foreign residents in the West Bank, an Israeli cannot relocate to the West Bank, unless "under a personal permit issued by the military commander". The military forcibly transfers Palestinians from the West Bank to the Gaza Strip, claiming that since this is a closed military zone, anyone present who is not "resident of the Area", must obtain military permission. Nonetheless, under military legislation, Palestinians are not required to hold such permits, whereas, conversely, the order which expressly requires Israelis to have permits to stay in the West Bank – remains unenforced. By this practice which is in contravention of international law, the military effectively transforms the West Bank to a zone closed to Palestinians only.

16.3.2011 A month ahead of the hearing on the general petition regarding the updating of addresses from Gaza to the West Bank, Israel announces it has decided "in the framework of a political gesture to approve the settlement" in the West Bank of 5,000 Palestinians who are listed in a Gaza address

In its response to HaMoked’s petition – to compel the military to update the address of three West Bank minors in its copy of the Palestinian population registry – the State Attorney’s Office announces Israel has decided "in the framework of a political gesture, to approve the settlement in the Judea and Samaria Area. [and] therefore the change of address, of 5,000 Palestinians whose registered address is in the Gaza Strip, who are currently present in the Judea and Samaria Area, including 3,300 Palestinians whose registered
address is in the Gaza Strip, who are currently present in the Judea and Samaria Area and entered the area until 2000, in the framework of the 'safe passage'.