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November	9	2004

To
HaMoked Center for the Defence of the Individual
Advocate Gil Gan-Mor

Re: Split Families Procedure

1. Following your letters to us concerning the above captioned matter, I hereby respond to your claims as follows.
2. The Gaza Strip region was declared a closed military zone. Travelling to and from the area is prohibited, unless approved by the commander of IDF Forces in the Gaza Strip Region or anyone appointed by him for this purpose. Said provision is entrenched in an order on the Closing of the Area (Gaza Strip Area) (No. 144), 5728-1968, and in the secondary legislation promulgated there-under.
3. The IDF authorities in the region wish to protect the family unit and the child's best interest and to maintain proper family life to the maximum extent possible. The fact that one of the spouses is an Israeli resident while the other spouse is a resident of the Palestinian Authority, certainly does not make it easier to maintain proper family life, all the more so when children are involved in this reality.
4. In view of the awareness of said difficulty, work procedures were established concerning split families. According to said procedures the Israeli spouse may submit an application together with supporting documents to the "Israeli Desk" at the District Coordination Office (DCO) in the Erez crossing, for the purpose of receiving an entry permit into the Strip to visit his spouse, a resident of the Strip. The applications are examined on an individual basis by DCO officials and by the security agencies.
5. In the event specific security preclusion exists, the applicant's entry will not be allowed.
6. In the event no such security preclusion exists as aforesaid, in general, the entry of the applicant into the Strip will be allowed. However, circumstances may exist in which the

entry of Israelis into the region will be generally prohibited, even in the absence of specific security preclusion. This is the case, for instance, when extensive military activity takes place in the region, in view of the concern to the life and safety of the applicants.

7. It should be emphasized that the ban imposed on the entry into the region under circumstances such as those which are described in paragraph 5 above, does not derive from the "freezing" of the procedures, as argued in your letters.
8. When a permit is granted, the applicant is required to deposit his identification card in the crossing while entering the Strip, and instead a replacement certificate is issued to him which stipulates the term during which the permit is in force. To date, due to the security circumstances in the region, the applicant is required to personally appear in the crossing for the renewal of his permit.
9. However, if and to the extent the permit may not be renewed due to objective inability to reach the crossing as a result of the security situation at that time (for instance, due to barriers which were erected and prevented the possibility to travel from one part of the Strip to another etc.), then, as a general rule, it will not be considered as a violation of the conditions of the permit. Nevertheless, it should be emphasized that the above should not be regarded as a permit to stay in the Strip, and the applicant must resubmit an application to the Israeli Desk according to the above described procedure immediately upon the removal of said preclusion. It should also be noted that each case will be examined on its merits, and in each case the question of whether it was indeed impossible to reach the crossing in order to renew the permit, will be examined.
10. In any event in which it was decided to deny the extension application, the Israeli applicant must leave the Strip – in the event that the permit in his possession expired – immediately, or by the expiration date of the permit in his possession.
11. Failure to leave the Strip in the event that the permit expired and its renewal was not approved will constitute a violation of the conditions of the permit. Administrative measures will be taken against any person who violated the conditions of the permit as aforesaid, gradually and according to the circumstances. Each such measure will be taken after the applicant's arguments were heard by the commander of the crossing the circumstances of the specific case were examined. It is a proportionate and purposeful measure which is taken gradually against the applicant in a manner which enables to enforce the above arrangement. It should be also noted that a violation of the conditions of the permit also constitutes a violation of the order for the closure of the region, for which criminal proceedings may be instituted.
12. With respect to the specific cases described in your letters, our response is as follows.
 - A. Mrs. _____ Al-dejani, ID No. _____ - entered the Strip on November 4, 2004, after a permit for one month had been issued to her.
 - B. The women listed below who are currently in the Strip, must leave the Strip immediately. If they wish to apply for an extension of their entry permits, they must arrive to the "Israeli Desk" in the Erez crossing for this end. As specified above, each case will be examined on its merits according to its circumstances.

Mrs. _____ Wahaba, ID No. _____

Mrs. _____ Abu Rahma, ID No. _____

Mrs. _____ Bana, ID No. _____
Mrs. _____ Abu Sameh, ID No. _____
Mrs. _____ Abu Sha'aban, ID No. _____
Mrs. _____ Al-Sanai, ID No. _____
Mrs. _____ Saudi, ID No. _____
Mrs. _____ Masri, ID No. _____
Mrs. _____ Daia, ID No. _____
Mrs. _____ Daia, ID No. _____
Mrs. _____ Ma'aruf, ID No. _____
Mrs. _____ Alami, ID No. _____
Mrs. _____ Shreita, ID No. _____
Mrs. _____ Khdeir, ID No. _____

- C. Mrs. _____ Maki, ID No. _____ - is currently in Israel. Her application for an entry permit into the Strip was approved.

(Signed)
Very truly yours
Meital Zarihan, First Lieutenant
Assistant to the Legal Advisor
On behalf of the Legal Advisor