

## The Policy of Separation between the West Bank and the Gaza Strip – Timeline

Despite the geographic divide, the West Bank and Gaza Strip constitute a single integral unit. Palestinians living in these two parts of the OPT share a single national identity, a language and a history. Family ties, social organization, the health care system – all these, and more, cut across the lines that physically separate between the West Bank and the Gaza Strip. Israel itself has recognized the unity of the two parts of the OPT, and it has been enshrined in the agreements between Israel and the Palestinian Authority.

However, since the outbreak of the second intifada, and more so since the 2005 implementation of the disengagement plan and Israel's pronouncement of Gaza as a "hostile entity" in September 2007, following the Hamas take over, Israel has been implementing a policy aimed at isolating the Gaza Strip and cutting it off completely from the West Bank. As part of this policy, Israel imposes severe restrictions on movement to and from the Gaza Strip, splitting up families and separating between spouses and between parents and their children in the process. Palestinian travel between the two parts of the OPT has been drastically reduced and permits for visits are given only in "exceptional humanitarian" cases according to narrow, stringent criteria. Israel divides residents of the West Bank and Gaza into two entirely separate groups, based on their registered address in the Israeli-managed population registry. The military sees registration in either the West Bank or Gaza as a type of national status, and relocating from one part of the OPT to another is construed in terms of immigration policy – and it is a one-way policy: The military allows Palestinians to relocate only from the West Bank to Gaza, after receiving their pledge to permanently "settle" in Gaza without any intention of returning to the West Bank. Applications for relocation from Gaza to the West Bank, on the other hand, are automatically rejected.

Moreover, Palestinians registered with a Gaza address who actually live in the West Bank are treated by Israel as illegal aliens in their own homes, unless they have a special military permit allowing them to live in the West Bank. People who had moved years ago from Gaza to the West Bank, making their home there, often found themselves detained at checkpoints, thrown in jail and forcibly removed to Gaza. Following a series of High Court petitions filed by HaMoked between 2008 and 2010, Israel undertook to no longer expel to Gaza people who moved from there to the West Bank before 2005. Israel, however, still persists in withholding approval for the change of address in the population



4 Abu Obeidah St.  
Jerusalem 97200  
Tel. +972.2.6283555  
Fax. +972.2.6276317

شارع أبو عبيده ٤  
القدس ٩٧٢٠٠  
هاتف. ٠٢. ٦٢٨٣٥٥٥  
فاكس. ٠٢. ٦٢٧٦٣١٧

mail@hamoked.org.il  
www.hamoked.org.il

registry that would reflect where these persons actually live, and continues to consider them “illegal aliens” in the West Bank. Israel’s objection to correcting the registered addresses causes serious disruptions in the daily lives of these individuals, to the point of making them prisoners in their own homes.

Israel’s Gaza-West Bank separation policy seriously impacts basic human rights enshrined in international humanitarian law, international human rights law and Israeli constitutional law. Primarily affected is the right of every person to move freely within their country of residence and freely choose where to live there. The violation of this right often leads to violations of the rights to family life, health, education, a livelihood and freedom of occupation. When people are denied the right of freedom of movement within their own country, their social and cultural lives are harmed, and their freedom of choice and human dignity are violated.

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|-----------|--|
| 7.6.1967  | <b>Israel occupies the West Bank and the Gaza Strip and issues the Orders regarding Security Regulations</b>   |
|           | The Orders stipulate, inter alia, that "a 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 a military commander or on his behalf, will be charged with violating this order" (Section 70). |
|           | <a href="#">Order for the West Bank</a> ; <a href="#">order for the Gaza Strip</a>   |
| 8.7.1967  | <b>The military proclaims the West Bank and the Gaza Strip to be closed areas</b>  |
|           | <a href="#">Order for the West Bank</a> ; <a href="#">order for the Gaza Strip</a>   |
| 8.1.1969  | <b>The military issues the Order Regarding Identity Cards and the Population Registry</b>  |
|           | <a href="#">The Order stipulates</a> that a "resident of the Area" – a person lawfully present in the West Bank whose permanent place of residence is located therein – must notify of any change in personal details appearing in the population registry within 30 days of the date of the change. A similar order is issued for the Gaza Strip.                           |
| 29.6.1969 | <b>The military issues the Order Regarding the Prevention of Infiltration</b>  |
|           | <a href="#">The Order stipulates</a> that an "infiltrator" – defined as a person who has unlawfully entered the West Bank from enemy states (Jordan, Syria, Egypt and Lebanon) – may be prosecuted and deported. A person who has entered the West Bank with a valid permit, but remains 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 is issued for the Gaza Strip](#).

5.7.1970 **The military issues the General Entry Permit, regulating the entry to and presence in the West Bank of Israelis and foreign nationals**

[The Order stipulates](#), inter alia, that an Israeli cannot relocate to the West Bank unless "by personal permit issued by a military commander"; an Israeli who intends to visit the West Bank for more than 48 hours, must obtain a "permit from a military commander; and that an Israeli cannot set up in the West Bank "structures, an encampment, a camp-site [...] unless under a personal permit issued by a military commander". The Order has never been revoked, but neither has it ever been enforced.

1972 **The military introduces general permits for travel between the West Bank and Gaza**

OPT residents may leave one area and enter the other without need for a personal entry permit.

[Entry to the West Bank from Gaza](#); [Entry to Gaza from the West Bank](#) (in Hebrew)

25.4.1982 **Following the Israel-Egypt peace agreement and Israel’s withdrawal from the Sinai Peninsula, Israel opens Rafah Crossing, which connects Gaza to Egypt**

Until the October 2002 outbreak of the second intifada, the crossing – operated by the Israel Airport Authority – is open daily, round the clock, with the exception of the Jewish Day of Atonement and the Muslim holiday of Eid al-Adha. Each day, between 1,200 and 1,500 Palestinians travel through the crossing in both directions. In the summertime, when relatives come from abroad to visit the West Bank, the numbers are doubled.

See [Al-Mezan report from February 2003](#), pp.7-8

16.9.1982 **The military commander amends the Order Regarding Security Regulations**

[Section 90](#) replaces Section 70. The military commander's authority is split to two stages: under subsection 90(a) the “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 area's closure itself does not automatically limit entry and presence therein.

The Order on the closure of the West Bank, which does not contain a restriction on entry or presence therein, is not revised. From this point on, Palestinians entering the West Bank are not legally required to have a written permit for that purpose.

1988-1991 **Israel changes its policy and issues a temporary order which cancels the general entry and exit permits for the west Bank and Gaza – supposedly 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 of the military commander. It is not necessary to obtain a written permit – and so, usually, Palestinians seeking to enter the West Bank from Israel simply gain permission from the soldier on duty at the checkpoint, without an actual permit. The Temporary Order for the West Bank is in effect to this day.

1993 **Israel imposes a full closure on the OPT "until further notice"**

Following the killing of Israeli civilians and security forces personnel, [the military cancels “on a temporary basis” all 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 between the West Bank and East Jerusalem. Permits to enter Israel are issued sparingly, according to unknown criteria. The full closure has never been lifted.

1993-1995 **The Israeli-Palestinian Interim Agreement (the Oslo Accords) is signed; the Palestinian Authority is established**

The [Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip](#) 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 I[2]).

- Joint Palestinian-Israeli control of Rafah Crossing (between Gaza and Egypt) and Allenby Bridge Crossing (between the West Bank and Jordan) is instituted. However, the Agreement leaves Israel with full responsibility for security issues at the crossings, the authority to deny travel of Palestinians not registered in the OPT population registry and the power to interrogate or detain passengers (Annex I, Article VIII).
- Travel between the two parts of the OPT is to be carried out through a “safe passage” on Israeli soil, where persons, vehicles and goods can travel directly. Persons and vehicles will enter the Gaza Strip via Erez Crossing and goods via Karni Crossing. In the West Bank, passage will be effected through the Tarkumia crossing point in Hebron District, and another crossing point to be installed in the Mevo Horon area. The safe passage will operate no less than ten hours a day, except for on the Jewish Day of Atonement, Israel’s Memorial Day and Israel’s Independence Day, when it will remain closed (Annex I, Article X).
- 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 **retroactively** inform the Israeli side of every change it has made in its population registry, yet the decisive registry is the one managed by the PA ([Annex III, Article 28](#)). The Agreement makes no special reference to address changes between Gaza and the West Bank.

1994 **Israel installs a fence on the Gaza border**

Following the withdrawal of the Israeli military from most of the Gaza Strip, as part of the implementation of the agreements with the PLO, Israel builds an electronic fence around Gaza. Thereby, the implementation of the personal-permit regime for travel in and out of Gaza becomes almost total.

November-December 1995 **Israel incorporates the Interim Agreement into the military legislation in proclamations regarding implementation of the Interim Agreement**

[Proclamation No. 5](#) institutes the Agreement in the Gaza Strip, and [Proclamation No. 7](#) institutes it in the West Bank. Each proclamation contains an article – 5(b) and 6(b) respectively – which stipulates: "The decision of the commander of IDF forces in the area that the powers and responsibilities remain with him, shall be decisive for this matter".

- 1996 **Contrary to the Oslo Accords, the military informs the Palestinian Authority that a change of registered address from the Gaza Strip to the West Bank requires Israeli approval. Address-change approvals are given only to some, according to unknown criteria**  
[Haaretz newspaper article, June 8, 1998](#)
- 1998 **Gaza's international airport, in the southern Gaza Strip, is inaugurated as part of the Oslo Accords**  
The Palestinian Authority runs the airport. About 30 flights depart weekly on route to Arab countries, subject to Israeli security checks of passengers at Rafah Crossing.  
With the airport's opening, Israel greatly restricts Gaza residents ability to travel abroad via Allenby Bridge border crossing, and more so via Israel's Ben Gurion international airport.
- 1999 **The safe passage prescribed in the Interim Agreement reaches full implementation**  
After many years of Israel's obstruction of the [safe passage](#) activation, travel between Gaza and the West Bank via Israel is arranged. Use of the safe passage requires obtaining a "safe passage card" from the Israeli side, and meeting stringent checks at the exit points, but there are no restrictions on how long people may stay at their destination. Many Palestinians are permitted to travel only in special buses, escorted by the military. Thousands of others are defined "permanently precluded" and are banned from using the safe passage altogether, even by the military-escorted bus. Despite these restrictions, the safe passage greatly improves Palestinians' ability to travel between the two parts of the OPT, and tens of thousands manage to get permits. According to military figures, in the first nine months of 2000, i.e., until the outbreak of the second intifada, Israel issued 12,000 safe-passage permits to Gaza residents every month.  
See [report by HaMoked and B'Tselem](#), March 2005, pp. 10, 17
- October 2000 **The second intifada breaks out: Israel decides to separate the Gaza Strip from the West Bank; the safe passage is closed and so is the Gaza airport; 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 of updated addresses, sent by the Palestinian Authority 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 will later cite subsection 6(b) of [Proclamation No. 7](#), to argue that in fact, it has always retained the authority over the updating of addresses):

- "Gazans" present in the West Bank are detained at military checkpoints for hours because of their Gaza addresses; military officials in the West Bank who are in charge of processing residents' applications staunchly refuse to process those filed by individuals with a Gaza address, effectively stripping them of their rights.
- Israel begins to forcibly remove Palestinians from the West Bank to Gaza based on their address, claiming that they are "staying in the Area without their permanent relocation having been approved". Palestinians who travel to Gaza for a visit are stranded there and not allowed 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. Students from Gaza, for example, are banned from attending academic institutions in the West Bank. At the same time, Israel prevents Gaza Palestinians from reaching the West Bank by way of Rafah Crossing, Egypt and then Jordan – the alternative route used by those who could not obtain a permit to travel across via Israel – by denying entry to the West Bank through the Allenby Bridge border crossing to Palestinians with registered Gaza addresses.
- Israel shuts down the Palestinian airport near Rafah, and later destroys it in an air raid. In addition, Israel all but stops issuing Gaza residents with permits of transit to the West Bank for the purpose of travel abroad via the Allenby Bridge border crossing. Thus, the Rafah land crossing becomes the only outlet abroad from the Gaza Strip.

January  
2001 to  
September  
2005

**Israel takes sole control over Rafah Crossing, refusing to allow Palestinian Authority officials to reach it. Every time Israel decides to shut down the crossing the result is a siege on Gaza, with no one able to leave or enter**

According to Israel Airport Authority figures, from 2001 to 2004, the average daily number of passengers traveling through Rafah Crossing was about 590, indicating a 50% drop in the number of persons traveling between Gaza and Egypt compared to the period prior to the intifada. Rafah Crossing's longest closure stretches from December 2004 until January 2005, remaining closed for entry for 40 days and for exit for 52 days. When operating during the intifada, Rafah Crossing is usually open for only 7 hours a day, compared to 24 hours beforehand. In these years, Israel also intensifies restrictions at the crossing, including defining tens of thousands of residents as barred from travel abroad for "security reasons", and imposing collective bans on crossing for varying periods of time, based on age and family status.



See [report by Gisha and Physicians for Human Rights-Israel](#), March 2009, p. 17

2001 **The Palestinian Authority stops updating address changes in the population registry**

The PA stops updating address changes in the population registry it manages following Israeli pressure, as well as complaints by Palestinians whose address was updated by the PA but not by Israel, who have consequently experienced difficulties crossing checkpoints and have been blamed by the military of forging identity cards.

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 "the legislation enacted in the two areas is generally identical, the judicial actions in the two areas come under the same roof, and even if the administration is separate, its actions in the two areas are coordinated – both in the civilian sphere and the security sphere". The State also maintains that: "Israel's choice to administer the two areas through different commanding officers is an organizational decision, and in the present matter, it has no great 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 judgment: the High Court of Justice rules that the West Bank and the Gaza Strip should be viewed as a single territorial unit**

In its [judgment in HaMoked's petition](#) against Israel's intention to forcibly transfer to Gaza three relatives of perpetrators of attacks on Israeli civilians, the HCJ revokes the removal order issued against one of the three, stressing that forcibly transferring a person from their place of residence is highly injurious to their dignity, liberty and property. The court also rules that an essential condition for "assigned residence" (namely removal to Gaza) is that it could serve to avert a danger emanating directly from that person, and not used for the purpose of general deterrence. In the judgment, President Barak determines that "**the Judea and Samaria Area and the Gaza Strip Area should not be regarded as foreign to one another, but should be regarded as one territory**". The HCJ further rules that the forcible transfer of West Bank residents to Gaza does not constitute deportation, but rather assigned residence within the same occupied territory, as defined in Article 78 of the Fourth Geneva Convention.



2003 onwards	<p><b>HaMoked petitions the High Court of Justice regarding travel between Gaza and the West Bank</b></p> <p>HaMoked petitions the HCJ on behalf of Palestinians who have been forcibly transferred from their homes in the West Bank to Gaza (see, e.g., 18.6.2003); Gazan brides who have married men from the West Bank but are not allowed to travel across to the West Bank for their wedding ceremonies and to begin their married life there (22.3.2007); former prisoners who have been released from prisons located inside Israel directly to Gaza, based on their registered address, although their homes are in the West Bank (10.4.2005); and patients who must travel to the West Bank for medical examinations unavailable in Gaza (15.5.2005).</p>
18.6.2003	<p><b>HaMoked petitions against the forcible transfer of a Palestinian from the West Bank to Gaza</b></p> <p>The petitioner relocated to the West Bank in 1991. The Palestinian Authority 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 accordingly. The man was detained at the Allenby Bridge crossing en route abroad, held for one day, then forcibly transferred to Gaza on the grounds that his registered address was there. Following the <a href="#">petition</a>, Israel decides to allow the petitioner to return to his home in the West Bank.</p>
27.12.2004	<p><b>The High court of Justice endorses an agreement – reached during discussions over HaMoked's petition – to allow Palestinian relatives to visit Church-of-the-Nativity deportees</b></p> <p>The petition challenged Israel's decision to forbid a West Bank couple to travel across to the Gaza Strip and back, in order to visit their son, who had been forcibly removed to Gaza at the end of the Church of the Nativity barricade incident. Under the <a href="#">agreement reached in the petition</a>, immediate relatives may apply individually to visit their deported kin in Gaza, and their applications will be promptly considered and approved subject to the absence of a security ban or a complete closure on the West Bank and Gaza.</p>
March 2005	<p><b>HaMoked and B'Tselem: Israel must end its chokehold policy towards the Gaza Strip and respect the Gaza residents' right to freedom of movement</b></p> <p>On February 20, 2005, Israel finalizes the approval of all elements of the disengagement plan, aimed mainly at withdrawing the military and removing all Jewish settlements from the Gaza Strip. Ahead of the plan's implementation, HaMoked publishes with B'Tselem a <a href="#">joint report</a>, which reviews the severe movement restrictions Israel has been imposing on the</p>

residents of the Gaza Strip since the early 1990s. The report also addresses the economic siege on the Gaza Strip and cautions against Israel's anticipated disavowal of responsibility toward the residents of Gaza following the disengagement.

10.4.2005 **HaMoked petitions on behalf of a Palestinian who has been released from a prison inside Israel directly to Gaza based on his registered address, although his home is in the West Bank**

Israel objects to the man's return to the West Bank, claiming that "his settlement has not been approved" and that he is considered a security threat. During court proceedings and after an order nisi has been issued, the state admits that there is no such thing as a "settlement permit" and that the address change in the population registry is tantamount to approval. The [petition](#) is dismissed on security grounds, without a ruling on the question of "settlement".

[For further information](#)

15.5.2005 **HaMoked petitions on behalf of a Palestinian from Gaza, who seeks to travel across to 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 guarantee the basic rights of OPT residents, including their right to medical treatment; and when a certain medical treatment is unavailable in the area under its control, the military must take all necessary means to enable the vital medical examination or treatment. Without even a court hearing, after the petition is filed, a permit of entry to Israel is issued.

[For a similar petition](#)

7.9.2005 **HaMoked petitions the High Court of Justice: 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 sought to return to her home, the military prevented her from doing so based on security claim, despite having permitted her entry to Israel just a week before. Following the [petition](#) the military retracts its decision and allows her return to her home.

12.9.2005 **The end of the military administration in Gaza (the "disengagement")**

Following an Israeli Government Resolution, military forces withdraw from the Gaza Strip, and transfer their authorities to the Palestinian Council. [The](#)

[military administration in the Gaza Strip ends](#). In practice, Israel retains effective control over Gaza's land and maritime borders and also its airspace.

15.11.2005 **Israel and the Palestinian Authority sign the Agreement on Movement and Access, which provides for the opening of the Gaza border crossings after the Israeli withdrawal**

The [Agreement](#) stipulates that the Rafah Crossing be opened and operated by the Egyptians and Palestinians, under direct EU supervision and remote CCTV supervision by Israeli security personnel. Use of the border crossing requires prior approval by Israel and the PA.

The Agreement also regulates the operation of Kerem Shalom Crossing, reserved for the shipment 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 the operation of secured shuttles between it and the West Bank via Israel.

13.3.2006 **HaMoked petitions the High Court of Justice against the blanket restrictions on travel between the West Bank and the Gaza Strip**

The [petition](#) surveys 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 their own country. [The state counters](#) that due to the dramatic changes in the security situation in the Gaza Strip following the disengagement, the petition's factual and legal basis is no longer relevant. The state also argues that the signed agreements between Israel and the PA regarding travel between the West Bank and Gaza Strip through Israeli territory do not constitute a legal authority that compels Israel to allow OPT residents to transit through its territory. The HCJ refuses to hear the petition on its merits on the grounds that it challenges a general policy.

30.11.2006 **A UN report determines that 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 people and goods remain closed for most of the year. Thus, for instance, Israel has been disrupting the regular operation of Rafah Crossing ever since the June 2006 capture of Israeli soldier Gilad

Shalit by Hamas, keeping it closed for 86% of the time; Israeli authorities prevent the opening of the Crossing by denying access of EU monitors (EUBAM) to Rafah.

22.3.2007 **HaMoked petitions the High Court of Justice: instruct the military to allow a Gaza family to travel across to the West Bank to participate in a wedding ceremony**

The petitioning bride's wedding has been postponed several times due to the military's refusal to grant the bride, her parents and siblings permits to enter Israel to travel across from Gaza to the West Bank. [The parties reach an agreement](#) whereby the petitioner and her family are to travel to the West Bank provided they guarantee to return to Gaza within two weeks. The petitioner may remain with her husband in their West Bank home for two months, during which she act to change her listed address in the population registry.

The petitioner accordingly changes her address in the Palestinian population registry to Tulkarm; but Israel refuses to enter the change in its copy of the registry. In 2008, HaMoked has no choice but to file [another petition](#) against Israel's policy of not updating registered addresses.

At the same time, HaMoked files a number of petitions ([HCJ 2905/08](#), [HCJ 3592/08](#)), on behalf of other brides prevented from 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 immediately return to Gaza). The HCJ rules the state must formulate a written procedure on the method of filing such passage application and the criteria for approval. The court consolidates these petitions with the petition the update of addresses. The State Attorney's Office dubs the consolidated petitions "the settlement petitions", giving the first clear indication of Israel's drive to separate between Gaza and the West Bank.

June 2007  **Hamas seizes power in Gaza. Israel responds by halting implementation of the Agreement on Movement and Access**

Some six weeks later, HaMoked and other Israeli and Palestinian human rights organizations release a [joint call](#) to Israel, the European Union, the Palestinian Authority and Egypt, to immediately open Gaza's borders for passage of people and implement Agreement on Movement and Access regardless of their political agenda concerning Hamas. The closure of Rafah Crossing, in particular, harms hundreds of thousands of residents who cannot leave Gaza or return there in order to make a living, receive medical treatment or study. The organizations also call on Israel, as the occupying power with effective control over Gaza, to uphold its duty to ensure the wellbeing of the residents of Gaza.

The call falls on deaf ears. Rafah Crossing remains regularly closed until June 2010. Until then it is operates for brief periods only, in special cases, or when forced open by Palestinians.

19.9.2007 **Israel proclaims Gaza a “hostile entity” and declares that travel into and out of Gaza will be allowed only in cases it deems “humanitarian exceptions”**

[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 the supply of fuel and electricity. A restriction will be placed on the movement of people to and from the Gaza Strip [...] taking into account the humanitarian aspects existing in the Gaza Strip".

See [response of the Israeli human rights community](#) to the Cabinet Resolution

November 2007 **The military begins to issue stay permits to “Gazans” present in the West Bank**

According to an internal military decision – never made public and revealed only in 2008, in a response to HaMoked’s [freedom-of-information application](#) – "As of November 2007, a resident of the Gaza Strip who is present in the Judea and Samaria Area is required to hold a permit of ‘stay in Judea and Samaria’".

The military claims the authority to issue such permits is derived from the “Temporary Order” suspending the general travel permits (see 1988-1991).

13.3.2008 **HaMoked petitions the High Court of Justice on behalf of four children born and raised in Ramallah who are erroneously listed as living in Gaza in the Israeli-held copy of the population registry. Israel refuses to fix the error, exploiting the registry as part of its drive to split between Gaza and the West Bank**

In the hearing of the [petition](#), Israel admits that there is probably an error in the children's registration in its version of the registry. The justices instruct the state to correct the children's registered address once the Palestinian Authority sends **notice** to that effect. The state is now obliged to correct the address, having first insisted on receiving a **detailed settlement application** for the purpose.

For [further information](#)

- 15.4.2008 **Contrary to the Interim Agreement and the case law of the High Court of Justice, the Civil Administration claims the West Bank and the Gaza Strip are two distinct and separate areas**
- In [response to HaMoked's inquiry](#) regarding OPT residents' address-change applications, the Civil Administration spokesperson asserts a distinction should be made between applications for a change of address within the West Bank and those for a change of address from the West Bank to Gaza and vice versa. The spokesperson claims that the latter constitute applications 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 High Court of Justice](#) against the military's decision, arguing that 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 HCJ to review Israel's unlawful policy of exploiting the predicament of Palestinians in the West Bank in pressuring them to relocate to Gaza. In July 2010, the HCJ deletes the petition on the grounds it has become moot and theoretical, and refuses to review the issue of Israel's overall policy, challenged in the petition.
- 8.3.2009 **The military formulates a procedure for handling Gaza residents' applications to "settle" in the West Bank**
- The [procedure](#) – made public in the context of the "settlement petitions" (see, March 22, 2007) – stipulates that movement from the Gaza Strip to the West Bank be limited to the "minimum required"; the military is to examine only detailed applications transferred by the Palestinian Authority; the criteria for approval are security clearance and the existence of "objective humanitarian circumstances". The procedure defines only three categories for approving applications for relocation from Gaza to the West Bank: chronic patients whose condition requires care by a family member, orphaned children younger than 16 and elderly persons over age 65 in need of nursing care – provided there is no other relative who can care for them in the Gaza Strip. Family ties, even of the first degree, do not qualify under the procedure as humanitarian circumstances that warrant relocation to the West Bank.
- [Position paper by HaMoked and Gisha regarding the "settlement procedure"](#)
- 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 the organizations' applications on behalf of Gaza residents**

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

In November 2009, the [State Attorney's Office announces](#) the military will henceforth strictly adhere to protocol, including the provision of written responses to the organizations' applications.

18.11.2009 **Israel announces a policy of deportation from the West Bank: Palestinians who relocated from Gaza to the West Bank after the outbreak of the second intifada, but still have a registered Gaza address, may be deported from their home**

The policy is presented to 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 also announces that Palestinians who moved to the West Bank before the outbreak of the second intifada in October 2000, but are registered with a Gaza address, will not be removed from their homes. However, Israel does not update their addresses in its copy of the Palestinian population registry.

19.1.2010 **Following HaMoked's petition, Israel cancels an order for the deportation of a Palestinian police officer from the West Bank to Gaza and releases him from custody: The officer has been incarcerated for ten months on the baseless claim of “illegal presence” in the West Bank**

The police officer arrived in the West Bank from the Gaza Strip in 1995 as part of his official duties – with Israel's approval and under its auspices – in the framework of the implementation of the Oslo Accords. 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 for being illegally present in the West Bank, without a permit.

Following HaMoked's urgent petition and the court's interim order preventing the deportation, Israel attempts to keep him in custody an "infiltrator" under the Order regarding Prevention of Infiltration. To justify this, the state makes the opposite claim – the man had a permit to stay in the West Bank, but the permit has expired. This is the first known instance where a Palestinian listed in the OPT population registry is designated an "infiltrator".



HaMoked asserts that no such "permits" ever existed, nor were they ever required and so could never expire or be breached. The HCJ issues an order nisi in HaMoked's petition, requiring the state to justify the deportation. In response, the state revokes the deportation order.

For [further information](#)

15.3.2010 **HaMoked and other human rights organizations in a general petition to the High Court of Justice: cancel the "settlement procedure" which cements the separation between the West Bank and the Gaza Strip and violates the basic rights of OPT residents**

In the [petition](#), HaMoked asserts that the new military procedure – which stipulates, inter alia, that movement from Gaza to the West Bank is to be limited to the "minimum required" – is illegal, drains the term 'humanitarian' of all meaning 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.

HaMoked also asserts that the "settlement procedure" is another facet of the Israeli policy to deepen the separation between the West Bank and Gaza, and that it stems from political rather than security reasons.

For [further information](#)

13.4.2010 **The military revises the Order Regarding the Prevention of Infiltration – from now on, any person present in the West Bank without a military permit is deemed to be an infiltrator and liable for deportation or imprisonment**

For the first time ever, Palestinians are required to hold a written permit to remain in the West Bank. The requirement is applied retroactively. An infiltrator faces deportation, which can be carried out within 72 hours, or a prison term.

HaMoked contacts military authorities prior to the entry of the [order](#) into effect, demanding the military revoke it or at the least restrict its application, as worded at present, so that it would not apply to the entire population of the West Bank. In response, the military [presents its interpretation](#) to the "infiltrator" definition, maintaining that the words "present in the area" refer only to a person who has entered the West Bank, not born there. The military commander refuses to change the vague wording of the orders, left to be interpreted by the military, although they allow for mass deportations and severe violations of international law.

For [further information](#)

25.5.2010 **HaMoked and other human rights organizations in a general petition to the High Court of Justice: Israel must update its copy of the Palestinian population registry and end its policy of forcible transfer of Palestinians from their homes**

In the [petition](#), HaMoked argues that Israel's refusal to update its copy of the Palestinian population registry constitutes a violation of the Interim Agreement and of the legislation relating to the population registry. The petitioners add that forcible transfer to Gaza of Palestinians living in the West Bank, based on their address listing in the Israeli copy of the registry, is illegal and a violation of the residents' right to choose their place of residence within their own country, recognized in Israeli law and international law alike.

For [further information](#)

June 2010 **Following a protest flotilla to Gaza, Egypt opens Rafah Crossing for regular travel**

In May 2010, a flotilla of sea vessels embarks from Turkey to the Gaza Strip to protest against Israel's maritime closure on Gaza. Israel's takeover of the largest ship in the flotilla, the Mavi Marmara, ends in the death of nine passengers by Israeli Navy gunfire and generates scathing international criticism. Following the flotilla incident, Egypt announces the daily opening of Rafah Crossing for travel of people. The Crossing operates outside the Agreement on Movement and Access and passage is granted only to limited categories of passengers, including Palestinians seeking medical treatment in Egypt, foreign nationals, students seeking to study abroad and people who managed to secure individual permits from Egypt. In late May 2011, three months after the ousting of President Mubarak, Egypt opens Rafah Crossing for regular travel of all Gaza residents carrying a passport and a Palestinian ID card. And so, travel through the Crossing still depends on registration in the Palestinian population registry – which can only be changed with Israeli approval. Thus, Israel continues to exert a degree of control, albeit reduced, over Rafah Crossing.

See [Gisha report from November 2011](#), pp. 15-17

The opening of Rafah Crossing slightly alleviates the problem of travel between the West Bank and the Gaza Strip: Palestinians registered in the West Bank are able to travel through Allenby Bridge Crossing to Jordan, then Egypt, and enter Gaza via Rafah Crossing, returning the same way. However, aside from the fact that this is a long, cumbersome and expensive journey, it too, is limited by Israel: Palestinians registered in the Gaza Strip cannot use it to enter the West Bank, as Israel would deny them entry at Allenby Bridge. Similarly, Palestinians registered in the West Bank who take

this long route to Gaza, cannot return home via Erez Crossing and through Israel, and must travel back to the West Bank by the same winding route.

6.6.2010 **According to military information provided to HaMoked: Some 35,000 Palestinians living in the West Bank are liable for expulsion, because their registered address is in Gaza; each year, Israel forcibly transfers dozens of Palestinians from the West Bank to Gaza**

As stated, since 2000, contrary to the Oslo Accord, Israel has been freezing all updating of Palestinians' addresses in its copy of the population registry, instructing the military to rely exclusively on the erroneous outdated records. Over the years, Israel's outdated copy causes severe difficulties to Palestinians in their encounters with occupation authorities, particularly at checkpoints and border crossings.

The military treats these tens of thousands of Palestinians whose address has been left deliberately unaltered in the registry copy as “illegal aliens” in their homes. From early 2008 to mid-2010, 85 individuals are expelled from the West Bank to the Gaza Strip based on these outdated address records. Eleven of them have lived in the West Bank since before the outbreak of the first intifada; deportation orders have been issued against only four of them – thus according to military data.

HaMoked receives the [data](#) as part of its [freedom of information petition](#).

25.10.2010 **A response to HaMoked’s freedom-of-information application reveals: the military does not enforce the order regulating Israelis' entry to the West Bank, and hundreds of thousands of settlers live there without the required permits. At the same time, the military treats Palestinians who live in an integral part of their own country as “infiltrators”**

Under the [order regulating the entry of Israelis and foreign nationals to the West Bank](#) and their presence therein, an Israeli cannot relocate to the West Bank unless "under a personal permit issued by a military commander".

The military forcibly transfers Palestinians from the West Bank to the Gaza Strip based on the claim that this is a closed military zone and so anyone who is present there and is not a "resident of the Area" must obtain a military permit for the purpose. However, under military legislation, Palestinians are not required to hold such permits, whereas, conversely, the express order requiring Israelis to have permits to stay in the West Bank – [remains unenforced](#). Through this practice, which contravenes international law, the military effectively transforms the West Bank to a zone closed to Palestinians only.

December 2010 **The military issues a protocol for processing applications for “settlement” in the Gaza Strip by residents of the West Bank**

Israel does everything in its power to prevent Palestinians living in Gaza from relocating to the West Bank, but when it comes to relocating the other way, the policy is the opposite.

The [procedure regulating relocation from the West Bank to Gaza for the purpose of “settlement”](#) stipulates that “the premise is that a resident of the Judea and Samaria Area may file an application for permanent settlement in the Gaza Strip for any purpose perceived as humanitarian (usually family unification)”; contrary to relocation in the other direction, wherein the military emphasizes family ties do not constitute humanitarian circumstances. According to the procedure, West Bank residents wishing to move to live in Gaza with their relatives can easily do so, so long as they are prepared to sign an undertaking to fully “settle” in the Gaza Strip and declare that they are aware of the fact that they would not be permitted to return to the West Bank – not even for time-limited visits – other than in extremely exceptional cases.

The procedure is made public in April 2012, as part of Gisha’s communications with the military.

16.3.2011 **A month ahead of the hearing in the general petition on the update of addresses from Gaza to the West Bank, Israel announces it has decided, as part of a “political gesture”, to approve “the settlement” in the West Bank of 5,000 Palestinians who are listed with Gaza addresses**

In its [response to HaMoked's petition](#) to instruct the military to update the address of three West Bank minors in the Israeli copy of the Palestinian population registry, the State Attorney's Office announces that Israel has decided "as part of a political gesture, to approve the settlement in the Judea and Samaria Area, hence – 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 [...]".

Following this announcement, the state argues that the general petition regarding the updating of addresses "is completely irrelevant". HaMoked objects on the claim that the "gesture" will provide a solution for just a fraction of the population concerned, and recalls that the updating of addresses is not a "gesture" on part of Israel, but an obligation, and that in this context, political or diplomatic considerations are clearly improper and extraneous.

5.5.2011 **Israel presents the "restrictive policy" document: Passage from the West Bank to the Gaza Strip and vice versa will only be allowed in "exceptional humanitarian" cases which meet extremely narrow and strict criteria; as well as for football players**

In proceedings in a joint petition filed by HaMoked, physicians for Human Rights-Israel and Gisha, Israel presents a document detailing the "[policy on movement of people](#)". The document stipulates that passage through Israel from the West Bank to Gaza and vice versa is allowed only in "exceptional humanitarian" cases meeting one of the following purpose criteria: attending a funeral or wedding of an immediate relative; or visiting an immediate relative who has a serious, life-threatening illness, or an illness requiring long hospitalization. Passage from the West Bank to Gaza is allowed for the purpose of "settlement"; passage from Gaza to the West Bank is allowed strictly for "the purpose of receiving life-saving medical treatment or medical treatment without which quality of life is entirely altered" which cannot be obtained in Gaza. Children up to age 6 may be taken along for visits.

In effect, according to Israel, even immediate family ties do not constitute grounds for travel between the West Bank and the Gaza Strip. At the same time as it restricts the above-stated "exceptional humanitarian" criteria, Israel also stipulates that "members of the Palestinian national football team" may leave Gaza to participate in training and matches.

22.1.2012 **In proceedings in HaMoked's petition, Israel clarifies it will not allow relatives of individuals removed to Gaza in the Shalit exchange deal to travel through its territory to visit them in Gaza**

In [response to the petition](#) – to enable the relatives of one of those who were removed to Gaza to attend his wedding there – the State Attorney's Office notifies that "An agreement had been reached between the ISA [Israel Security Agency] and the relevant officials in Egypt and the Hamas organization [...] whereby Israel would allow relatives of prisoners released in Gaza in the Shalit deal to visit them there, **provided that entry into Gaza for said visits not be made through Erez Crossing and exit for the purpose of this visit be made through the Jordan bridges alone**", and subject to security clearance given specifically for the visit.

24.5.2012 **The High Court of Justice dismisses the petition against the "settlement procedure": the court rules that the restrictive policy is reasonable in itself, but that the military should use its discretion so as to broaden the criteria for "settlement" of "Gazans" in the West Bank and reduce the infringement of Palestinians' rights**

The HCJ rules that "the restrictive policy [...] has a particularly harsh result for residents who are not involved in terrorist activity and are forced to be separated from their relatives", and that the Israeli policy "separates – sometimes artificially – between Palestinians who live in the two areas and wish to maintain or create normal family relations".

The justices add that travel from Gaza to the West Bank must not be blocked completely and that is overly rigid to restrict travel to such limited

“humanitarian exceptions” – such as orphaned children and people who require nursing care – especially given Section 9 of the [procedure](#), which allows for “settlement” in “humanitarian exceptions” only when that there are no available relatives in Gaza.

The HCJ expresses further reservations of Section 10, which stipulates that even immediate family ties do not constitute by themselves humanitarian grounds for settling in the West Bank and rules that settlement applications based on marriage should not be uniformly blocked.

[The judgment](#)

[Commentary on the judgment](#)

24.5.2012 **The High Court of Justice issues an order nisi in a petition seeking the change of a registered home address from Gaza to the West Bank: Israel must explain why it will not refrain from forcibly removing to Gaza Palestinians registered with a Gaza address who have been living in the West Bank since before the 2005 disengagement**

Nonetheless, the [HCJ decision](#) does not require the state to explain why it does not update home addresses in its copy of the population registry.

23.10.2012 **Following HaMoked's petition, Israel changes its policy: from now on, any Palestinian registered with a Gaza address who has been living in the West Bank since before September 2005, will not be forcibly removed to Gaza**

HaMoked asserts that [Israel's guarantee](#) not to expel these people from their homes is insufficient, and that it should also change their registered address in its copy to reflect reality. These tens of thousands of individuals listed with a Gaza address in military records continue to encounter problems, delays and questionings every time they have to cross one of the many checkpoints spread throughout the West Bank. When they wish to travel abroad, they must submit a special application proving their departure is justified on "humanitarian needs", and another application to gain military permission to return to the West bank.

In April 2013, following the [HCJ's recommendation](#) to expand the "settlement procedure" criteria for changing a registered addresses to the West Bank, [HaMoked withdrew the petition](#), while reserving its arguments pending publication of the new procedure.

July 2013 onwards **Rafah Crossing is shut down most of the time**

Since the ousting of Egyptian President Mursi, Egypt has been opening the Crossing for just a few days a year and allowing travel under narrow passenger criteria, such as foreign passport holders, serious ill patients with

and students studying abroad. Thus, the Crossing operates for only 32 days in 2015, and only 44 in 2016.

[See figures on OCHA website](#)

August 2013 **The military’s updated procedure for handling Gaza Strip residents’ “applications for settlement” in the West Bank proves just as draconian as its predecessor**

Contrary to the HCJ’s instructions in [the “settlement procedure” judgment](#), the changes in the [updated procedure](#) are minor, and do not make any substantive difference. Thus, for example, the procedure now stipulates that in exceptional humanitarian circumstances, application to relocate to the West Bank may also be made by second-degree relatives, not just immediate relatives. The procedure also stipulates that Palestinians registered with Gaza addresses who moved to the West Bank before September 2005 may get their “settlement” approved and their registered address changed before the stipulated seven-year period, provided they have held West Bank stay-permits for at least three years. This provision, ostensibly intended to help people already living in the West Bank and seeking to formalize their address registration, in fact pits them as law breakers and subjects their remainder in their own homes to receiving permits, as if they were tourists or immigrants.

January 2014 **Joint report by B’Tselem and HaMoked: the policy of isolating the Gaza severely violates Palestinians’ right to family life**

The [report](#) describes the hardships suffered by Palestinian families split between the Gaza Strip and the West Bank or between Gaza and Israel. Tens of thousands of individuals are faced with an impossible reality of Israel intruding the most intimate aspects of their lives, through an array of procedures that establish strict, almost impossible criteria. The most basic and self-evident pursuits such as starting a family, living with one’s spouse and children and keeping in touch with one’s family of origin – become unobtainable.

13.3.2014 **Following HaMoked’s petition, Israel allows a Palestinian whom it forcibly removed to the Gaza Strip to return to the West Bank with the family he formed in Gaza**

The petitioner first moved from the Gaza Strip to the West Bank in 1995, in search of work. In 2003, he was caught inside Israel and removed to the Gaza Strip, despite the fact that his registered address in the Palestinian population registry had been changed from Gaza to the West Bank back in 1998. When his requests to return to the West Bank went unanswered, he resigned to being indefinitely stranded in the Gaza Strip, and over the years, married and started a family there. In 2009, following HaMoked’s intervention, Israel



acknowledged its error and agreed to consider allowing his return to the West Bank, but staunchly objected to allowing his wife and children – born in the Gaza Strip – to travel with him.

Following a [High Court petition](#), and the publication of the updated “settlement procedure”, [the State notifies](#) it has decided to allow the family to move to the West Bank, insisting, however, that the wife and children receive West Bank stay-permits as per the graduated “settlement” process prescribed in the procedure.

September  
2014

**Following a seven-year long siege on Gaza and the military assault dubbed Operation Protective Edge, the Coordinator of Government Activities in the Territories announces certain “relaxations” in the Gaza-West Bank travel restrictions**

Some of the “relaxations” – presented in in the [COGAT’s Standing Orders publication](#) – include raising from six to fifteen the age of children who are entitled to accompany parents on family visits from one part of the OPT to the other – but still only in cases of an “exceptional humanitarian need”. Additionally, grandparents are now included in the category of relatives who may be allowed such “humanitarian visits” (whereas before, the category included only immediate relatives – parents, children and siblings).

This “relaxations” are clearly a mockery. Even after a blood-drenched assault which wreaked destruction on the Gaza Strip and its residents, Israel presses on with its policy of isolating Gaza from the West Bank and the world.

26.3.2015

**Military figures provided to HaMoked point to a clear trend: Israel encourages West Bank Palestinians to “settle” in the Gaza Strip, while making it almost impossible to travel in the opposite direction**

As part of a freedom-of-information petition by HaMoked and Gisha, the [military states](#) that not a single application was filed under procedure on “settlement” in the West Bank from the time it was first published in March 2009 and until it was amended in August 2013. [Correspondence between the organizations and the military](#) reveals that even after the August 2013 amendment, there has been no significant change in the number of applications submitted or accepted.

The opposite emerges from the [information later provided by the military](#) concerning to applications for “settlement” in Gaza: Between January 2011 and August 2014, the military approved 58 such applications. The military fails to provide information on the total number of applications filed, or denied, under the procedure.

24.11.2016 **Following HaMoked's petitions to High Court of Justice, the addresses of two young Gaza-born Palestinians who have been living in the West Bank since infancy will be changed following a shortened procedure, without need for stay permits in the interim**

Back in January 2013, [HaMoked petitioned the HCJ](#) to instruct the state to update the addresses of two young Palestinians erroneously listed as Gaza residents in Israel's copy of the Palestinian population registry, although they had been living in the West Bank since infancy. The state demanded the two undergo the seven-year "settlement" procedure, during which time they would have hold to renewable stay-permits for the West Bank. HaMoked insisted the two should not be made to undergo the "settlement" procedure outline, given that they did not apply to relocate from Gaza to the West Bank, but rather had been living there almost their entire lives.

The HCJ accepts HaMoked's arguments and advises the State to set a waiting period – without requiring stay permits – at the end of which, in the absence of a criminal or security impediment, the two could have their registered address changed to reflect reality. In response, [the state notifies](#) that "the Petitioners shall, as an exception, **be exempted**, from the duty to take action toward obtaining renewable Judea and Samaria stay permits and the duty to carry same", and that their "settlement" process will be reduced to three years, at the end of which, their address will be changed from the Gaza Strip to the West Bank. HaMoked on its part insists that the addresses be changed immediately. The state ultimately agrees, on the court's recommendation, to shorten the process by another six months, such that the petitioners' addresses would be updated on June 16, 2017. The agreement is endorsed and validated as a [judgment](#).

Currently **Despite HaMoked's achievements in the general petitions, Israel continues to forbid OPT residents to move from the Gaza Strip to the West Bank, and, as a rule, blocks changes of address from the Gaza Strip to the West Bank. At the same time, Israel encourages, sometimes even forces, Palestinians from the West Bank to leave their homes and "settle" in the Gaza Strip as a condition for exercising their right to family life. Thus, through its control over the Palestinian population registry, Israel uses the Gaza Strip not only as a prison for OPT residents registered as living there, but also as a tool for reducing the population of the West Bank.**