

## ***The Bureaucratic Procedure for Relatives Visiting the Occupied Territories***

As in the case of family unification, to obtain a visitor's permit, Palestinians were required to purchase the request form at the post office, have it signed by various authorities, and then submit it to the Civil Administration. When submitting the request, the applicant had to undertake to ensure that the relative leaves the Occupied Territories at the end of the time permitted for the visit. The applicant also had to sign a guarantee in the amount of NIS 5000, to be collected if the visitor did not leave.

Upon approval, the authorities sent the visitor's permit to the border crossing at the Jordan River bridges or at Rafah for the visitor to pick up. Most permits were for one month, commencing when the visitor entered the Occupied Territories. The permit could be extended only twice, each time for one month. Each extension required payment of a fee,<sup>142</sup> and the signature of the same authorities who had signed previously. The authorities were likely to deny the extension request for "governmental and security reasons."<sup>143</sup>

In most cases, the Civil Administration approved visits only during the summer months (from the beginning of June until the end of August) and ruled that, "Visitor's permits for periods other than during the summer are only granted in exceptional humanitarian circumstances."<sup>144</sup> The authorities did not respond to HaMoked's request for a list of the grounds for allowing non-summer visits.<sup>145</sup>

The Civil Administration rejected without explanation many requests for visitor's permits for spouses. HaMoked's investigation showed that the authorities limited the number of permits granted for spousal visits, arguing that it is very likely that

---

142. The fee was one half of the fee charged for obtaining the original visitor's permit. See the Table of Fees, p. 62.

143. This procedure was stated in the answers provided to B'Tselem by Lt. Hochman, of the office of the Coordinator of Government Operations in the Occupied Territories, in November 1990.

144. From a letter of 14 April 1992 from Lt. Cohen to HaMoked.

145. HaMoked sent its letter of request, dated 1 September 1992, to the legal advisor of the Civil Administration in the West Bank.

spouses would not leave when their permit expires.<sup>146</sup> The arbitrary denial of requests for visitor's permits also occurred when requests were made on behalf of other relatives, such as brothers and sisters.

HaMoked made several requests to the authorities for data on the number of requests for visitor's permits that were submitted each year and how many were granted.<sup>147</sup> The requests remained unanswered.

### **C. Civil Administration Breaches of the High Court of Justice Agreements**

Human rights organizations' monitoring of implementation of the High Court of Justice agreements revealed that Civil Administration offices refused to recognize the rights of many families included within the High Court of Justice populations. Some Civil Administration employees were unaware of the agreements, and others deliberately ignored them.

HaMoked and The Association for Civil Rights in Israel often requested the authorities to instruct the Civil Administration personnel in the Occupied Territories to act in accordance with the agreements, but the requests did not help. When it realized that the authorities were ignoring the requests, HaMoked itself sent copies of the High Court of Justice agreements to the Civil Administration branch offices.

In the beginning of 1994, the Coalition for Family Unification met with Col. Ahaz Ben-Ari, head of the international law department of the office of the Military Advocate General. The meeting resulted in the drafting of procedures for requesting family unification and visitor's permits for the High Court of Justice populations.<sup>148</sup>

---

146. For example, "It [Bethlehem District] does not intend to approve entry of spouses with visitor's permits where it may reasonably be assumed that they will not leave at the end of the visit" (letter of 1 August 1994 from Second Lt. Rachel Dorenbaum, of the office of the legal advisor of the Civil Administration in the West Bank, to attorney Leah Tsemel).

147. For example, a letter of 21 March 1997 from HaMoked to Lt. Col. Tiki Rotem, of the office of the Coordinator of Government Operations in the Occupied Territories, and of 13 August 1997 to Lt. Col. Daniel Reisner, head of the international law department, of the office of the Military Advocate General.

148. The meeting was held on 3 February 1994. Others who participated were representatives of the Civil Administration and the Ministry of Defense. Col. Ben-Ari sent a letter summarizing the meeting to ACRI on 29 March 1994.

to receive permanent residency status in the Occupied Territories based on their belonging to High Court of Justice Population I.

Furthermore, during the negotiations between the sides, they agreed that living in the Occupied Territories would be considered "continuous" for the purpose of this article if the individual did not remain outside the Occupied Territories for an unbroken period of more than two months. This rule disqualified all those visitors who had complied with the rules established by Israel and left the Occupied Territories for three months between visits.

When the Interim Agreement was signed, there were some 10,000 Palestinians, according to Israeli figures, who were living in the Occupied Territories without a valid visitor's permit.<sup>188</sup> According to figures of the PA, 3,640 Palestinians submitted requests to be registered in the population registry in connection with the elections, 3,000 of which were approved prior to the date of the elections, 20 January 1996.<sup>189</sup>

How many of the Palestinians whose applications were approved are relatives of residents of the Occupied Territories, or the degree of the family relationship, is unknown.

## **B. Visitor's Permits – Extreme Restrictions**

Even after the Interim Agreement, Israel continued to enforce the restrictions on relatives' visits to the Occupied Territories, though the restrictions are not mentioned in the Agreement. Israel often issues visitor's permits for only one month, refuses to approve visits for

---

188. On 22 October 1995, the prime minister and minister of defense, Yitzhak Rabin, placed the estimate at 12,275 (in response to a question posed by MK Michael Eitan in the Knesset); Brig. Gen. Oren Shahor, Coordinator of Government Operations in the Occupied Territories, estimated that the number fluctuated between eight and ten thousand (*Ha'aretz*, 26 October 1995).

189. Statement of Ahmad Faras, director general of the PA Ministry of the Interior and a member of the CAC, at a meeting held on 31 January 1996 with the Coalition for Family Unification. Faras added that 350 of the requests were still being reviewed by Israel, and that 289 had been rejected. Some 700 other requests were filed late by Palestinians, after the elections were held. Israel has not responded to these applications. The special joint committee set up by the sides to discuss these applications has met three times, but have not yet decided what to do with these applications.

periods other than during the summer, and requires that the relative remain outside the Occupied Territories for many months between visits.<sup>190</sup> According to the PA, the requirement that the relative remain outside the Occupied Territories clearly contradicts the agreement reached by the parties during the negotiations.<sup>191</sup> On the other hand, Israel revoked the prohibition, which had been in force prior to the Interim Agreement, on visits of relatives for whom family unification had been requested.

The PA argued that, following the transfer of powers, Israel placed new conditions on family visits. For example, Israel established that the PA could forward to the Israeli District Coordination and Liaison office (DCL) only one hundred requests a week from each district.<sup>192</sup> This limitation delayed granting of requests by many months.

Furthermore, since the transfer of powers, Israel has required that relatives wanting to visit the Occupied Territories prove they are permanent residents, for at least eight months prior to the date of the requested visit, of the country in which they are living. Israel returns to the Palestinian DCL requests that do not include such proof. According to PA officials, Israel immediately denies requests for visitor's permits for relatives living in Libya, Lebanon, Syria, Algeria, and Iraq, Israel contending that these nations make it difficult for foreigners who leave to return.<sup>193</sup>

In 1996, PA officials informed human rights organizations that Israel denies any request for a visitor's permit that is not submitted on behalf of first-degree relatives, except in humanitarian and emergency cases. The Palestinian officials indicated that the Israeli authorities usually give security considerations as the reason for the rejection.<sup>194</sup> Furthermore, Israel systematically rejects requests of the Palestinian side to renew permits for more than the seven-month period the PA is allowed to approve.

---

190. For example, Khalil Faraj, of the Palestinian DCL in Gaza, mentioned these restrictions to B'Tselem in May 1997.

191. Hassan Abu-Hashish, a member of the CAC, so informed B'Tselem on 29 August 1996.

192. Khalid Salim, head of the Palestinian side of the CAC, so informed the Coalition for Family Unification on 3 June 1996.

193. Officials of the PA Ministry of the Interior so informed B'Tselem in May 1997.

194. Among those who provided this information was Khalid Salim, at a meeting on 3 June 1996 with representatives of the Coalition for Family Unification.

The Israeli authorities did not reply to requests by HaMoked and B'Tselem for data on the number of requests for visitor's permits submitted since the transfer of powers and on how many were approved.<sup>195</sup> Sources in the PA Ministry of the Interior in Gaza informed B'Tselem in March 1997 that, of the 22,464 requests for visitor's permits submitted to it during 1996, Israel approved 16,456 (seventy-three percent).<sup>196</sup>

In 1997, Israel drastically restricted summer visits to the Occupied Territories. Of the 250 requests for visitor's permits submitted each day to the Palestinian DCL in Ramallah, only ten to fifteen were approved. Humanitarian cases were among those rejected. The reasons given for rejection were: a) security; b) another visitor, who had previously been invited by the applicant, stayed in the Occupied Territories after the permit had expired; c) the relative invited had previously stayed in the Occupied Territories without a valid visitor's permit. Israel rejected a large majority of the appeals submitted by the PA.<sup>197</sup>

In the summer of 1998, Israel continued to impose the restrictions on visitor's permits. Officials at the Palestinian DCL in Tulkarem informed B'Tselem that most of the requests for visitor's permits were for spouses. According to their figures, between the transfer of powers, in November 1995, and the middle of July 1998, Israel approved forty-three percent of the requests for visitor's permits submitted in the Tulkarem District.

According to PA officials, Israel requires residents of the Occupied Territories to prove that their visitors left the Occupied Territories.<sup>198</sup> Israel makes this demand even though it controls the border crossing and has the relevant records, and summarily rejects requests of residents unable to prove that the relatives they had invited indeed left the Occupied Territories upon expiration of the permit.

---

195. Among the requests sent was a request by HaMoked of 12 September 1996 to Lt. Col. Levy and a request by B'Tselem of 4 March 1997 to Lt. Col. Tiki Rotem, assistant to the Coordinator of Government Operations in the Occupied Territories.

196. Sources in the PA Ministry of the Interior provided the data to B'Tselem in March 1997.

197. Jabber Asfor, head of the Palestinian DCL in Ramallah, provided this information to B'Tselem on 3 July 1997.

198. *Ibid.*

In 1994, Mustafa Shahadeh Natur, who lives in the Jenin refugee camp, married his cousin Mona Musa Salman, a Jordanian resident. In November 1994, Salman entered the Occupied Territories on a visitor's permit and lived with her husband. Three months later, her permit expired and she had to return to Jordan. She was pregnant at the time. Following three months of separation, she returned in May 1995 to the Occupied Territories for a visit. When the permit expired in August, she was supposed to go back to Jordan. Because her pregnancy was almost over, she stayed with her spouse in their house. She gave birth to a daughter in September. Only in November 1996, when their daughter was more than a year old, did nineteen-year-old Salman leave for Jordan, taking the infant with her.

In January 1997, Natur submitted a request for a visitor's permit for his wife and daughter. Israel approved the request, and at the end of the month, Salman and her daughter arrived at the Allenby Bridge. The soldiers did not let her pass, on the grounds that she was listed as a person not allowed to cross the border. The same thing happened twice more. In June and October 1997, she and her daughter came to the Allenby Bridge after her husband had obtained a visitor's permit for her. Each time, the soldiers did not let her enter, and she and her daughter returned to Jordan. In June 1997, Salman was almost ready to give birth when she made the difficult journey, hoping that she would be at home with her husband when the child is born. Her hope was not realized, and on 17 June 1998, alone in Jordan, she gave birth to another daughter.

In their response to HaMoked, the Israeli authorities stated that Salman was not allowed to enter the Occupied Territories because she had earlier remained in the Occupied Territories after her visitor's permit had expired.<sup>199</sup> As a result of the refusal to let her enter the Occupied Territories, the twenty-one-year-old Salman stayed alone in Jordan for more than two years, separated from her spouse, with her three-year-old and one-year-old daughters, without knowing when she would be allowed to return to her and her husband's home.

In a testimony he gave to B'Tselem researcher Najib Abu-Rokaya on 10 July 1998, Natur stated:

Since the time that my wife left, in November 1996, I went to Jordan twelve times to see her and my two daughters. I work in housing renovation and painting, and do not have a steady job.

---

199. Letter of 25 November 1997 from Lt. Col. Shazar to HaMoked.

Sometimes I have work, and sometimes not. Everything I can save I send to my wife and daughters so they have some money to meet their needs. I also have to bear the travel expenses.

I live with my wife by telephone. I call, she calls, and that also costs money. My wife and daughters being far away makes it impossible for me to be a husband and father. I don't have the joy of coming home after a day of work with a small present for my wife, to surprise her with something that she likes. I dream about coming home and my daughters running to me and jumping into my arms, and giving them a piece of candy from my pocket. I work in the market and see people living normal lives, doing their shopping and going home with bags in their arms, and I am alone. This is something I should never have to experience.

Because of the difficulties in obtaining a visitor's permit from Israel through the PA, many families living in Jordan tried to obtain entry permits through the Israeli embassy in Amman. This placed enormous strain on the embassy, which was not set up to handle so many requests. During the summer, hundreds of Palestinians lined up each day outside the embassy to request a permit, with only about ten percent of them succeeding in entering the building.<sup>200</sup>

Salama Muhammad 'Abd al-Karim Sweiti, 46, from Jordan, wanted to visit his brother, who lives in Dura, Hebron District. In 1997, his brother submitted through the Palestinian DCL more than ten requests for a visitor's permit. The Israelis rejected all of them. Sweiti went to the Israeli embassy in Amman five times to obtain permission to enter Israel, each time waiting from 11:00 P.M. to 2:00 P.M. the following day. Because of the many applicants, Sweiti never succeeded in entering the building.<sup>201</sup>

---

200. This description was provided by Iyad Menasreh, who works on the B'Tselem project in Bani Na'im village. An employee of the Israeli consulate in Amman indicated that, in the summer of 1997, the embassy would be able to handle no more than 350 requests for a permit per day (*Yediot Aharonot*, Weekend Supplement, 20 June 1997).

201. The testimony was given on 2 July 1997 in Amman to Iyad Menasreh for B'Tselem.

The continuing freeze on family unification following the transfer of powers in the West Bank, and the limited quota of family-unification approvals in the Gaza Strip meant that a separated family had almost no chance to live together in the Occupied Territories. For this reason, and because there was little likelihood of obtaining a visitor's permit, many relatives who had entered the Occupied Territories to visit their relatives remained after their visitor's permit had expired. According to the Israeli authorities, the number of such persons was about 31,000 in April 1997.<sup>202</sup>

According to PA officials, Israel's figures are not correct and the status of many persons whom Israel considers "illegal visitors" has changed in the meantime.<sup>203</sup> So, for example, as Jabber Asfor, head of the Palestinian DCL in Ramallah, indicated to B'Tselem on 3 July 1997, of the list of 4,800 "illegal visitors" provided by Israel, only 1,000 fall within this classification, and all of them are the spouses of residents. PA officials also added that Israel admits the list contains errors.<sup>204</sup>

Israel contends that its limitations on family unification and extension of visitor's permits are intended to pressure the PA into ensuring that visitors leave the territory under PA control after their permits have expired, in accordance with its undertaking under the Oslo Agreements.<sup>205</sup> The pressure was applied prior to having found a solution to the problem of separated families, which is also required under the Agreements.

The PA opposes in principle acting to deport these visitors from the Occupied Territories. Hassan Abu-Hashish, a member of the coordination committee, informed B'Tselem that, "Despite the

---

202. On 14 April 1997, the Government Press Office published "Unilateral Measures Taken by the Palestinian Authority in Violation of the Oslo Accords," which stated that, "The Palestinian Authority unilaterally allowed 31,000 persons to remain in the Occupied Territories beyond the allowed period, and failed to take action to expel them."

203. By becoming a resident, being registered on the identity card of the parent, obtaining a permit to study, leaving the Occupied Territories, and the like. The information was provided by, among others, Khalid Salim at a meeting with the Coalition for Family Unification on 3 June 1996.

204. Jabber Asfor provided this information to B'Tselem on 3 July 1997.

205. As indicated, for example, to Jabber Asfor by officials of the Israeli DCL (Asfor informed B'Tselem on 3 July 1997). Even before the signing of the Cairo Agreement, the legal advisor of the Ministry of Foreign Affairs, Yoel Singer, indicated that Israel would monitor the number of Palestinian visitors in the autonomous areas, and if a large number of visitors were found to remain there after expiration of the permits, the border crossings would be closed. *Ha'aretz*, 14 February 1994.

existence of an agreement that we are trying to comply with, we linked this matter to that of family unification, so that a person whose permit has expired would subsequently receive approval of family unification."<sup>206</sup>

In addition to Israel's pressure on the PA, Israeli authorities deport "illegal" visitors at every step of the way, e.g., during document checks at checkpoints. For this reason, relatives staying in the Occupied Territories without a visitor's permit live in constant fear, and many refrain from leaving their dwellings. Palestinians who were deported from the Occupied Territories under such circumstances are not allowed to visit at a later date.

The number of relatives that Israel has deported from the Occupied Territories since the transfer of powers is unknown. Lt. Col. Henry Levy, head of the Israeli contingent of the Registry Subcommittee, claims that "he does not believe" that visitors whose permits have expired are deported.<sup>207</sup>

Azmakneh Mahmud a-Traireh, 41, a resident of Bani Na'im village, stated in her testimony to B'Tselem:

I married Mahmud in Jordan in 1977. We were both born here, but in 1967, Mahmud left with his family. We have eight children... Already in 1987 I requested family unification for him. Israel rejected the application, but we only found out about the rejection in 1994. Until then, I would regularly ask about the request, but the officials always said there was no answer....

In August 1994, Mahmud entered the West Bank on a visitor's permit. B'Tselem workers told us to go to the Civil Administration, where they told us to submit a new request, but first he had to leave, they said.

The permit expired at the end of September, and the authorities did not agree to extend it. He stayed here without a permit. He tried to extend it, but they said he had to leave. My daughter Tahani, who was then fourteen, was recorded on Mahmud's permit, and the officials said that she also had to leave. B'Tselem intervened, and "Captain Lior" agreed to remove her from her

---

206. Abu-Hashish made this statement to B'Tselem researcher Fuad Abu-Hamed on 29 August 1996.

207. Lt. Col. Levy made this comment in a telephone conversation with HaMoked in August 1996.

father's permit. "Captain Lior" promised Mahmud that, if he leaves, he would be granted family unification. Mahmud did not want to leave his children, and he had nothing to do in Jordan, so he stayed for about two years.

In November 1996, the army captured him and detained him for four days. We asked where he was, but they did not reply. Then they took him to the Allenby Bridge and deported him.

Mahmud returned as a tourist in November 1996, stayed for fifteen days and left again. A month later, he returned again as a tourist. He received a permit for three months. We tried to renew the permit, but the authorities refused. Since then, he remains here without a permit.

This situation is very difficult for us. It is hard for him to work as a salesman because they seize him at checkpoints, cause him problems, and tell him that he has to leave. They make him wait two, three hours, take his passport, and then return it and tell him to go back to Jordan. There is nothing for us in Jordan. Here we have a house, land, our homeland, a place for the children. All of the children are now listed on my identity card.

A year ago we submitted, through the Palestinian Authority, a request for family unification. Each time we go to the Palestinian Ministry of the Interior to check about the application, they tell us that Israel has frozen the family-unification process.

Mahmud left for Jordan two weeks ago. The reason was that he could not work here because of all the times he was held at the checkpoints. Again we have the problem of obtaining a visitor's permit for him.<sup>208</sup>

---

208. The testimony was given to B'Tselem researcher Yuval Ginbar at a-Traireh's home on 13 November 1997.