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Date: 22 May 2008
Please cite 55519 in response

Colonel Sharon Afek
Military Legal Advisor for the West Bank

By fax

Dear Sir,

Re: The Quiet Deportation of Palestinians from the West Bank to the Gaza Strip

My client Ms. _____ Qablan ID No. _____

1. We hereby appeal to you concerning the arbitrary and absurd demand we have encountered in several cases which HaMoked has handled, namely, the stipulation that a Palestinian who wishes to visit his family in Gaza must sign an undertaking stating he will never return to his home in the West Bank, and change his registered address to the Gaza Strip.
2. Due to the policy of separation between Gaza and the West Bank, which Israel has enforced since 2000 – through a drastic reduction of the number of entry permits to Israel granted for the purpose of passage between Gaza and the West Bank and vice versa – many families are now forced to live apart. Palestinians who reside in Gaza cannot travel through Israel to visit their spouses who live in the West Bank, and their applications for an entry permit to Israel are usually refused on the claim that they "do not meet criteria."
3. The reality that you have imposed has narrowed the options available to members of such families to only two: they may live together in the Gaza Strip, or alternatively, the spouse who resides in the West Bank may visit his family in Gaza. You are now determined to cancel the second option.
4. Recently, HaMoked has handled several cases in which Palestinians living in the West Bank who wished to visit their spouses in Gaza were faced with a demand - if the military was to grant their request, they must undertake never to return to their home and to the territory of the West Bank, and change their registered address to the Gaza Strip.
Below is an example of this unacceptable conduct and outrageous stipulation.
5. My client, Ms. Qablan, whose details appear in the subject line, is married to Mr. _____ Mahmud, ID No. _____. The couple have a child together, a girl named _____, who is three and half years old. Due to the policy of separation between Gaza and the West Bank, and the difficulty in receiving a permit to enter Israel in order to travel from Gaza to the West Bank and vice versa, the couple have had to

live apart – Mr. Mahmud resides in Gaza while his wife, Ms. Qablan, lives with her minor daughter in the West Bank.

6. My client returned home from her last visit to the Gaza Strip in August 2007.
7. My client wishes to visit her husband, who suffers from kidney dysfunction and must undergo a kidney transplant.
A copy of the medical document is attached and marked A.
8. On 24 December 2007 my client contacted the DCO in Qalqiliya and submitted an application for a permit to enter Israel, but her application was refused. DCO personnel explained to her that she may receive a permit for passage through Israel **only on the condition that she undertake never to return to her home in the West Bank, and remains in Gaza**. On 30 December 2007, 13 January 2008, 10 February 2008 and 24 March 2008, my client submitted additional applications for a permit to travel through Israel in order to visit her husband, but all her requests were denied.
9. At the end of March of this year, my client again appealed to the DCO in Qalqiliya and requested a document indicating that her application had indeed been refused. A clerk handed her a document decorated with two flowers and an illustration of "Snoopy" which was titled "refusal report," which stated, next to her name and ID number:
Generally, visits to Gaza are prohibited, and in this case the applicant is a resident of Qalqiliya who is married to a resident of Gaza and wishes to enter and visit him due to his condition. Due to a lack of authorization for this purpose, her application will not be approved. It is possible to approve a one way single use permit to Gaza, provided that she decides to remain in Gaza and live there with her husband. To do this, she must change her registered address to Gaza and/or proffer a Palestinian undertaking stating she wishes to return to Gaza in order to live there, and will not return to Judea and Samaria.
A copy of the "refusal report" is attached and marked B.
10. According to information we received from the State Attorney's office in the framework of several petitions, the State of Israel refuses to update Palestinians' registered addresses from Gaza to the West Bank, due to the "freeze" of changes of address. However, suddenly, in the case of a Palestinian whose sole wish is to visit her spouse in Gaza, her passage is stipulated on settlement in Gaza and the change of her registered address.
11. This is a humanitarian case of a Palestinian who is a victim of Israel's policy which seeks to separate the Gaza Strip and the West Bank. Instead of alleviating her suffering and allowing her to see her husband, or alternatively, allowing her husband to visit her, the military apparatus is imposing substantial difficulties on my client, and even abusing her plight to exert emotional pressure on her to leave her home and relocate to Gaza. Such a stipulation is unreasonable and unacceptable.
12. The right to family life is supreme and protected by Israeli and international law. It is the military commander's duty to protect my client's rights. Instead, we find an abuse of authority and an unacceptable attempt to remove Palestinians from the West Bank, in contravention of the rules of international humanitarian law.
13. We stress again, that this is not the only case that has reached HaMoked in which the army stipulates that Palestinians wishing to pass from the West Bank to Gaza undertake to remain permanently in Gaza and never to return to their home. This indicates a consistent policy and method, aimed at removing and deporting as many

Palestinians as possible to Gaza by abusing their plight and exerting psychological pressure.

14. According to your policy, the only option which remains open to a Palestinian couple – when one spouse's registered address is in the West Bank and the other's is in Gaza – is to live in Gaza, as you object both to the passage of Palestinians from Gaza to the West Bank, and to visits to Gaza by Palestinians who live in the West Bank!

15. In light of the above, we request:
 - A. That you provide the petitioner with a permit to enter Israel in order to travel to Gaza and return to the West Bank.
 - B. That you refrain from such unacceptable stipulations in cases of Palestinians who wish to visit their families in the Gaza Strip.

16. I would appreciate your prompt response.

Respectfully,
Abeer Jubran, Adv.

Hereby enclosed: appendixes A and B

Copies:

Major General Gadi Shamni, GOC Central Command

Major General Yosef Mishlav, Coordinator of Government Activities in the Territories

Mr. Meni Mazuz, Attorney General

Adv. Osnat Mendel, Director, High Court of Justice Department, State Attorney's Office