

that “**ex gratia**, in view of the specific, exceptional humanitarian circumstances of this case,” G.A. and her son would be allowed back into the West Bank. (Case 16159)

Following this petition, the authorities held a discussion in which they addressed the

general question of visit permits. HaMoked forwarded the State Attorney’s Office a document detailing its position on renewing visit permits and handling applications for family unification, and explained the legal arguments that support this stance. The authorities have still not made a decision in principle on this matter.

Leaving the Territories

Since the start of the occupation, Palestinian residents of the Territories can only leave if they get the approval of the IDF commanders in the West Bank or the Gaza Strip, as relevant. Israel has often abused this power as a penal measure or as a tool to extort collaboration. Many residents who tried to exit through the border passages at the Allenby Bridge or at Rafah, were sent back, because their applications for exit permits had been denied. They had no choice but to wait another six months, the period defined by the military, before they were allowed to reapply, and then wait another few months for the answer, and hope that this time it is positive and is not made contingent on a meeting with a GSS interrogator.

In the first half of 2002, against the backdrop of the IDF invasions into the territories of the PA, there has been a change both in the number of inquiries HaMoked has received regarding exit permits and in the circumstances surrounding these inquiries. The number of applications for exit permits has dropped, since people do not tend to part with their families in times of war;

the few who did ask for help getting exit permits, did so under urgent circumstances, such as medical treatment or the hajj. For further details about HaMoked’s processing of these inquiries, see the previous activity report.⁴⁵ As the IDF’s presence in the territories of the PA extended throughout the year, the number of inquiries on this subject increased and the circumstances changed as well – family visits, higher education and other such reasons were cited in addition to medical emergencies. The IDF also resumed its old habits: it again started taking a year to provide answers, despite a pledge it has made in a petition that HaMoked had filed in 1992, to process ordinary applications within about two months;⁴⁶ it made the permit contingent upon a meeting with an IDF interrogator, as a means to secure collaboration; and made the permit contingent upon a commitment to stay away for a long time, a form of “voluntary exile”.

S.D. and his brother have not seen each other in 18 years. Since 1997, all of S.D.’s attempts to travel to Jordan have been

rejected because of “security reasons” – apparently related to S.D.’s seven-month detention in 1995. In January 2002, HaMoked demanded that the authorities reconsider the application in view of contemporary information rather than based on events of the past. Eight months later, in August, the authorities replied that in order to process the request, S.D. must report to the DCO in Kedumim... “for a meeting with Captain S.”.⁴⁷ If he does not, the processing of his application will be delayed. This demand posted by the authorities was made even though HaMoked had clarified that it would not coordinate any such meetings and that the answer provided by the authorities should not be contingent upon any conditions. S.D. told HaMoked that in his attempts to secure an exit permit, he had met with GSS interrogators in the past; they demanded collaboration, and when he refused, they threatened that he would not get an exit permit. HaMoked contacted the West Bank legal advisor, protested the fact that the answer was made contingent on a meeting that was designed exclusively to pressure S.D. to collaborate, and demanded an authorized, detailed response on the merits of the case. In December, another demand to meet “Captain S.” came in. This time, S.D. decided to go to the meeting, hoping that maybe his very willingness to meet would get him the permit and enable him to see his brother. As of the date of this report, more than a year after the application was made, the authorities have not yet provided any response. **(Case I5472)**

A.P., a 29-year-old resident of Yamun, was engaged to marry L.A., a resident of Jordan. To finalize the marriage, A.P. had to go to Jordan, or, alternatively, his fiancée had to come to the Territories. In August 2001 A.P. tried to go to Jordan, but his application was denied because of “security reasons” – which did not exist previously, as A.P. had already visited Jordan several times in the past. In August 2002, HaMoked contacted the IDF on his behalf. The response was received in November: A.P. must undertake in writing that he would not return to the area including to his home for a period of at least two years and that during his stay outside of the area he would not be involved in any anti-Israeli activity. Only after A.P. signs this undertaking will the authorities process his request. Should he sign the undertaking, A.P. would not be allowed into the Territories even if one of his parents falls ill or dies. Having considered the matter, A.P. decided not to sign this undertaking yet. **(Case I7955)**

A.G. won a scholarship for graduate studies at the Institute of Agronomy in Crete, which is part of a regional project that is run in cooperation with the European Union and financed by the Greek government. Since residents of the Territories have for a long time been

45 HaMoked, **Semi-Annual Report: January-June 2002**, pp. 25-26.

46 HCJ Petition 3927/93, **Turki Salah v. IDF Commander in the West Bank**, not published

47 “Captain” is the nickname that residents of the Territories use when referring to GSS personnel.

prohibited to go abroad through Ben Gurion Airport, on October 6 HaMoked submitted an urgent application to the West Bank legal advisor, asking him to consider allowing A.G. to leave for Greece through Jordan. On October 22, the IDF replied that A.G.'s application to leave the area was rejected because of "security reasons" – without any further detail. HaMoked, on A.G.'s behalf, has urged the State Attorney's Office to reconsider. As of the date of this report, no response has been received. **(Case 16465)**

In some cases in which exit is denied, HaMoked's intervention leads to positive results – whether after appeals to the IDF or to the State Attorney's Office. In these cases, the applicant is finally allowed to leave the Territories.

In 1999 A.K., an assistant school principal from Tulkarm, was sent back from Allenby Bridge, which he wanted to cross on his pilgrimage to Mecca. Since then, HaMoked has contacted the IDF three times in an attempt to get permission for A.K. to leave. The first time, the application was denied because A.K. "is a Hamas activist". The second time, the authorities took nine months to respond that A.K. was not allowed to leave because of "security reasons." And the third time, his exit was

again denied because "he is an Hamas activist." In August 2002, HaMoked once again contacted the West Bank legal advisor, and in September, less than a week after the application was made and after more than three years in which A.K. was not allowed out of the West Bank, HaMoked was notified that he was free to leave. **(Case 14135)**

G.A. was accepted to the Ph.D. program at the Faculty of Islamic Studies at the Jordan University in Amman. He signed up for the first semester starting October 15, but when he tried to cross Allenby Bridge, he was sent back and had to postpone his studies until December. In November, HaMoked submitted an urgent request to the IDF to allow G.A. to leave. The response was received on December 1: G.A. was not allowed to exit the Territories because of "security reasons". After G.A. managed to postpone the beginning of his studies by about a month, HaMoked appealed to the State Attorney's Office. At first, the West Bank legal advisor replied that G.A.'s application was rejected once again, but the State Attorney's Office provided an update: the security agencies have withdrawn their objection, and G.A. will be able to start his Ph.D. program in Jordan. **(Case 23312)**

Passage between the West Bank and the Gaza Strip

Under the Oslo Accords, the West Bank and the Gaza Strip constitute a single

territorial unit. But even when the "safe passage" that connected the West Bank