

Entry into the Gaza Strip

The Oslo Accords repeatedly stress that the West Bank and Gaza Strip are to be considered a single territorial unit. This declaration has never been respected on the ground. Even during the period when the “safe passage” operated between the West Bank and the Gaza Strip, prior to the Al-Aqsa Intifada, a large number of residents from both areas were unable to use this facility. Use of the “safe passage” was conditional on possession of a magnetic identity card and security clearance. Buses traveling with special supervision provided freedom of movement for some of those who have usually been denied this freedom by the Israeli authorities, but many Palestinians continued to be prevented from using the passage. Residents of East Jerusalem also required a special permit to enter the Gaza Strip; HaMoked processed a significant number of cases in which such permission was withheld.

Since the outbreak of the current Intifada, the situation has exacerbated markedly. Indeed, the total closure imposed on the West Bank and the Gaza Strip means that there is no possibility of travel between the West Bank and the Gaza Strip for Palestinian residents. The criteria for entry into Gaza by Jerusalem residents and Palestinian citizens of Israel have also been tightened. The result is that since the beginning of the Intifada, HaMoked no longer receives requests for assistance from residents of the West Bank wishing to enter the Gaza Strip. Conversely, a much larger number of complaints than in the past have been received from Jerusalem residents and Israeli citizens wishing to travel to Gaza.

Palestinian residents of Jerusalem and Israeli citizens seek help from HaMoked in order to enter the Gaza Strip for a variety of purposes: for family visits; to participate in conferences and lectures; for commercial purposes, and so on – all needs that are an integral part of everyday life. Particular distress is faced by divided families, where one of the couple is a resident of Gaza and the other a resident of Jerusalem or an Israeli citizen; in such cases, Israel does not permit the couple to live together within its territory.

The “divided families procedure” proposed by HaMoked several years ago insured that Jerusalem residents and Israeli citizens living in the Gaza Strip were able to receive three-month permits to stay in Gaza, and to renew these permits without being required to leave the Gaza Strip each time. Toward the end of 2000, the Israeli authorities suspended this procedure. As a result, many families were forced to remain in the Gaza Strip without a permit; in other cases, family members were “stranded” in Jerusalem and Israel, unable to return to their families in Gaza. In many cases, children were unable to return to school; in others, mothers forced to remain outside Gaza were cut off from their children. After intervention by HaMoked, the procedure was reinstated in February 2001 regarding those who remained within the Gaza Strip. Absurdly, however, those who obeyed the authorities and left Gaza after their permits expired were still unable to return to their home. Only after HaMoked threatened to petition the Supreme Court did the authorities relent; in principle, divided families who stayed in Israel and Jerusalem were to be allowed to return to Gaza. In practice, however, HaMoked continues to receive a significant number of complaints from families whose applications for reunification according to the “divided families procedure” have been rejected. After terror attacks against Israelis, for example, Israel refuses to implement the procedure, without formally nullifying it.

The case of G.M. and her children illustrates the problems faced by these divided families. G.M. is an Israeli citizen who is married to a resident of Gaza. The couple has ten children, all of whom are registered in G.M.'s identity card – i.e. they are Israeli citizens. In February, when G.M. left Gaza to visit her family in Israel, she applied to extend her entry permit to Gaza so that she would be able to return to her husband, and her children would be able to recommence their studies. After failing to receive any response to her application, G.M. contacted HaMoked. The authorities informed HaMoked “the entry of Israelis into [Gaza] is not permitted at present, with the exception of urgent humanitarian cases,” and stated that the case of G.M. “does not meet the criteria applying to the entry of Israelis into [Gaza] at present” – i.e. her case was not considered of an urgent humanitarian character. HaMoked contacted the State Attorney's Office regarding this and four similar cases; only after threatening to petition the Supreme Court, however, was HaMoked informed that G.M. and her children would be allowed to enter Gaza on the occasion of the Id Al-Adha festival. This response failed to acknowledge that G.M. was entitled to enter Gaza in accordance with the “divided families procedure;” neither was there any assurance that she would be able to renew her permits to stay in the Gaza Strip. Only the threat of Supreme Court action convinced the authorities to allow G.M. to enter Gaza in accordance with the accepted procedure.

Yet the problems of G.M. and her family were not over. On May 29, 2001, she once again entered Israel on a family visit. In June, when she wished to return to the Gaza Strip, her application for an entry permit was once again denied. After HaMoked intervened, the application was again denied, this time on the grounds that her husband in Gaza was also married to another woman who was a resident of Gaza. After HaMoked again threatened to take the case to the Supreme Court, the authorities agreed to provide an entry permit to Gaza for G.M. and her children – though only for one month.

On February 16, 2001, H.A.H., an Israeli citizen married to a resident of the Gaza Strip, was forced to leave her home and her five children in Gaza after the Israeli authorities refused to renew her permit. HaMoked contacted the State Attorney's Office and explained that the woman urgently needed to return to her home in order to care for her children, as well as for her husband's elderly and infirm parents (since the husband worked, he was unable to care for them). As in the case of G.M., H.A.H. received a permit only for Id Al-Adha. On July 17, 2001, the authorities finally agreed to provide an entry permit – yet again, this happened only after HaMoked threatened to petition the Supreme Court.

N.R., a Jerusalem resident married to a resident of Gaza, suffered from a hemorrhaging tumor in her stomach. On January 24, 2001, after the authorities rejected her mother's request to enter Gaza in order to help her daughter, HaMoked informed them that N.R. was due to undergo surgery on January 27, 2001; accordingly, her mother's presence was vital. The day after contact was made, the mother was permitted to enter Gaza for one week. On May 26, 2001, N.R. entered Jerusalem to undergo a further operation. When she sought to return to Gaza, her application was rejected. After intervention by HaMoked, she was permitted to return to Gaza on July 17, 2001.