

EXIT AND ENTRY PERMITS

"Everyone has the right to leave any country, including his own, and to return to his or her own country." (Universal Declaration of Human Rights, Section 2.13)

Exit Permits

With the conquest of the territories in 1967, the West Bank and Gaza Strip were declared closed areas, and exit from or entry into these areas requires a permit. Residents of the territories seeking to go abroad must approach the Staff Officer of the Civil Administration in their area of residence and request permission to leave. At the Civil Administration they receive a "no-debt" form ("travel log")¹¹ which accompanies them as they proceed from one Civil Administration office to another, to obtain in each a confirmation - by way of a stamp on their "travel log" - that they do not owe money or are not wanted by the security forces. (This form is popularly called a "travel log" because it must be stamped at several government offices, thus becoming a record of the journey from office to office.) The authorities who must stamp the document are: the police, the municipality or local council, the income tax authorities, the value added tax authorities, the property tax authorities, the Civil Administration and the Military Government. After the

11 On June 3, 1991 the Civil Administration in the West Bank announced that the requirement to fill out a "no-debt" form as a precondition to receiving services from the Administration would henceforth be required annually, and not every time a service is sought. Men over the age of 60, and women, are exempt from the requirement. It is to be hoped that the partial cancellation of the form will ease the relations between residents and the administration, remove bureaucratic complications, and decrease the harassment to which residents of the territories are subject. See: B'Tselem Information Sheet, June 1991

residents have waited in line at each of these offices and their forms have been decorated with all the necessary stamps, they must go to the Civil Administration, submit the document, and await their exit permits. The usual waiting period is three weeks.

In a long list of verdicts, the Supreme Court, sitting as the High Court of Justice, has refused to intervene in the judgements of authorities who have rejected requests made by residents of the occupied territories to leave the country. A typical High Court response in this matter was the following:

We did not see any reason for the intervention of this court in the judgement exercised by the area commander. When an administrative authority in an area of the military administration examines a request either to exit or enter the area, it [the authority] is permitted to weigh the security risks involved in accommodating the request, and for this a reasonable suspicion is sufficient basis for refusing to grant a permit, and it is not a condition for exercising this power that the authority possess at that time evidence that would be sufficient grounds for a conviction in a court of law.¹²

The Supreme Court has set for itself rigid guidelines restricting its own intervention in decisions made by the security

12 HCJ 66/80 cited in HCJ 709/88, 318/85, 417/85, 5168/90

authorities in the territories, asserting that there is no justification for intervening in the policies of these authorities unless they have exceeded their powers or acted with malice and lack of good intent.

In many cases, the Civil Administration refuses to grant exit visas. The refusal is usually substantiated by "security reasons." In November 1990, the Hotline petitioned the High Court on behalf of a Nablus resident who had applied for an exit permit to Jordan and had been refused.¹³ An announcement by the State Attorney's Office, published in response, stated, *inter alia*:

Exit from an area of the military government, especially to an enemy country, is considered a privilege, relegated to the consideration of the area commander.¹⁴

The security authorities often make exit from the area conditional upon the applicant's commitment to remain abroad for a period of several years. This policy is usually applied for young male applicants (between the ages of 16-35).

At the end of 1989, when M.R., a Nablus resident, asked for permission to exit by way of one of the Jordan bridges and his request was denied, he approached the Hotline. Following the Hotline's inquiry to the Office of the Legal Advisor of Judea and Samaria, a letter arrived in January 1990, stating:

The authorities' position regarding your client's exit is negative. If, however, your client should request to exit the area for a period of five consecutive years, and make the proper

commitment, this position will be reconsidered.

Hotline staff responded, claiming that the man was unable to commit to not returning for such a long period, because he was engaged and about to be married, and because his elderly parents were ill and required his help. Nevertheless, added the Hotline personnel, the man was ready to commit himself to not return for two years.

In the response of the Judea and Samaria Legal Advisor, it was stated: "Please transfer to the undersigned a declaration of the abovementioned who commits himself to exit the country for a period of three consecutive years." M.R., who claimed that he could not make such a commitment, withdrew his request and did not go to Jordan. (File No.1115)

There are also many cases in which a limitation on going abroad is imposed on residents of a certain area for a period following a terrorist attack. A ban placed on an entire community or area is not published anywhere, and residents sometimes learn about the ban only when they arrive at the bridge, often after having made all the necessary arrangements for leaving (vacation from work, renting a house, etc.).

A.Q., a resident of 'Ein Qinia in the Ramallah District, requested an exit visa to Jordan in order to visit her husband's sick brother. She received permission to leave, but upon arriving at the bridge, she was forbidden to do so. On April 19, 1990, A.Q. approached the Hotline for assistance. The Hotline's request, submitted the next day to Office of the Legal Advisor of Judea and Samaria, was not answered until four months later. In the response it was stated: "We hereby inform you that there is nothing preventing your client from exiting the area." Armed with the response and an

13 HCJ 5168/90

14 Statement by the State Attorney's Office, HCJ 5168/90, February 4, 1991, p.4

exit visa, the woman approached the bridge for the second time. Upon arriving, she was again denied exit, and she returned to the Hotline. In a telephone inquiry made by the Acting Head of the Legal Administration Department, Hotline personnel were told that there had been a grave assault on a Jew in 'Ein Qinia, and that the entire village was therefore prevented from exiting. The Hotline turned again to the authorities, requesting that A.Q. be allowed to exit to Jordan and, finally, she did (File No. 1414).

Entry permits

Residents of the territories who acquire exit visas and leave the country, deposit their identity cards at the point of exit, and in their place are given a card, on which the permitted period of exit is stated. If the residents desire to remain abroad, they are permitted to extend the period of the exit card up to three times, each time for a period of one year. Residents who remain abroad for more than the permitted period and request permission to return must submit a special request to prove that they have not shifted the focus of their life to another location.

At the end of November 1984, 'A.R. went with his father, who was ailing from cancer, for treatment in Jordan and London. The father received treatment in London, and died in Jordan in February 1988, approximately two months after the son's exit permit (which until then had been extended each time) had expired. When 'A.R. asked to return home, he was

prevented from entering, and his identity card was not returned.

'A.R.'s mother, a 75 year old woman confined to her bed and in need of her son's help, approached the Hotline in August 1989. The Hotline turned to the Office of the Judea and Samaria Legal Advisor, but despite the many reminders that were sent, no response was received. Likewise, the Hotline approached the State Attorney General in October 1990. In an answer that arrived in February 1991, it was stated that:

According to a recommendation of the Commission for Late Arrivals, and a decision of the Head of the Civil Administration of the Judea and Samaria area, 'A.R. has ceased to be a resident of the area, meaning that he is not entitled to have his identity card returned.¹⁵

In May 1991, the Hotline petitioned the High Court of Justice regarding 'A.R.'s case, and the trial will be held soon.

Between its establishment and the beginning of June 1991, the Hotline has processed 444 complaints regarding entry and exit permits. Of these, 265 cases (59.7%) ended successfully, i.e., the applicants were granted permission (sometimes limited permission) for entry and exit. In most cases, the body responsible for denying the permit was the Civil Administration (46%), followed by the army (36.2%) and other authorities (17.8%).

15 A chief deputy to the State Attorney, RC/958, February 26, 1991