

serve as a go between. HaMoked tried to talk with the legal advisor in person, but was not able to reach him. After a letter sent by HaMoked was not answered either, HaMoked petitioned the HCJ, asking the IDF Commander in the Gaza Strip to allow G.A. in and explain why he has adopted a sweeping policy rather than deciding on a case-to-case basis. G.A. was then permitted into Gaza; the State thought it could avoid the hearing, but HaMoked demanded a hearing and an explanation as to the more general question: Why are Palestinian citizens or residents who live or reside in Israel or East Jerusalem not allowed into the Gaza Strip? As of the time that this report was compiled, no response has been received. The case will probably be heard by the court in September 2004. **(Case 17936)**

HaMoked hopes that once the HCJ discusses the principles that should govern military policy, the troubles of many other Palestinians prohibited from entering the Gaza Strip will also be over.

A.K. was born in Gaza and was awarded the status of a permanent resident of Israel due to her marriage to a domiciliary of Jerusalem. In 1985, A.K. and her husband divorced. She returned to Gaza and married a local, who passed away in 1996. The couple had a child. Since she was an Israeli resident, A.K. lived in

Gaza with her husband and their son, who was born in Gaza, under temporary permits. Because of the current Intifada, A.K. kept away from the Erez crossing, and she stayed in Gaza without a permit with her son. When she tried to have the permit renewed in September 2002, her application was denied. It is military policy that divided family procedures are only applicable when both spouses are alive; the unification between a mother and her son is not sufficient grounds for a permit to stay in Gaza. A.K. was forced to return to Jerusalem, leaving her son with relatives in Gaza. In October 2002 the son was seriously injured in a car accident and hospitalized in Gaza. A.K. then received a special two-day permit to visit him there. Due to her son's condition, A.K. was permitted to visit Gaza on several other occasions, for limited periods. A letter sent by the office of the military legal advisor for the Gaza Strip stated that under Islamic law and tradition, the orphan belongs to the father's family, and therefore, by law, A.K. does not have to be with her son. Although the law does not require her to do so, A.K. has taken advantage of the entry permit to Gaza and stayed with her son ever since. At the time this report was compiled, she was still there with him, ostensibly unlawfully and without being able to go to Jerusalem for fear that she would not be allowed back. **(Case 22979)**

Leaving the Territories

Since the start of the occupation, the departure of Palestinians from the West

Bank and Gaza Strip to Jordan or Egypt has always been controlled by the military.

Whenever it wishes to pressure the population, it also makes it more difficult for Palestinians to cross the border, and people wishing to go abroad for school, medical treatment or family visits are forced to go back. Palestinians whose exit is prohibited can only reapply after six months. Thus, a visit planned for a certain date can be postponed by years and sometimes forever. In certain cases, the authorities make the permission to leave contingent on a voluntary exile of sorts. The person leaving the Territories must pledge not to return for a given, arbitrary number of years, in most cases two or three, as required by the military. Ostensibly, this requirement rules out the threat in allowing the person to leave, since he cannot serve as a courier for dangerous organizations, and the military is then able to permit his exit. However, it seems that this requirement is just another part of the undeclared population transfer policy practiced by Israel, which is meant to encourage anyone who leaves the Territories to prepare for an extended stay in hope that they would choose not to come back.

In 2003, HaMoked handled nearly 200 complaints from Palestinians whose applications for permits to leave the country had been turned down. In more than half these cases, HaMoked's intervention caused the authorities to change their decision and allow the applicant to leave, either through appeals to military panels or petitions to the HCJ. This ratio reflects the arbitrariness behind the refusal to grant exit permits and proves that turning down these applications – as is the case with all other applications – is just another way to make the life of Palestinians in the Territories unbearable.



In March 2001 A.Z. went to Allenby Bridge on his way to Jordan, en route to Syria, to visit his son, daughter in law and grandchildren, as he had done many times since Israel had deported his son to Lebanon in 1992. At the Bridge he was told he would not be allowed to leave the West Bank, because of security reasons. A.Z., who was then 77 years old, asked HaMoked to try to reverse the decision and help him get together with his family. In July 2001, after extensive correspondence, HaMoked was answered that the IDF Commander in the West Bank had reviewed the request but decided to reject it due to security reasons. Six months later, HaMoked asked the authorities to review their decision. After five months, the military's answer was received – the application was turned down again, for security reasons. In March 2003, HaMoked submitted another application to the military. It took six more reminders to get an answer, finally received in November, stating that the application was denied, as before, for security reasons. In December 2003 HaMoked petitioned the HCJ asking that A.Z. be permitted to exit the country and that an explanation be provided, at least to the Court, as to the evidence supporting the military commander's decision that the exit of a 79-year-old man from the West Bank indeed represented a threat to the security and stability of the region. On December 30, HaMoked withdrew its petition after the military reversed its decision and decided to allow A.Z. to leave the West Bank and visit his relatives in Syria. **(Case 11933)**

In the last year, the authorities have

intermittently implemented a sweeping, strict policy, prohibiting all persons aged 16-35 to leave the country.



A.N., a 19-year-old student from Qalqiliya, studies communication in Egypt, returned to the West Bank in January 2002 to visit his family during the semester break. On his way back to school, at Allenby Bridge, he found out that Israel would not allow him to leave and that he might miss an entire semester. A.N. had left for Egypt many times before and no problem ever came up. It therefore seems that his exit was disallowed as part of a sweeping prohibition on all persons aged 16-35. HaMoked made an urgent application to the military to permit A.N. to leave for school before he missed the registration period and consequently the entire semester. After three more

applications, the military answered that A.N. would not be allowed to leave due to security reasons. HaMoked again challenged the decision, but to no avail. A.N. missed the semester. In August 2003, before the next school year began, HaMoked reapplied to permit A.N.'s exit. In September 2003 HaMoked petitioned the HCJ to force the State to respond. In answer to the petition, the State said that A.N.'s exit would be permitted, on condition that he stay out of the West Bank until he completes his studies, in about two years. A.N. accepted this condition, signed a document undertaking that he would not return to his home during the next two years, except under exigent humanitarian circumstances, and left for his final two years of school in Egypt. **(Case 25162)**