


recognize these cases as humanitarian ones was unrequited. The legal arguments regarding the right of these couples to family life and the right that their children have to grow in a protected family unit in their own home were not heeded. Neither was the argument that in declining such applications for visitation permits the State was violating the commitment it had made to the HCJ. In 2002 HaMoked petitioned the HCJ in the matter of a family, challenging the way that the authorities had been treating the serious problem created by the halt in processing the issue of residency in the West Bank. Shortly before the hearing the authorities announced that “ex gratia and in light of the specific circumstances of the case,” the visitation permit would be approved and G.A. would be able to reunite with her family in the West Bank.

In 2003 HaMoked petitioned the HCJ in the  matter of three other families after all the attempts to solve their problem with the authorities directly, without resorting to the Court, had failed. In these cases too the military changed its position before the hearing and approved the visitation permits – “ex gratia and in light of the specific humanitarian circumstances of these cases.”

N.D. from Hebron and A.H., who carries a Jordanian passport, married in

January 1993. In June 1993 A.H. visited the West Bank and therefore belonged to the population to which the HCJ arrangement applied: she could stay in the West Bank and her visitation permit would be renewed every six months. In August 2000, A.H. traveled to Jordan to see her family, and on her return discovered that Israel had suspended the issuance of all visitation permits and that she could therefore not be able to cross the border. A.H., who was pregnant at the time after years of fertility treatments, was forced to have her first son in Jordan, far away from her husband. The husband visited his wife in Jordan, but most of the time the family was kept apart. In July 2003 N.D. contacted HaMoked, which filed an urgent application with the military to renew the visitation permit and enable the family to reunite. After this request was ignored, in November 2003 HaMoked petitioned the HCJ. In December the State submitted its response: “Because of exceptional humanitarian circumstances and ex gratia,” the application of A.H. for a visitation permit to the West Bank would be processed. Agreeing with the State, HaMoked withdrew its petition, but A.H. has not yet received the permit and is still in Jordan. **(Case 27778)**

Registration of Residents

Although Israel handed over to the Palestinian Authority some of the authority pertaining to the population registry, Israel's approval is still required for every single

registration. Since the start of this Intifada, Israel has completely halted the processing of applications for residency status. In December 2002 Israel went even further,

when it also froze the registration of children aged 6 to 15 who were born outside of the Territories, although according to the Oslo Accords, this registration is within the exclusive jurisdiction of the Palestinian Authority.

N.M., a Palestinian who carries a Jordanian passport, married a resident of the West Bank and in 1984 moved to the area of Nablus. The couple had five children: two were born in the West Bank and were therefore entered in the Palestinian population registry and in their father's ID. Three were born in Jordan and were registered in N.M.'s passport. N.M. recently sent her passport to be extended in Jordan, but since the girls' father is a resident of the West Bank and since the Palestinian Authority is authorized to register all persons under 16 in the population registry, the Jordanians deleted the children from their mother's passport. In February 2003 N.M. applied to the Palestinian Ministry of Interior to have the children registered, but to no avail – Israel had also frozen the registration of children born outside the Territories. HaMoked contacted the relevant military officials asking that the children be registered, since failure to do so constitute a clear-cut violation of the Oslo Accords, and demanding that the Palestinian Ministry of Interior be allowed to register N.M.'s children without delay. After numerous communications with the IDF and Palestinian Ministry of Interior, the military notified HaMoked that there is no reason barring the registration of the girls. Nearly a year after applying for registration in the Palestinian population

registry, N.M.'s children were finally registered. **(Case 29007)**

In August 1969 soldiers came to the home of G.D. near Ramallah in order to arrest him and when finding that he wasn't home, they arrested G.D.'s father and brother. When he found out, G.D. went to the Civil Administration to turn himself in and have his relatives released. G.D. was interrogated under suspicion that he was a member of the Fatah, and was held in administrative detention for 13 months. A month and a half after his arrest, G.D. and other detainees were taken to the Jordanian border. Next to the border they were taken off the vehicle. The soldiers gave each detainee a water canteen, a pack of biscuits and one dinar, and told them to start walking. The group marched toward the border until they were picked up by Jordanian soldiers. G.D. settled in Jordan, where he made his living by farming and commerce, married and started a family. In April 1997 he contacted HaMoked to have the deportation revoked and renew his residency in the West Bank. HaMoked conducted an extensive correspondence with the military, demanding to see a deportation order and other details that led to G.D.'s deportation to Jordan, but to no avail. In August 1997 HaMoked was informed that "the commander of the IDF forces in the West Bank has rejected G.D.'s application to return to the Area." One year later, HaMoked contacted the military commander and demanded that the advisory committee, which is supposed to review every deportation order, be convened in order to reconsider the validity of the order pertaining to G.D.

In 2000, three years after the application was denied and after more than 30 years in which G.D. had been living in Jordan, the advisory committee convened in order to see whether G.D. was still a threat to security and whether his deportation, commenced in 1969, was still justifiable. In February 2002 the military commander

revoked the deportation order and permitted G.D. to return to the West Bank. Although the order was signed by the IDF Commander in the West Bank and delivered to HaMoked, Israel has not yet enabled the Palestinian Authority to issue an ID for G.D. **(Case 11159)**