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The State of Israel

**Ministry of Justice
State Attorney's Office**

18 Elul 5765
22 September 2005

**Gil Gan-Mor, Att.
HaMoked: Center for the Defence of the Individual
By fax: 02-6276317**

Dear Sir,

Re: Pre-petition 782/05 – your appeals dated 21 September 2005 and 13 September 2005 regarding provision of basic services to the civilian population of the Gaza Strip following the disengagement plan

1. I hereby confirm receipt of your appeal cited in the title. Immediately on receipt of your appeal, it was transferred to Lieutenant Colonel David Binyamin, the Legal Advisor for the Gaza Strip Area. His response to the claims raised in your letter is as follows.
2. First, we note that the withdrawal of IDF soldiers from the Gaza Strip was accompanied by preparations by the various organs, in the course of which the need to continue providing solutions for the civilian population of the Gaza Strip during the interim period was considered.

However, naturally, relocation to a new army base and new offices is accompanied by logistical problems.

Thus, for instance, we note that the difficulties in contacting the District Coordination Office (hereinafter: "DCO") as well as the offices of the Military Legal Advisor for the Gaza Strip, stemmed from an absence – temporary, of course – of infrastructure for telephone, fax and computer communication in the new offices, a problem which was resolved within a few days; currently, the relevant organs have returned to normal operation.

3. We also wish to note that currently, we are carrying out staff work in order to regulate the issues of entry to and exit from the Gaza Strip following the disengagement. However, although the aforesaid staff work has yet to be completed, arrangements are currently in place to provide a temporary solution to various problems arising in the interim period, until such time as the final procedures are formalized, as follows:
 - A. **As to leaving Gaza for abroad through the Rafah crossing** – We note that, apart from the fact that following the disengagement the border crossing between Gaza and Egypt was breached and any person who wished to leave for abroad through the Rafah crossing could easily have done so, indeed, Israel's objection to the opening of the crossing stems from a desire to retain some minimal ability to supervise persons who travel between the Gaza Strip and Egypt. Thus, before an agreement between Israel, the Palestinian Authority and Egypt was reached concerning this issue, Israel suggested that those who wish to lawfully leave Gaza and enter Egypt could do so through the Nitzana Crossing, but the Palestinian side opposed this suggestion.
 - B. **As to the objections committee which re-considers rejections of applications submitted by residents of the Area** – the objections committee which recently began its operations is in fact an appeals committee. The objections committee was intended to serve as an instance of appeal through which residents of the Area could appeal against rejections of the applications they submit to the Palestinian Civil Affairs Committee. The objections committee operates as part of the Gaza Strip Area District Coordination Office, in coordination with the relevant officials for each appeal. Its purpose is to provide a solution for residents of the Area, in a manner which makes redundant the requirement to retain the services of an attorney, which had previously been imposed on applicants, and which was burdensome to many of them.
 - C. **As to the anticipated arrangement for entry to Israel**– As aforesaid, the necessary staff work in this matter has not yet been completed and therefore the arrangement has not yet been formulated. However, in the interim and as the arrangement has not been formalized, the authority to grant permits to enter Israel from the Gaza Strip lies with the DCO, as it has been until now.
 - D. **As to the entry of Israelis to the Gaza Strip** – This matter has also yet to be finalized, and the difficulties encountered by those who wish to enter the Gaza Strip are temporary. However, in response to the claim you raise in your letter, that the entry of an Israeli resident to Gaza was only possible after a great deal of effort, we state that in the said case the application to enter Gaza was approved just a few hours after its reception, despite the fact that, at the time the DCO had not yet resumed normal operation.
4. In conclusion, I wish to clarify that, as I have been informed as aforesaid, following the DCO's return to normal operation, indeed, appeals to the various offices are made through the DCO and receive appropriate responses, although, naturally, some of the arrangements which had been in place up until now will be changed according to the determination of the relevant officials, once it is made.

Respectfully,

[signed]

Osnat Mendel
Director of HCJ Division
State Attorney's Office

