

Gisha - Legal Center for Freedom of Movement

גִּישָׁה - מרכז לשמירה על הזכות לנוע (ע"ר)

مسلك - مركز للدفاع عن حرية الحركة

גִּישָׁה
مسلك
gisha



המוקד להגנת הפרט

مركز الدفاع عن الفرد

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شارع أبو عبيده ٤
القدس ٩٧٢٠٠
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فاكس. ٠٢. ٦٢٧٦٣١٧

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Date: October 7, 2014

Our No.:10000

To

Captain Elad Rachamim

Substitute of the person responsible for the implementation
of the Freedom of Information Act

Coordinator of Government Activities in the Territories

By Fax: 03-6977674

Dear Sir,

Dear Sir,

Re: **Request pursuant to the Freedom of Information Law -
Procedure on the relocation of West Bank residents to the Gaza Strip**

1. I hereby write to you according to the Freedom of Information Law, 5758-1998 (hereinafter: the **Freedom of Information Law** or the **Law**), for the purpose of receiving factual information and statistical data concerning the "procedure for the processing of relocation applications of West Bank residents to the Gaza Strip" (hereinafter: the **relocation procedure** or the **procedure**) which was published in December 2010, according to the list specified below. Several years passed from the publication of the procedure and we request that you provide us, at this time, updated information accumulated throughout said period. The requested information pertains to the period from January 2011 through August 2014.
2. The principles of transparency and good governance underlying the Freedom of Information Law provide that there is no obligation to state the reasons for the request (section 7(a) of the Law). Beyond need it should be noted that the not-for-profit associations **Gisha** and **HaMoked: Center for the Defence of the Individual** (HaMoked) handle the matters of

Founded by Dr. Lotte Salzberger
Registered Association
מיסודה של ד"ר לוטה זלצברגר
עמותה רשומה
اسسته د.لوطة زلتسرغر -
مكتب الشكاوي - جمعية مسجلة

Palestinian residents wishing to relocate from the West Bank to the Gaza Strip, and therefore need the requested information.

3. We wish to receive the following information:
4. Has the procedure or any specific provisions thereof been updated since its publication in 2010? If the answer is positive, please send us an updated version of the procedure, and also publish it in the website of the Coordinator of Government Activities in the Territories (COGAT) in Hebrew and Arabic.
5. How many relocation applications to the Gaza Strip were submitted by residents whose registered address is in the West Bank not according to the outline established in the procedure (as specified in section 3)? Have said applications been examined on their merits? If they were examined, how many applications were approved, how many applications were denied and how many applications are still pending?
6. Examination of the application:
 - a. What are the criteria pursuant to which applications are examined (as specified in section 3 c) of the procedure), beyond a signed declaration?
 - b. The declaration form attached to the procedure provides, in the its first section as follows: "I hereby inform you that your application for a relocation permit from the Judea and Samaria Area to the Gaza Strip was approved based on your declaration...". If this is the declaration form that an applicant should sign while submitting the application as specified in section 3(b), before the application was examined and before it was approved, why does it say that the application was approved? If this is not the declaration form referred to in section 3(b) what is the form of the declaration that should be attached to the application?
 - c. What is the legal difficulty mentioned in section 4(b) which prevents the return of the resident to the West Bank and what does it stem from?

7. Giving response to the applications:
 - a. What is the established time frame for processing the applications according to the procedure?
 - b. Is the response to the applications given in writing? Is the response reasoned and in which language is it written? How is the responses delivered to the applicant?
 - c. Is there a tribunal before which the decision may be appealed? If such a tribunal exists, we would like to know what the composition of the tribunal is and how many appeals were heard by it since the procedure was established, how many appeals were accepted and what are the procedures of the hearings before it.
8. In addition to the procedure, we would like to receive the following data regarding the applications:
 - a. How many applications for the relocation of Palestinians, West Bank residents, to the Gaza Strip were submitted under the procedure each year from the date of its publication? How many applications were approved from the publication of the procedure? We would like to receive a segmentation of the applications according to years and according to criteria of gender, age, family status, the deciding agency (Head of operational department for the Judea and Samaria Area, Head of Civil Administration or COGAT, as specified in section 3(d)) and the grounds for the approval of the applications.
 - b. How many applications for the relocation of Palestinians, West Bank residents, to the Gaza Strip were denied from the publication of the procedure? We would like to receive a segmentation of the applications according to years and according to criteria of gender, age, family status, the deciding agency (Head of operational department for the Judea and Samaria Area, Head of Civil Administration or COGAT, as specified in section 3(d)) and the grounds for the denial of the applications.

- c. From the residents who requested to relocate to the Gaza Strip according to the procedure, how many submitted an application for a first return to the West Bank (as specified in section 4(b))? How many such applications were approved? We would like to receive a segmentation of the above applications according to years, the reason of the application, and according to criteria of gender, age and family status.
 - d. From the residents who requested to relocate to the Gaza Strip according to the procedure, how many submitted an application for a return which is not a first return to the West Bank (as specified in section 4(b))? How many such applications were approved? We would like to receive a segmentation of the above applications according to years, the reason of the application, and according to criteria of gender, age and family status.
9. It should be reminded that according to regulation 6(b) of the Freedom of Information Regulations – Fees, 5759-1999, a not-for-profit association is exempt from application fees and from the first four hours of processing fees.
- Copies of certificates of good standing issued by the Not for Profit Associations Registrar for 2014 (Gisha) and for 2015 (HaMoked) are attached hereto and marked "A".
10. In view of all of the above, I hereby request that you transfer to us as soon as possible, and not later than within the period prescribed by the Law, the information requested in this letter. In addition, we request that the procedure will be published in COGAT's website in Hebrew and Arabic (as of this date it does not appear in the website).
11. Thanking you in advance for your response.

Sincerely,

Maayan Niezna,
Advocate