

# B'TSELEM

The Israeli Information Center for  
Human Rights in the Occupied Territories

# בית צלם

*Information Sheet:*    **MAY 1998**

## **DIVIDE AND RULE**

**Prohibition on Passage  
between the Gaza Strip and  
the West Bank**

מרכז המידע הישראלי לזכויות האדם בשטחים [ע.ר.]

מركز المعلومات الاسرائيلي لحقوق الانسان في الاراضي المحتلة

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**B'Tselem** – The Israeli Information Center for Human Rights in the Occupied Territories was founded in 1989 by a group of lawyers, authors, academics, journalists, and Members of Knesset. **B'Tselem** documents human rights abuses in the Occupied Territories and brings them to the attention of policymakers and the general public. Its data are based on independent fieldwork and research, official sources, the media, and data from Palestinian and Israeli human rights organizations.

## Introduction

In the Oslo Accords, Israel and the Palestine Liberation Organization (PLO) stated that they consider the West Bank and the Gaza Strip "one territorial unit." In order to implement this principle, the parties agreed that a "safe passage" would be established that would link the Gaza Strip and the West Bank. The intention was to enable Palestinians to pass through Israeli territory from one area of the Palestinian Authority (PNA) to another, without stopping inside Israel.

The Interim Agreement summarized detailed arrangements for operation of the safe passage between the Gaza Strip and the West Bank. Although more than two years have passed since the parties signed the agreement, and despite repeated promises by officials in Israel, the safe passage has not yet been implemented.

The Oslo Accords are political agreements, and B'Tselem, as a human rights organization, has no overall position on them. This report deals only with the human rights violations resulting from non-implementation of the provisions relating to the safe passage. The current prohibition on Palestinian residents of the Occupied Territories from moving

between the Gaza Strip and the West Bank violates several fundamental human rights, primarily the right to freedom of movement, and contravenes provisions of international law that Israel undertook to fulfill.

B'Tselem has published several reports on the closure imposed on the Occupied Territories over the past several years and on its affect on residents of the Occupied Territories. These reports, and reports by other human rights organizations on this subject, reviewed the effect of Israel's closure policy on residents of the Occupied Territories and the damage caused by the closure. This report deals only with the consequences of the prohibition on residents of the Occupied Territories from passing between the Gaza Strip and the West Bank, as part of the overall closure policy.

The report will describe the safe passage arrangements stipulated in the agreements and will describe the current situation, in which the passage is not in operation. To illustrate the problem, the report includes testimonies of Occupied Territories residents who have been harmed because they have been unable to pass between the Gaza Strip and the West Bank.

## Background

Following the Six-Day War, in 1967, Israel's military commanders in the West Bank and Gaza Strip issued orders proclaiming these areas to be closed military areas.<sup>1</sup> In 1972, general exit orders were issued. These allowed Occupied Territories residents to leave the Occupied Territories freely, enter Israel and East Jerusalem, and pass between the Gaza Strip and the West Bank. Residents of the Occupied Territories were not allowed to stay in Israel and East Jerusalem between 1 a.m. and 5 a.m.

In June 1989, for the first time, Israel restricted the general exit permits. In the Gaza Strip, Israel used a magnetic-card system, whereby only those with such a card were allowed to leave the Strip. The authorities did not issue magnetic cards to released prisoners, former administrative detainees, or even Palestinians who had been detained and released without charges being filed against them. In the West Bank, green, rather than orange, identity cards were issued to Palestinians whom Israel prohibited from leaving the Occupied Territories.

In January 1991, during the Gulf War, Israel changed the policy it had implemented since it first occupied the Occupied Territories, in 1967. The general exit permits of 1972 were revoked,<sup>2</sup> and every resident of the Occupied Territories wanting to enter Israel had to have a personal exit permit. The effect of revocation of the general exit permit on Occupied Territories residents was not immediate. At first, Israel issued many permits for relatively long periods, and except for days in which a total closure on the Occupied

Territories was imposed, most Palestinians could continue to enter Israel routinely. However, Israel's permit policy gradually became stricter. Thus, beginning in 1991, the number of residents of the Occupied Territories entering Israel and East Jerusalem steadily decreased.

The new policy created a situation in which the Occupied Territories were divided into three areas, with passage between them requiring a permit from the Israeli authorities: the Gaza Strip, the West Bank, and East Jerusalem. Movement within the West Bank was also limited, insofar as the main road between the southern and northern areas of the West Bank passes through Jerusalem, into which entry was prohibited.

Revocation of the general exit permit in 1991 marked the beginning of the permanent closure policy, which reached its apex two years later. In March 1993, following the killing of nine Israeli civilians and six security forces personnel by Palestinian residents of the Occupied Territories, Israel imposed an overall closure on the Occupied Territories "until further notice." To enforce the closure, Israel set up checkpoints along the Green Line separating Israel and the West Bank, between the West Bank and East Jerusalem, and within the Occupied Territories.

Approvals were granted sparingly and according to criteria unknown to Palestinians.

The closure policy remains in effect. The Oslo Accords and the geo-political changes that followed had almost no effect on these restrictions. The severity of the closure varies depending on circumstances. For example,

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1. Order relating to Closed Areas (West Bank Region) (No. 34) 5727-1967. A similar directive was issued for the Gaza Strip. Israel annexed East Jerusalem and the territory of several villages, and these orders do not, therefore, apply to them. B'Tselem shares the position of the international community that East Jerusalem is occupied territory, comprising part of the West Bank. On this matter, see B'Tselem, *A Policy of Discrimination: Land Expropriation, Planning and Building in East Jerusalem* (January 1997).

2. Directive relating to Suspension of General Exit Permit (No. 5) (Emergency Provision) (Judea and Samaria), 5751-1991. A similar directive was issued for the Gaza Strip.

after Palestinian violence against Israelis, the authorities impose a total closure, during which no exit permits are granted, except in exceptional cases. A total closure is also often imposed on the Occupied Territories during Israeli holidays. Since the beginning of the occupation of the Occupied Territories, in 1967, Israel had not imposed such sweeping and lengthy restrictions on the right of movement of all Palestinian residents of the Occupied Territories. In the past, Israel imposed on all the Occupied Territories, or on certain areas within the Occupied Territories, a curfew or closure for a limited period of time, usually in

response to acts of violence against Israelis, demonstrations, or strikes. After the intifada broke out, Israel frequently imposed a curfew or closure on certain areas in the Occupied Territories or on all the Occupied Territories. In some towns and villages, the number of days a curfew was imposed reached one-third of the year. A permanent night curfew was imposed on the Gaza Strip from May 1988 until May 1994, when the PNA entered the Gaza Strip. However, until 1993, most Occupied Territories residents could obtain permits to enter Israel and travel between the Gaza Strip and the West Bank as long as no curfew or closure was in effect.<sup>3</sup>

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3. For details on the human rights violations inherent in a closure, see, among others, B'Tselem, *The Closure of the West Bank and Gaza Strip: Human Rights Violations against Residents of the Occupied Territories* (April 1993); B'Tselem, *Without Limits: Human Rights Violations under Closure* (April 1996); Human Rights Watch/Middle East, *Israel's Closure of the West Bank and Gaza Strip* (July 1996); Palestinian Center for Human Rights, *The Israeli Policy of Closure – Legal, Political and Humanitarian Evaluation* (1996).

## "The Safe Passage" in the Oslo Accords

In the Declaration of Principles, Israel and the PLO agreed that, "the two sides view the West Bank and the Gaza Strip as a single territorial unit, whose integrity will be preserved during the interim period."<sup>4</sup> This declaration was repeated in the two subsequent interim agreements.<sup>5</sup>

In Annex I of the Interim Agreement, dealing with security matters, the parties repeated this undertaking at length:

In order to maintain the territorial integrity of the West Bank and the Gaza Strip as a single territorial unit, and to promote their economic growth and the demographic and geographical links between them, both sides shall implement the provisions of this Annex, while respecting and preserving without obstacles, normal and smooth movement of people, vehicles, and goods within the West Bank, and between the West Bank and the Gaza Strip.<sup>6</sup>

Movement between the Gaza Strip and the West Bank requires passing through Israel. Entry into Israel without a permit is prohibited under the permanent closure imposed on the Occupied Territories. The agreements provide, therefore, for operation of a "safe passage" linking the West Bank and the Gaza Strip, along which persons, vehicles, and goods will pass without deviating from their route and without stopping on Israeli territory. The Cairo Agreement calls for operation of such a passage only between the Gaza Strip and Jericho, because only these areas had been transferred to the PNA

at that time.<sup>7</sup> In the Interim Agreement, the parties agreed to operate the passage between the Gaza Strip and all the territory of the West Bank.<sup>8</sup>

The Interim Agreement stipulates the procedures for passage of Occupied Territories residents via the safe passage. According to the agreement, the passage will be operated through four checkpoints: in the Gaza Strip, there will be a crossing at Erez Checkpoint, through which persons and vehicles will pass, and at Karni Checkpoint, through which only goods will cross. In the West Bank, there will be a crossing at the Tarqomiyah Checkpoint, Hebron District, and another checkpoint that will be placed in the Mevo Horon area, whose precise location was not stipulated in the agreement. It was stipulated that the safe passage would be operated at least ten hours per day, except for Yom Kippur, Israeli Memorial Day, and Israeli Independence Day, when the passage will be closed.

According to the agreement, those moving along the safe passage are required to have a "safe passage card," which Israel will issue. Persons having a permit to enter Israel may pass through the crossing without the need for any other approval. The card will be stamped by Israel at the crossing points, noting the time of exit and the estimated time of arrival at the second point. Persons moving along the safe passage are forbidden to leave the road, and must comply with the times stamped on the card at the crossing points, except for emergency medical delays

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4. The Declaration of Principles on Interim Self-Governing Arrangements, signed in Washington on 13 September 1993 (hereafter: the Declaration of Principles), art. 4.

5. Agreement on the Gaza Strip and the Jericho Area, signed on 4 May 1994 (hereafter: the Cairo Agreement), art. 23(6); Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, signed on 28 September 1995 (hereafter: the Interim Agreement), arts. 11(1) and 31(8).

6. Article 1(2) of Annex I of the Interim Agreement.

7. Art. 9 of Annex I of the Cairo Agreement.

8. Art. 10 of Annex I of the Interim Agreement.

or technical problems. It was stipulated that the precise arrangements on the manner of issuance of the safe passage cards for persons and vehicles would be determined by the joint committee for security matters. Palestinians whom Israel prohibited from entering its territory would travel along the safe passage in buses accompanied by the Israel Police Force, which would operate twice a week between 7:00 a.m. and 2:00 p.m. These persons will be required to obtain, at least five days prior to their intended voyage,

a permit allowing their crossing through Israel.<sup>9</sup>

The safe passage arrangements stipulated in the agreement clearly indicate that implementation of these arrangements would not create a situation of free movement of Occupied Territories residents between the Gaza Strip and the West Bank. Each crossing between these two areas would be supervised by Israel and would require obtaining the appropriate permit from the Israeli authorities.

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9. The Cairo Agreement stipulates similar arrangements for the safe passage, except for the arrangement regarding persons who do not have permits to enter Israel. Art. 9 of Annex I of the Cairo Agreement stipulates that these persons can obtain crossing permits, at Israel's discretion, and in accordance with procedures that will be set individually in each case.



## The Current Situation

Since the signing of the Cairo Agreement, in which the parties initially agreed upon operation of the safe passage between the Gaza Strip and the West Bank, Israel has repeatedly promised that the passage would be operational soon. In August 1994, the parties at a meeting of the Coordination and Liaison Committee reportedly agreed on the immediate operation of the safe passage between Gaza and Jericho.<sup>10</sup> In April 1995, it was reported that, "the way has been paved for operating the safe passage between Gaza and Jericho."<sup>11</sup> In December 1995, it was reported that, "two lanes of the safe passage between Gaza and the West Bank will be opened by the end of the month."<sup>12</sup> In January 1996, it was stated that a unit of the Border Police had been established to guard the safe passage.<sup>13</sup> In June 1996, it was reported that, according to a military source, "discussions between the IDF and the Palestinians in this matter are essentially technical, since the IDF will not operate the safe passage until a new government is formed."<sup>14</sup>

The parties have not yet agreed on implementing the safe passage. The annex to the Hebron Agreement, of January 1997, includes the safe passage as one of the subjects to be discussed urgently. Although more than a year has passed since then, the negotiations over the safe passage have not yet concluded.<sup>15</sup>

Several suggestions regarding operation of the safe passage have been raised since the signing of the Interim Agreement. The PNA proposed building an elevated highway between the Gaza Strip and the southern part of the West Bank, and contended that it was able to raise the necessary funds to build it.<sup>16</sup> The Israeli Ports and Trains Authority suggested laying a railroad track that would join the West Bank and the Gaza Strip, a proposal supported by European officials.<sup>17</sup> The last proposal was to operate a specially protected bus line between the Gaza Strip and the West Bank.<sup>18</sup> None of these ideas was ever implemented.

Several disagreements between the parties are holding up operation of the safe passage.<sup>19</sup> The principal dispute relates to the location of the crossing point in the north. The Interim Agreement stipulates that this point will be "around Mevo Horon." Israel wants the point to be further east, in the area of Ramallah. The Palestinians oppose this, fearing it would be a precedent that would affect determination of the future border, an issue to be resolved in the final-status negotiations.

Other disagreements also exist. For example, the Interim Agreement states that Palestinians traveling along the safe passage will be subject to Israeli law. The PNA refuses to accept that Israel would have power to detain persons moving along the safe

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10. *Ha'aretz*, 18 August 1994.

11. *Ha'aretz*, 7 April 1995.

12. *Yediot Aharonot*, 7 December 1995.

13. *Ha'aretz*, 30 January 1996.

14. *Ha'aretz*, 7 June 1996.

15. Dennis Ross, the United States' special emissary for the Middle East, prepared the Annex at the request of Prime Minister Benjamin Netanyahu and Yassir Arafat, head of the PNA. The Annex delineated subjects unrelated to Hebron that must be dealt with promptly.

16. *Ha'aretz*, 8 December 1995.

17. *Yediot Aharonot*, 22 January 1996; *Ma'ariv*, 23 February 1996; *Ha'aretz*, 3 January 1997.

18. *Yediot Aharonot*, 2 July 1997, 8 July 1997.

19. See, for example, *Ha'aretz*, 7 June 1996, 6 May 1997, 26 February 1998.

passage. Another dispute involves operation of the passage on Saturdays. According to the agreement, the passage is to be open all year, with the exception of three days. However, Israel refuses to operate the passage on Saturday, alleging that the expense would be too high, primarily after responsibility for operating it is transferred to civilian hands. Another dispute involves who will bear the expense of establishing and operating the safe passage.

Israel also contends that security considerations prevent operation of the safe passage. For example, in response to the Palestinian contention that Israel is breaching the peace agreement by not recognizing the territorial unity of the Gaza Strip and the West Bank, then-Coordinator for Government Activities in the Occupied Territories, Major General Oren Shahor, stated, "Israel made the commitment, but in practice, its security needs, principally the closure, make realization of this principal difficult."<sup>20</sup> In a meeting between representatives of B'Tselem and Major General Meir Dagan, head of the Anti-Terror Unit, Major General Dagan stated that operation of the safe passage is problematic, because "passage between Gaza and Judea and Samaria will facilitate communications between the terrorist commands."<sup>21</sup>

The contention that security considerations preclude operation of the safe passage cannot be voiced now given that when the agreements were drafted, the proper balance between Israel's security and the Palestinians' right to freedom of movement was weighed. After signing the Cairo Agreement, in May 1994, then-Inspector General of the Police, Commissioner Assaf Hefetz, stated that, "The Israel Police Force does not expect security problems from the safe passage between the Gaza Strip and Jericho. The safe passage is

intended to ensure permanent passage throughout the year, including during closure between Gaza and Jericho. We do not expect security problems as a result of the safe passage."<sup>22</sup> Having signed the agreements, which obligate it to operate the passage, Israel may not later raise those security considerations, which have already been examined, as a preclusion to implementation.

As long as the safe passage is not operational, Israel's closure policy remains in effect, whereby every resident of the Occupied Territories wanting to move between the Gaza Strip and the West Bank must obtain a permit from Israel. The criteria for obtaining the permit are extremely demanding and involve a lengthy bureaucratic process.<sup>23</sup>

Since the transfer of powers to the PNA, Palestinians have been required to submit their requests for various permits through the PNA. The PNA forwards the request to officials at the Israeli District Coordination Office (DCO) in the relevant district, who decide whether to grant the request. The answer is forwarded to the PNA, which then forwards it to the applicant. Only a request for a magnetic card, which is a preliminary condition to submitting a request for an exit permit, is submitted at the Israeli DCO, and this is the only procedure in which the Palestinian resident applies directly to an Israeli authority.

Requests are rejected without explanation, and the Israeli authorities often only give a verbal response. Rejections frequently occur for "security reasons" related to the applicant, even though the facts upon which this determination is made are unclear. Palestinians also appeal rejections before Palestinian officials; at no time are applicants

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20. *Ha'aretz*, 27 November 1996. See also *Ha'aretz*, 23 July 1996.

21. The meeting was held on 29 January 1997.

22. *Ha'aretz*, 19 May 1994.

23. For a description of the bureaucratic process prior to transfer of powers to the PNA, see B'Tselem, *Bureaucratic Harassment; Abuse and Maltreatment during Operational Activities in the West Bank in the First Year of the Declaration of Principles* (September 1994).

able to argue their case directly before Israeli decision-makers.

The involvement of Israeli entities, among them human rights organizations, often miraculously results in approval of a previously rejected request. While preparing this report, B'Tselem provided Shlomo Dror, Spokesperson for the Coordinator of Government Activities in the Occupied Territories, a list of eight person whose requests to pass through Israel to reach the Gaza Strip or the West Bank had been rejected. Following B'Tselem's intervention, Israel allowed seven of them to pass through Israel. Among those allowed were persons whose request had been previously rejected for "security reasons." The intervention of HaMoked: Center for the Defence of the Individual also has assisted in obtaining a permit in many cases where the initial request had been rejected.

This procedure is improper and indicates the arbitrariness with which Israel rejects requests. If the request had initially been examined on its merits, the intervention of human rights organizations would not affect the outcome. When B'Tselem raised this point with the Spokesperson for the Coordinator, he argued that the office of the Coordinator of Government Operations in the Occupied Territories does not have the financial resources necessary to check thoroughly each and every request.<sup>24</sup>

Absurdly, it is easier today for a Palestinian to enter and work in Israel than to move

between the Gaza Strip and the West Bank. Under the currently applicable criteria, Palestinians wishing to work in Israel must be "over twenty-five, married, and without a security or criminal record."<sup>25</sup> In March 1998, newspapers reported that the minimum age for working in Israel had been lowered to twenty-three, and that permits to remain overnight in Israel were being granted.<sup>26</sup> In addition, Shlomo Dror, Spokesperson for the Coordinator, informed B'Tselem that, "Quotas for Palestinian workers in Israel had been rescinded and that anyone who meets the criteria and has a place to work may enter Israel."<sup>27</sup> Contrary to the above, movement between the Gaza Strip and the West Bank is currently almost impossible, except for a special arrangement established for family visitation, which shall be described below.

West Bank and Gaza Strip residents maintain close ties in all sectors of life. The prohibition on travel between the regions therefore severely affects them. The prohibition on passage between the Gaza Strip and the West Bank contravenes international law and the right to freedom of movement, which is incorporated in several international conventions that Israel signed and undertook to fulfill. Because of the consequences on Palestinian life resulting from the prohibition on unrestricted passage between the areas, other rights of residents of the Occupied Territories are also prejudiced, among them the right to maintain a family life, the right to work, and the right to an education.<sup>28</sup>

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24. Stated in a telephone conversation with B'Tselem on 19 January 1998.

25. In a letter, of 18 January 1998, from Shlomo Dror, Spokesperson for the Coordinator of Government Operations in the Occupied Territories, to The Association for Civil Rights in Israel.

26. *Ha'aretz*, 20 March 1998.

27. In a letter, of 12 February 1998, from Shlomo Dror, Spokesperson for the Coordinator of Government Operations in the Occupied Territories, to B'Tselem.

28. For a description of Israel's violations of international law in its closure policy, see the reports mentioned in fn. 3.

## Family Visits

Many residents of the two areas – the Gaza Strip and the West Bank – have relatives in the other area. The severance between these two areas precludes visits between family members, even between spouses, parents, and children, for prolonged periods of time, sometimes even for years. In many instances, Israel also prevents relatives from meeting at family celebrations, like births and weddings, and after tragedies, such as death or illness.

In November 1997, Israel and the PNA agreed that six hundred Palestinians a week would be allowed to pass between the Gaza Strip and the West Bank for family visits. However, as the Spokesperson for the Coordinator of Government Activities in the Occupied Territories indicated in his letter to B'Tselem, "The easing of movement of Palestinians from Judea and Samaria and Gaza and back again was granted for humanitarian reasons, and are unrelated to the safe passage."<sup>29</sup>

In her letter to B'Tselem, Lt. Orit Kitta, of the international law department of the Military Prosecutor's Office, stated that, according to the arrangement,

The quota of crossing permits stands at three hundred per week for each region. This quota is divided among the districts in the Judea and Samaria region and in the region of the Gaza Strip according to the request of the PA. A quota of sixty permits was set for Hebron and Ramallah Districts; a quota of fifty permits was set for Nablus and Tulkarm; a quota of thirty-five permits was set for Bethlehem District; a quota of twenty-five permits was set for Jenin District; and a quota of twenty was set for Jericho District.<sup>30</sup>

This arrangement applies only to men over forty-five and women over thirty-five, provided in each case that Israel's General Security Service does not consider them "precluded for security reasons." Individuals who do not meet these criteria cannot visit their family members. Children under fourteen do not require a permit.<sup>31</sup>

This arrangement is arbitrary and does not reflect the actual needs of residents of the Occupied Territories. The extreme restrictions relating to the ages of the visitors prevent many residents of the Occupied Territories from meeting their relatives.

The agreed-upon arrangement creates an absurd situation: the quotas for Palestinian workers entering and staying in Israel have been revoked, while quotas have been set for movement between the West Bank and the Gaza Strip. The minimum age for males allowed to enter Israel to work is twenty-two years lower than the age at which the authorities allow males to pass through Israel to visit their relatives in the Occupied Territories.

***Ibtisam Ibrahim Hassan Ibrahim Abu Shahala, 29, married with two children, resident of Gaza***<sup>32</sup>

I was born in Ramallah. In 1993, I married Muhammad 'Abd a-Latif Taufiq Abu Shahala, who lived in Gaza. I moved there to live with him. Our two children, Rami and Mahmud, were born in Gaza. I used to travel to Ramallah to visit my family twice a year, using a permit they would give me in Gaza. At the

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29. In a letter, of 12 February 1998, from Shlomo Dror, Spokesperson for the Coordinator of Government Operations in the Occupied Territories, to B'Tselem.

30. In a letter, of 18 January 1998, from Lt. Orit Kitta, of the international law department of the Military Prosecutor's Office.

31. In a letter, of 12 February 1998, from Shlomo Dror, Spokesperson for the Coordinator of Government Operations in the Occupied Territories, to B'Tselem.

32. Ms. Abu Shahala gave her testimony to Najib Abu Rokaya on 7 December 1997 in Ramallah.

Palestinian DCO in Ramallah they would give me a permit to return to the Gaza Strip.

On 22 October 1997, my two children and I arrived in Ramallah with the permit I had received in Gaza. Two weeks later, I submitted a request for a permit to return to Gaza, and attached a photocopy of my husband's identity card to the application. About a week later, the Palestinian DCO in Ramallah informed me that my request had been denied because I was not the right age. To obtain a permit, you have to be over thirty-five, and I am younger than that.

My brother and his wife live in Ramallah, as does my mother, who is seventy. She needs my assistance. I want to take her to Gaza with me so that I can take care of her. Today I submitted another request for a permit for myself and my mother to go to Gaza. In the meantime, I am waiting in Ramallah, with my two children and without my husband.

**Hanan Taher Muhammad Sheikh Ahmad, 24, married with one child, resident of Gaza**

(The following describes a case handled by HaMoked: Center for The Defence of the Individual.)

On 19 February 1995, Hanan Sheikh Ahmad, who lives in the Qalandia refugee camp, Ramallah District, married Muhammad 'Abd al-Qarim Ibrahim Abu Sha'ir, a resident of Gaza, and went to live in his home there. On 10 December 1995, their child was born. In May 1996, Ms. Sheikh Ahmad's father underwent surgery. After receiving a permit, she went to visit him in Qalandia. Her husband and son, who was then six months old, remained in Gaza.

In September 1996, after her father's condition had improved, Ms. Sheikh Ahmad wanted to return to her husband and son in Gaza. She submitted several requests for a permit to pass through Israel and enter Gaza, but the authorities rejected all of them.

In June 1997, she sought the assistance of HaMoked: Center for the Defence of the Individual to obtain a permit to return to Gaza. HaMoked requested the authorities to issue her the permit. The authorities responded that, "The aforementioned is precluded from entering Israel for security reasons." Ms. Sheikh Ahmad had been arrested in 1992, tried in a military court, and sentenced to imprisonment for two and a half years for attempting to stab a soldier. In October 1996, she was detained in Jerusalem and held for several days for staying in Israel illegally.

HaMoked again contacted the authorities, emphasizing that Ms. Sheikh Ahmad had not seen her infant son for over a year. Following this letter, she received the permit, and on 30 July 1997 entered Gaza and rejoined her family.

**Ahmad Khaled Ahmad Khamarsheh, 31, single, resident of Ya'abed village, Jenin District<sup>33</sup>**

I have been a clerk at the Palestinian Youth and Sport Ministry, in Ramallah, for about two and a half years. I studied sociology and political science at Bir Zeit University. In my studies, I got to know a student from the Gaza Strip. We have been in touch for a year and a half, and want to get married. Custom dictates that I go to the Gaza Strip to become acquainted with my wife-to-be, and then I must go there with a delegation of respected persons to request her family's permission that we marry.

In April 1997, through the Ministry of Youth and Sport, I submitted a first request to the Palestinian DCO in Ramallah for a permit to cross into Gaza. About a week after submitting the request, the Israelis informed the Palestinian DCO verbally that my request had been rejected for security reasons. I submitted another request in June 1997, but

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33. Mr. Khamarsheh gave his testimony to Najib Abu Rokaya on 13 January 1998 at Mr. Khamarsheh's office, in Ramallah.

about a week later it was rejected for the same reason.

At the end of November 1997, I requested permission to enter Gaza as the assistant to the Minister for Youth and Sport. The head of the ministry in Ramallah notified the Israelis that the minister wanted to travel from the West Bank to Gaza, and my name was listed as one of the persons accompanying the minister. The Israelis responded that security reasons precluded me from traveling with the minister.

I am now checking the possibility of going to Jordan, and from there to Egypt, and then into Gaza through the Rafah Terminal. I would return to the West Bank the same way.

I have been detained in Israeli prisons nine times, the first time on 23 November 1988. Five of the times I was held in administrative detention. I was imprisoned for a total of about four and a half years. The last time was between July 1993 and September 1994, when the military court in Jenin tried me for possession of a weapon and for membership in the Democratic Front [for the Liberation of Palestine].

I am now thirty-one and want to build a life for myself with family and children. I work in a ministry that exists because of the peace with Israel. If I accept this situation, it is a sign that I have turned over a new leaf, and aim to build my future and family. But I can't do that because they don't give me a permit.

**Hashem Ahmad Muhammad Batran, 58, married with ten children, resident of Tulkarm**<sup>35</sup>

I have brothers in the Gaza Strip, three of whom are married. I also have two sisters there – one is married with children and the other is single. My wife has five brothers and two sisters in Gaza, all of them married. We also have uncles and cousins, all of them in the Gaza Strip. Both my wife and I want to go to the Gaza Strip when there are family occasions, but we can't because it is impossible to obtain a permit.

On 25 August 1996, my brother Marwan died in Gaza. My family in Gaza faxed the death certificate to me, and I took it to the DCO in Tulkarm. I requested a permit to enter the Gaza Strip to take part in my brother's funeral. My request was denied and I did not receive the permit. On 2 December 1996, my sister Rawda died. Again I applied to the DCO in Tulkarm, attaching a copy of the death certificate. Twelve days later I received a permit to go for two days. I received the permit one day after the two-day period had started, so I was left with only one day to travel there in the morning, spend some time with my family, and return the same day. But I stayed there four days before returning to Tulkarm.

On 21 February 1997, my father died, and once again I went to the DCO with the death certificate that had been sent to me from Gaza, and requested a permit to enter Gaza. For two weeks, the officials at the DCO told me there was no answer. After fifteen days, the Tulkarm DCO told me that my request had been denied.

Since then, I have given up and have not submitted any more requests, because if they did not give me a permit to bury my father, what reason could there be for which they would give me a permit? If I simply tell them that I miss my brothers and sisters in Gaza and

want to visit them, would that convince the Israelis to give me a permit?

**Diab Mahmud Muhammad Matoli, 45, married with nine children, resident of El-Bireh, Ramallah District**<sup>36</sup>

In 1973, I married Fatma, a resident of Gaza. My wife has three brothers and three sisters living in the Gaza Strip. All of them are married with children. Since 1984, my sister 'Aisha has lived with her husband in Gaza's Sabra neighborhood. She has one son. My brother Sabi, who lives in Qalqilya, has two married daughters, Samia and Rania; both daughters live in Gaza with their children.

Before it was necessary to obtain a permit to move between the West Bank and Gaza, I would visit my relatives in the Strip three or four times a year. But for as long as we have had to obtain a permit, I can no longer do this. The last time I visited my relatives in Gaza was on 7 March 1993.

In 1995, I requested permission to travel to the United States. I received a United States visa, stayed there three weeks, and returned. I flew via Ben-Gurion Airport, and returned via the same airport. Nobody created any problems along the way. But they don't let me go to the Gaza Strip.

During the Jewish Sukkoth holiday, I requested a permit through the Palestinian DCO in Ramallah to enter the Gaza Strip. I did not receive an answer. On 16 November 1997, I submitted another request to the same DCO, and again did not receive an answer. On 23 November, I submitted another request, and attached to it a photocopy of the identity card of my sister 'Aisha, to prove that I have a sister in Gaza. On 25 November, officials at the DCO in Ramallah informed me that the Israelis had denied my request, without informing me of the reason for the refusal.

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35. The testimony was given to Najib Abu Rokaya on 20 November 1997 in Tulkarm.

36. The testimony was given to Najib Abu Rokaya on 27 November 1997 in El-Bireh.

**Sa'id 'Ali Banat al-Khajajreh, 73, married,  
resident of Hirbet al-Arub, Hebron District**

(The following describes a case handled by HaMoked: Center for The Defence of the Individual.)

Mr. al-Khajajreh's five daughters are married and live with their families in the Jabalya refugee camp, in the Gaza Strip. Mr. al-Khajajreh was arrested in 1985, tried by a military court, and sentenced to two and a half years' imprisonment. He was released for health reasons before completing his prison sentence. On 20 November 1997, he and his wife submitted a request for a permit to enter the Gaza Strip. The following day he received a response that his request had been rejected for security reasons. His wife received a permit.

On 16 December 1997, HaMoked: Center for the Defence of the Individual contacted the Israeli authorities and requested that Mr. al-Khajajreh be granted a permit to enter the Gaza Strip. When it received no response, on 18 February 1998 HaMoked followed up its request. On 25 February, HaMoked was informed that Mr. al-Khajajreh would be allowed to enter the Gaza Strip for one week, from 9-15 March 1998. Mr. al-Khajajreh was requested to go to the DCO in Hebron on 8 March at 2:00 p.m. to receive the permit. He arrived there at the designated time, but the officials told him that they did not have the permit for him. Only after HaMoked personnel spoke with the office was the permit provided to Mr. al-Khajajreh.

On 9 March, Mr. al-Khajajreh traveled to the Gaza Strip. On 15 March, the day the permit expired, he arrived at Erez Checkpoint at 10:00 a.m. in order to return to his home in the West Bank. When he reached the Israeli checkpoint, the soldier there took the permit and told him, "Go back and die in Gaza." He returned to his daughters in the Jabalya refugee camp, and his son informed HaMoked that the permit had been taken from his father, and that he could not return.

HaMoked contacted the authorities in an attempt to understand why the permit had been taken from Mr. al-Khajajreh. The response it received was that the permit had been taken because he is precluded from entering Israel for security reasons. To arrange his return home, he had to apply to the Palestinian DCO in Gaza. After several more telephone calls by HaMoked, in which it repeated and emphasized that the permit had to be returned to Mr. al-Khajajreh, the authorities informed HaMoked that the matter had been arranged, and that he should go to Erez Checkpoint, where the permit would be waiting. When he arrived there, the soldiers made him wait for about an hour, and then he was notified that since it was late, the permit had expired, and he had to come back the next day.

The following day, 16 March, HaMoked was notified that a one-day permit had been issued to Mr. al-Khajajreh, and that he should go to Erez Checkpoint to take it. He went to the checkpoint on the same day, where the permit was waiting, and he then returned to his home.



## Damage to the Palestinian Economy

The closure imposed on the Occupied Territories since 1993 severely damages the Palestinian economy. Most of the damage results from residents of the Occupied Territories being prohibited from entering Israel, which limits their ability to work in Israel and conduct business there. However, the severance between the Gaza Strip and the West Bank also leads to losses for the Palestinian economy and prejudices its development.

Over the years, commercial ties have been developed between the West Bank and the Gaza Strip; many goods from the Gaza Strip have been sold in the West Bank, and vice versa. The prohibition on free movement between the two areas significantly altered trade between the Gaza Strip and the West Bank. For example, prior to the prohibition, some fifty percent of the goods produced in the Gaza Strip were marketed in the West Bank. At the end of 1995, only eleven percent of the goods produced in the Gaza Strip were marketed in the West Bank, and in the third quarter of 1996, only two percent of the exports from the Gaza Strip went to the West Bank.<sup>37</sup>

The reasons for this decrease are clear. Currently, movement of goods between the Gaza Strip and the West Bank is primarily conducted through Karni Checkpoint. Because of the closure imposed on the Occupied Territories, trucks from Gaza are almost never allowed to exit the Gaza Strip. Although Israel allows a limited number of trucks to exit the Gaza Strip into Israel with a security escort, this escort does not reach the West Bank. The closure also prevents trucks

from the West Bank from reaching the Gaza Strip. Therefore most goods are transported to and from the Gaza Strip by Israeli trucks. Trucks from Gaza bring the goods to the checkpoint, the goods are unloaded, and after a comprehensive security check are then loaded onto Israeli trucks, which take them to Israel or to the West Bank. This system works the same way in the opposite direction: goods reaching the Gaza Strip are unloaded from Israeli trucks at the checkpoint and loaded onto Palestinian trucks. This procedure is very costly because the owners of the goods have to pay for unloading and loading as well as for the Israeli trucks. The wait at the checkpoint may last hours or even days, depending among other things on the number of soldiers stationed at that particular time at the checkpoint. Some of the goods often spoil during the wait, and cannot be marketed.<sup>38</sup>

The crossing is closed during total closures. In this situation, merchants cannot commit to filling orders on time, and lose their customers' trust. In August 1997, for example, Israel imposed a total closure on the Occupied Territories in response to an attack in Jerusalem. Figures on the number of trucks transporting goods between the Gaza Strip and the West Bank clearly indicate the effect of the total closure. In July 1997, Israel allowed 635 trucks from the Gaza Strip to transport goods to the West Bank and 413 trucks to transport goods from the West Bank to the Gaza Strip. In comparison, in August, Israel allowed only 179 trucks from the Gaza Strip to transport goods to the West Bank (a decrease of some seventy percent) and 199 trucks from

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37. *Economic and Social Conditions in the West Bank and Gaza Strip*, Quarterly Report, Winter-Spring 1997, United Nations, Office of the Special Coordinator in the Occupied Territories, Gaza, 1 April 1997.

38. Karni Crossing is intended to be transferred soon to the Airports Authority, which is supposed to shorten the time for crossing. However, transfer of responsibility was postponed because of the break in the negotiations between Israel and the PNA. See *Ha'aretz*, 5 January 1998.

the West Bank to transport goods to the Gaza Strip (a decrease of some fifty percent).<sup>39</sup>

Furthermore, because of the restrictions on movement between the Gaza Strip and the West Bank, merchants are unable to meet with their customers or seek new customers. In many cases, they are precluded from making personal contacts, which is extremely important in managing a business.

Another reason for the substantial decrease in trade between the Gaza Strip and the West Bank is the unstable political and legal situation in the Occupied Territories, which leads to uncertainty about the future. The high risks facing investors do not enable establishment of financial ties, new investments, and expansion of existing investments.

In the report of the World Bank and the Palestine Economic Policy Research Institute, several factors are given for impeding development of the Palestinian economy, among them the territorial severance of the Gaza Strip and the West Bank. Free movement within the Occupied Territories, including movement between the West Bank and the Gaza Strip, is listed in the report as one of the vital changes necessary for stability and development of the Palestinian economy.<sup>40</sup>

An article surveying the economic condition of West Bank companies that traded with the Gaza Strip before Israel imposed restrictions on movement states:

Due to hugely elevated transportation costs, logistical difficulties, new restrictive legislation, and diminishing market credibility, many West Bank companies are being forced to abandon the Gazan market....

Given this labyrinth of obstacles facing West Bank companies wishing to sell to Gaza, and the uptake of their market share

by cheap importers, it is hardly surprising that they are being forced to look for new markets. As the struggle for Palestinian unity continues, the fight to achieve economic cohesion is losing ground, and the West Bank is losing Gaza.<sup>41</sup>

**Maher Khalil 'Amer, 37, married with three children, resident of Khan Yunis, Gaza Strip<sup>42</sup>**

I am one of the owners of a factory that makes metal screws and picture holders and other products like that. The factory exists since 1993. Sixty to seventy percent of the production is marketed in the West Bank. We buy the raw material in Israel, and some of the raw materials we import specially. We have a chain of shops in Nablus, Hebron, Qalqilya, Jenin, and other locations in the West Bank.

Until about a year ago, I had a magnetic card and a permit to enter Israel, which enabled me to enter the West Bank. I obtained the permit through the Ministry of Trade and Industry here in Gaza. I would travel regularly to the West Bank on business. About a year ago, my magnetic card expired. I went to the Israeli DCO at Erez Checkpoint. I gave the military clerk my magnetic card, which had expired, and requested a new one in its place. The clerk gave me a piece of paper from the DCO's computer room, on which was written "negative."

Now I load my goods onto a truck that travels to Karni Crossing. There the merchandise is transferred to an Israeli truck with yellow [Israeli] license plates. Sometimes – when there is no closure and trucks from the West Bank can reach the crossing – we transfer the goods to a truck from the West Bank. The company paid some NIS 75,800 this year for trucks to transport the goods. A year ago we paid NIS 115,000. If there were unrestricted

39. The figures were provided, on 26 January 1998, to B'Tselem by the UN's Office of the Special Coordinator in the Occupied Territories.

40. The World Bank and the Palestinian Economic Policy Research Institute, *Development under Adversity? The Palestinian Economy in Transition*, October 30, 1997, pp. 10-13. 18.

41. Arab Economist Association, Ramallah, *Palestine Economic Pulse*, "Losing Gaza," May-June 1996, pp. 3-5.

42. The testimony was given to Najib Abu Rokaya on 29 December 1997 in Khan Yunis.

movement from the Strip to the West Bank, the transport costs would be about a tenth of that.

We want to open a warehouse in the West Bank for our business. That way we could supply the goods more expeditiously and compete better with our competition. We have customers whom I have never seen, and there is nothing like a personal meeting between the manufacturer and the distributor to arrange the transactions. For example, now it is the driver delivering the goods who takes the check from the merchants. In most instances, the checks are postdated. Because I am not there, I can't evaluate the customer's condition and know whether I can pressure the merchant to shorten the time of payment, or when I am likely to lose the sale, and things like that. Conducting business for thousands of shekels only by telephone and courier and drivers is inefficient, and leads to losses in comparison to what it would be like if I conducted the business directly as the owner.

We pack the screws in cartons, each weighing seven kilograms. At Karni Crossing, they open each carton and spill out the contents to see what is inside, and then repack the carton. This costs about NIS 300-400 per shipment. I pay workers at the crossing to unload and then reload the goods, and I also pay the cost of the security check. Unloading and loading after the security check costs about NIS 200 for each shipment.

It would be possible to save all these expenses if I could load the goods directly at the plant in Khan Yunis onto a truck and send it directly to the West Bank. As far as I'm concerned, let the Israelis escort the truck as it exits Gaza until it enters the West Bank, which would ensure security without harming me. Why do I have to pay for the sense of security Israelis receive, when all I want is to sell my product like any other manufacturer in the world? None of this endangers Israeli security whatsoever.

**Hassan Suleiman Mustafa Abu Rida, 58, married with twenty-one children, resident of Khaza'a, Khan Yunis District, Gaza Strip<sup>43</sup>**

Before the PNA entered Gaza, I made a living from dealing in produce in the West Bank. I have a Volvo truck. I would buy produce from farmers in the Gaza Strip, load them onto my truck, and sell it in the West Bank, mostly in Nablus and Hebron. I had a place in Idna village, Hebron District, where I would go, and the greengrocers would come to me to buy my produce. I would make about a hundred Jordanian dinars a day (about NIS 500), from which I supported my large family – my two wives and twenty-one children.

In 1995, the Israelis began to demand a permit to pass between the Gaza Strip and the West Bank. I went to the Palestinian Ministry of Agriculture, in Gaza City, and submitted a request for a permit to enter with my truck so that I could continue my work. I went back to the Palestinian Ministry of Agriculture maybe twenty times to ask if my request had been approved, and each time they said there was still no permit. This continued until I gave up on obtaining a permit, and I stopped going to the ministry to find out what was happening with my request.

In May 1997, I submitted another request, because I have to work, and the despair did not solve my problem of making a living, which was becoming worse. After making the request, I received a permit to enter Israel with my truck, on the condition that I travel with an Israeli escort. The problem was that I could not use this permit, because the Israeli escort only operates in Israel, and does not reach Gaza.

Now I have a permit to enter Israel. The permit is only for me, and does not cover the truck. I am elderly, and do not need work as a laborer in Israel. I need a permit to move between the Strip and the West Bank, so that I can load produce onto my truck and travel to the West Bank to sell it and make a living. Now, because of the lack of income, truck

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43. The testimony was given to Najib Abu Rokaya on 30 December 1997 at Mr. Abu Rida's home.

maintenance costs are an additional burden for me. I tried to sell the truck, but who would buy it, without being able to do anything with it? Now, with the situation as it is, I have no way to make a living.

**'Omar Khaled Muhammad a-Dalseh, 43, married with seventeen children, resident of Jabalya City, Gaza Strip<sup>44</sup>**

I have owned a sewing business since 1976. I make and supply women's clothes and wedding dresses. I am a member of the Sewing Workshop Owners Association in the Gaza Strip and of the local Chamber of Commerce. I took part in several trade fairs in the Arab world, where I displayed the goods I make. I sell some seventy percent of my production in the West Bank, and about thirty percent in the Gaza Strip. In 1976, I could move freely, and in my car as well, between the Strip and the West Bank and inside Israel. I buy almost two-thirds of my raw materials, especially the cloth, from Israeli suppliers.

On 21 March 1997, my permit to cross into Israel and the West Bank expired. That permit had allowed me to travel in my car from Gaza to Israel and to the West Bank. There was a closure from 1 April 1997 to 20 April 1997. On 27 April, I went to the Palestinian Trade and Industry Ministry and requested to renew the permit. They gave me a form to fill out. I completed it on the spot. I did not receive a response to my request. I submitted another request about a week later. Then after another week passed, I submitted a third request, but I also received no response to this request.

I went to the deputy head of the Palestinian civilian DCO in Gaza, and requested that he check why I had not received a permit after filing three requests and without receiving any explanation. He checked with the Israelis, and informed me of the response, which was very startling as far as I was concerned; he

told me that since 6 April 1997, I was registered in the Israeli computer as being precluded [from entry] for security reasons. I was very surprised. Nothing had happened, and nothing had changed about me. How could I suddenly be classified as being refused for security reasons? Since then, I have not submitted any new requests.

Not having a permit makes it very difficult for me to make a living. The business I run supports four families, a total of fifty-two persons. We have twenty-six employees, who also make a living from the workshop. Being unable to go to the West Bank makes it impossible for me to expand my business and deal with new shops. Also, all the financial matters would be managed in a more orderly manner if I could get to the West Bank. Now I send the goods to the West Bank and wait until this boutique or another wants to do me a favor and send me the money. If I were free to move about, I would go with goods from my plant in Gaza to the West Bank, sell the goods and receive the money on the spot. Now, because I am not allowed to travel to the West Bank, the volume of my business operations and revenues has dropped by fifty percent.

**Sha'aban Ahmad 'Abd al-Mo'ati Samur, 45, married with nine children, resident of Bani Sohila, Khan Yunis District, Gaza Strip<sup>45</sup>**

I sell fruits and vegetables. I buy the produce in the Gaza Strip and sell it in the West Bank and Israel. I sell mostly in Hebron, Dahariya, Bethlehem, and Qalqilya. I had a magnetic card and a permit to enter Israel and the West Bank. My magnetic card was valid until 20 November 1996, and my last permit was valid until 20 March 1996. When my permit expired, I went to the Palestinian Ministry of Agriculture to renew it. About twenty days later, I received a negative response through the Palestinian Ministry of Agriculture clerk

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44. The testimony was given to Najib Abu Rokaya on 28 December 1997 in Jabalya.

45. The testimony was given to Najib Abu Rokaya on 29 December 1997 in Bani Sohila.

who handles permits to enter Israel. He told me that according to the Israeli response, I was precluded entry until 31 December 1999 for security reasons.

On 20 November 1997, I went to Erez Checkpoint to renew my Israeli magnetic card. They asked me who my friends are, who my relatives are, whether I pray, and other such questions. They also asked me whether, if I came to know about a danger or a plot to harm Israel, I would inform anybody about it. I said, "Yes, I would notify the Palestinian Authority." When they finished asking me questions, the Israeli military official told me, "Wait outside." I waited outside for about an hour and a half, and then they brought a bus that took me, and all the others who had been refused magnetic cards, outside the

area of Erez Checkpoint and dropped us in the territory of the PNA. They took my old magnetic card and did not replace it.

I am surprised that I am precluded. I have never been detained by the Israelis or the PNA, and none of my family has ever been arrested. For this reason I am surprised when they say that I am precluded because of security reasons, about which I know nothing.

Now I can't get to the West Bank, and I conduct my business by telephone and through another person who handles my affairs. As you can see, I sit at home without anything to do, and I can't manage my affairs. I estimate that I have suffered losses of approximately NIS 20,000 per month as a result of being unable to get to the West Bank to manage my business properly.

## Students

The Gaza Strip has two universities and several vocational-training schools. These institutions have a small number of students and offer a limited number of courses. For this reason, many Gazan students elect to study at universities in the West Bank. Other factors are also relevant in making a decision on where to study, such as a favored instructor, a more suitable course of study, or the desire to live in another location. Such considerations affect students throughout the world when making a decision on where to study.

In the second semester of the current academic year, some 900 Gazan students were registered in West Bank universities.<sup>46</sup> Many of them reached the universities in the West Bank without having obtained the necessary permit from Israel.

Prior to March 1996, students could, at least formally, obtain a permit to exit the Gaza Strip and stay in the West Bank. The procedure for obtaining a permit was long and arduous, and usually resulted in failure, or in obtaining a permit months after classes had begun.

However, following the attacks inside Israel during February-March 1996, in which fifty-eight persons were killed, then-OC Central Command, Major General Ilan Biran, issued an order that all Gazan students located in the West Bank for their studies return to their homes in Gaza. Since then, Israel has refused to issue travel permits to students from Gaza.

The prohibition is sweeping, and applies to all students. Haim Israeli, assistant to the defense minister, wrote B'Tselem on 1 November 1996 that, "As is known, study by

Gazan students in Judea and Samaria was stopped pursuant to the order of the military commander in the region, the order having been issued for security reasons following a wave of attacks in Israel in February-March 1996. Furthermore, the issue of the students is reviewed periodically." Defense Minister Yitzhak Rabin, in his response to a parliamentary interpellation of 25 July 1996 of MK Azmi Bashara, stated that, "As of now, it is impossible, for security reasons, to allow students who are residents of Gaza to study in educational institutions in Judea and Samaria."

At the beginning of January 1998, the press reported that Israel agreed to grant permits to all students from the Gaza Strip who study in the West Bank. According to the reports, Israel would also issue permits to students staying in the West Bank without permit, allow them to return to the Gaza Strip for the holiday ('Id-al-Fitr), and allow them to return to the West Bank afterwards.<sup>47</sup>

However, despite these promises, Israel has not yet issued permits to the students. In the beginning of February, the authorities checked only one hundred students and issued permits only to eighty-one of them.<sup>48</sup> According to Israel, the other nineteen students were rejected for security reasons.

Israel's contention that Gazan students are prohibited from reaching the West Bank for "security reasons" is puzzling. Newspaper reports indicate that Israel is aware that most of them are located in the West Bank without permit in any case, but that Israel can do nothing to prevent this phenomenon.

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46. The Bir Zeit Human Rights Action Project provided the figures to B'Tselem.

47. *Ha'aretz*, *Ma'ariv*, 1 January 1998. Shlomo Dror, Spokesperson for the Coordinator of Government Activities in the Occupied Territories, made similar statements to B'Tselem by telephone on 30 December 1997.

48. Bir Zeit Human Rights Action Project Press Release No. 4/98, 8 March 1998. Shlomo Dror, Spokesperson for the Coordinator of Government Activities in the Occupied Territories, provided similar information in his letter of 12 February 1998.

The sweeping prohibition on the students has numerous consequences. Many students manage to get to their studies. However, because Israel considers their stay in the West Bank illegal, they live continuously in fear that they will be caught. Furthermore, each time they travel to visit their families in the Gaza Strip, they take the risk that they will not be able to return to their studies. Many students are unable to complete their studies because they have missed too many classes and are not entitled to take the examinations. Those students who manage to reach the university often miss the date the exams are given. Under such conditions, study for a bachelor's degree often takes many years.

The right to an education is a basic right of every person. In a sweeping manner, Israel unjustifiably denies this right to hundreds of students. Denial of the rights of all students residing in the Gaza Strip not only harms each of them individually, but also hinders the development and advancement of the entire Palestinian society.

**Ahmad 'Abd a-Rahman Ahmad Wadi, 23, resident of Jabalya refugee camp, Gaza Strip, education student at a-Najah University, Nablus<sup>49</sup>**

In 1994, I registered to study at a-Najah University. Classes were to start in October, and in September, I submitted a request to the civilian DCO in Gaza for a permit to exit Gaza. Each time I came to ask whether my request had been approved, the clerks told me to submit a new request. Over a six-month period, I submitted five requests but did not receive a permit.

At the end of April 1995, I left the Strip illegally. I stowed away on a bus going from the Strip to the West Bank, and reached the university. I arrived two months after the second semester had begun. I began my studies in May 1995, and studied until the end of the semester, in June 1995. I also

studied during the summer semester to complete what I had missed, and then in the first semester of the following [academic] year, October 1995 to February 1996.

On 20 February 1996 it was 'Id-al-Fitr, and I traveled to Gaza to celebrate the holiday with my family. I arrived at Erez Checkpoint at 4:00 p.m. I gave them my magnetic card, which had already been invalid for about a year. The soldier at the first checkpoint let me pass. At the second checkpoint, the soldier requested my permit, and I told him that my permit was in Gaza. He told me to step aside and wait. He searched me, beat me, and humiliated me. After some two hours, Palestinian liaison persons arrived, and then they [the soldiers] released me.

After the holiday, on 23 February 1996, I went to the Palestinian civilian liaison office, and they told me that I had a permit to travel to the West Bank. On Monday, 26 February 1996, there were attacks in Jerusalem and Ashkelon. On Monday, 27 February, I went to the Palestinian DCO to ask if and when I could return to Nablus. They told me there were no crossings, and that all the permits were canceled, and that new permits would have to be issued. I applied for a new permit, but my request was rejected. I started to work as a driver, and whenever I could, I went to the DCO to ask about my permit. Each time they told me there were no permits. I worked as a driver until 10 July 1996, and lost the second semester of studies.

I ultimately decided to go to the West Bank via Egypt. On 18 July 1996, I traveled to Rafah Crossing, but the Israelis would not let me through, saying that my passport does not appear on the computer. The following day, they told me there was a strike at the port, and they would not let me cross. Only on the third day did I succeed in crossing. I reached Cairo on 21 July 1996, and on 22 July I flew to Amman. At the airport in Amman, they gave me a letter that I had to go to the Jordanian General Security Service, in Amman. I did not go, because I was afraid they would delay me.

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49. The testimony was given to Najib Abu Rokaya on 14 December 1996 at a-Najah University, Nablus.

I stayed five days in Jordan, and on 27 July I traveled to the Allenby Bridge, and from there to Nablus.

When I reached the university, I wanted to register for the summer semester, but they said it had begun a month earlier, and that it made no sense [to start at that time]. So I also lost that semester. In the meantime, I worked at an ice cream factory in Nablus.

On Saturday, 20 September 1996, I ironed my clothes and prepared for the academic year that was supposed to start the next day. My roommates, all of whom were students from Gaza, came into the apartment. They offered to help me with the ironing. I asked them why they suddenly wanted to help me iron? They did not answer and turned off the television. I asked them why they turned off the television just when there were nice songs. They put on a tape of the Koran, and then told me that the mother of one of the students who studied with us had died. The next day, they said that the one who died was in fact my mother, and that they had told me another story only so that I would be emotionally prepared to receive the news about my mother.

I then realized that my mother had died on 16 September, and that I had been informed about it only on 21 September. I used my rented apartment in Nablus as a house of mourning. I could not return to my family for the funeral. It is now December, and I have not yet seen my family since the time my mother died. I do not know when I can return to them, or how I can go back to the house where my mother will not be waiting for me.

**'Abd al-Qarim 'Abd al-Qadr al-Arja, 20, resident of Rafah, Gaza Strip, third-year civil engineering student at Bir Zeit University<sup>50</sup>**

I was accepted to the university for the 1995/1996 academic year, which began on 8 September 1995. At that time, I tried to obtain a permit to exit Gaza to go to the university,

but all of my requests were rejected and I lost out on the first semester.

I received the exit permit only on 12 December 1995, but it was already the end of the semester. I left Gaza only for the second semester, which began on 5 February 1996, and I have been at the university since then. The permit I received on 12 December 1995 was for four months, and it was impossible to obtain a new permit or to extend the permit I had received. Since leaving Gaza, I have not returned at all, and I remain at Bir Zeit without a permit.

I move about without an identity card, since if they catch me and see that my address is in Gaza, they will arrest me immediately and return me to Gaza. When they stop me, I tell them that I am from the West Bank and forgot my identity card at home. In that way, there is a chance that they will let me be. There are other Gazans studying at Bir Zeit, and we are all in the same situation. We have gotten used to it. From time to time, when there are attacks or other problems, we worry that they [the Israelis] will come to Bir Zeit and arrest us.

While I was away from my home in Gaza, there were lots of family events that I wanted to take part in but couldn't. For example, both my brother and my sister got married, and I couldn't go to their weddings; I could only congratulate them by phone. I really miss my parents and four siblings, whom I haven't seen since I left Gaza. I only speak with them by phone, once a week. Sometimes my mother sends me something with PNA officials who go to Ramallah.

I want to go back to Gaza very much, and I hope they will give me permits or will open the safe passage. If they don't arrange it, I intend to remain at Bir Zeit until I complete my studies. I am afraid that if I go to Gaza, they won't give me a permit to return to Bir Zeit. Many students went to Gaza in the middle of their studies and could not return and finish their studies.

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50. The testimony was given to Fuad Abu Hamed on 7 October 1997 at Bir Zeit University.



**Muhammad Zeidat, 24, resident of Sha'ti refugee camp, Gaza Strip, business administration graduate at Bir Zeit University<sup>51</sup>**

Together with several other students from Gaza, I finished my business administration studies four months ago. Through the DCO in Ramallah I submitted a request to return to Gaza, but have not yet been successful in returning. The last time I came to Bir Zeit was in December 1996.

The studies were supposed to take four years, but it took me seven years. I began to study at the university on 5 November 1991. When I began, I really wanted to study, but because of the situation, you lose much of your motivation and desire. You are always thinking about your family, about the situation, about yourself. All these things are very frustrating, and had a detrimental effect on me and on my grades. I recall that in 1991, the IDF would come every day to where we lived. We couldn't study at all, and even if you could study and prepare, it would have a detrimental effect. Since the time I began my studies, I never finished a whole course. Each time I would lose a month here, a month there, while waiting for a permit. In 1994-1995, I remained at Bir Zeit for a year and a half without going home.

I remember that in the beginning, in 1991, we did not even have to obtain permits. Then they began to request a magnetic card; after that, permits in various colors, then permits to stay, and ultimately they didn't grant permits at all.

In March 1996, they arrested me and many other students from Gaza, and sent us back to Gaza. I was supposed to finish my studies that year, but I didn't manage to return to the university until December 1996, making my way there via Egypt and Jordan. Since then, I have remained in Bir Zeit. Every day I worry that they will come to arrest me.

I feel that we are foreigners in our homeland. It is easier to travel to anyplace in the world than it is to get to Ramallah. For example,

four months after completing my studies, I am unable to return home. I do not know how to plan my life, where to work, and what to do.

**Madeh 'Az a-Din Ahmad Abu Khatab, 21, resident of Khan Yunis refugee camp, Gaza Strip, mathematics student at the College of Sciences, Ramallah<sup>52</sup>**

I was accepted at the College of Sciences in Ramallah for the academic year starting in September 1994. I only began to study there in December 1994 because only then did I receive a permit to exit the Gaza Strip. At the end of the first year, I returned to Gaza. For the second year, I received the permit only on 24 November 1995. In February 1996 – the middle of the second academic year – I returned home for the holiday vacation. After the holiday, there was a closure because of the attacks, and I couldn't get a new permit. For the third year, I received a permit on 11 December 1996, and since then I have remained here.

The fourth academic year began on 13 September 1997. Because of the last attacks and the closure, I did not submit a request for a permit to travel to the West Bank. Only on 2 October 1997, after the closure had been relaxed, did I file requests at the Palestinian DCO in Khan Yunis, and at the head office of the DCO in Gaza.

Since then, I have gone back seven times to ask if my requests had been granted, and each time they told me there is still no answer. The last time, on 15 October, my mother went to the DCO in Gaza to check, and the person in charge told her that they had not yet received any response to my request. He told her that I am listed on the computer as a student, and the policy of Israel on students is not clear.

In the meantime, I sit at home and am missing out on lots of my studies. I am worried that I will lose this whole academic year and will not be able to get my degree.

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51. The testimony was given to Fuad Abu Hamed on 8 October 1997 at Bir Zeit University.

52. The testimony was given to Najib Abu Rokaya on 18 October 1997 in Khan Yunis refugee camp.

## Hindering the Work of Human Rights Organizations

The prohibition on free movement between the West Bank and the Gaza Strip also negatively affects the work of Palestinian human rights workers. Some of the organizations work in both the West Bank and the Gaza Strip, and to enable them to coordinate the work of their branches and plan activities and in-service training, their staff must move between these two areas.

The work of human rights organizations is necessary to monitor the human rights situation in the Occupied Territories. Among the activities of these organizations are warning about serious violations, documenting the situation, attempting to improve policy in the area of human rights, and providing assistance to individuals. Therefore, the restriction on movement imposed on human rights workers not only prejudices the individuals right to free movement; it also harms all those persons whose rights are defended by the organizations.

**Hassan Shibli Hassan al-Barghuti, 47, resident of Ramallah, director of the Center for Democracy and Workers Rights<sup>53</sup>**

I am the director of the Center for Democracy and Workers Rights. Our head office is in Ramallah, and we have a branch in the Gaza Strip. The objective of the Center is to instill democratic principles in the public as a whole and to increase consciousness of the subject. We pay special interest to increasing the awareness of workers about their rights. We provide courses and lectures on the subject, and we have several lecturers from the West Bank. As part of my tasks, I travel a lot between the West Bank and Gaza, both because I personally give some of the lectures and because I have to supervise the activity of the Gaza branch office.

Until 1995, every request to enter Gaza that I submitted was approved, and I also had a permanent permit to enter Israel. In 1996 and 1997, I submitted three requests to go to Gaza. Each of them was rejected. I submitted the last of these requests in October 1997. I submitted all of them through the Palestinian civilian DCO in Ramallah, and the DCO officials told me each time that the request had been rejected, without explaining the reason why to me. In June 1997, I traveled to Jordan, and at the end of October I flew abroad from Ben-Gurion Airport. So it seems peculiar to me that it is only to Gaza that they don't let me travel.

About a week ago, I submitted another request to enter Gaza, but I have not yet received a response. There is no reason to prevent me from traveling freely between the West Bank and Gaza in my country and homeland.

**Muhammad Dahman, 45, resident of Gaza, director of the Gaza branch office of the Center for Democracy and Workers Rights**

(The following describes a case handled by HaMoked: Center for The Defence of the Individual.)

Muhammad Dahman is the director of the Gaza office of the Center for Democracy and Workers Rights, whose headquarters are in Ramallah. He also serves as chair of the general organization for trade and general service workers in Gaza, and serves as a member of the board of directors of the Palestinian Human Rights Monitoring Group, whose offices are in Jerusalem, and a member of the advisory committee of the "Peoples' Rights" journal, published in Jerusalem.

Mr. Dahman has been arrested several times. In 1972, he was arrested, tried by a military

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53. The testimony was given to Najib Abu Rokaya on 10 December 1997 in Ramallah.

court, and sentenced to imprisonment. He was released in May 1985. In 1988, he was administratively detained for six months. In August 1989, he was again arrested, tried, and imprisoned. He was released in July 1993 when his prison sentence was shortened for health reasons. Mr. Dahman was also detained, for his human rights activities, by the PNA.

Since being released in 1993, Mr. Dahman has received several permits to exit the Gaza Strip. In 1993, he received a permit to enter Israel for medical treatment. In the past two years, he received several permits to leave the Gaza Strip to travel abroad through Rafah Crossing. Despite this, every request of his to travel to the West Bank has been rejected.

In June 1997, HaMoked: Center for the Defence of the Individual appealed on his behalf to the office of the attorney general in Gaza and requested a permit to enter Israel so that he could go to the West Bank and Jerusalem for his work. The request was rejected for "security reasons". In November 1997, HaMoked once again submitted a request to the office of the attorney general that Mr. Dahman be granted a permit to enter the West Bank so that he could participate in a training course given by the Arab Development Center, in Ramallah. This request was also rejected, this time without giving any reasons.

***Wida Muhammad Zohir a-Sharif, 31, resident of Hebron, employee of Amnesty International***<sup>54</sup>

I coordinate activities of Amnesty International in Ramallah. My job requires that I work in both the West Bank and the Gaza Strip so that I can intensify Amnesty's activity in the Occupied Territories.

In February 1997, I submitted an application for a permit to enter Gaza so that I could participate in a meeting related to my work. I

received the permit one month after the day the meeting was to take place, so I did not go. In October 1997, a human rights conference was being held in Gaza. I requested permission to travel to Gaza. The Amnesty branch in Israel intervened on my behalf and on behalf of three other Amnesty workers in the West Bank, but it did not help, and none of the human rights workers from the West Bank received a permit.

As a human rights activist, I protest the restrictions on my movement. Enlightened countries respect the work of human rights workers and enable them to perform their job without restrictions.

***Bassem Ali Muhammad Aqra, 35, resident of Jabalya City, Gaza Strip, employee of the Palestinian Center for Human Rights, in Gaza***<sup>55</sup>

I am a researcher at the Palestinian Center for Human Rights, which is in Gaza City. My work requires that I go to the West Bank, because we also conduct activities there.

Until the end of November 1997, I had a magnetic card, which enabled me to obtain a permit to cross into Israel and the West Bank. On 29 December 1997, I walked to Erez Checkpoint to renew my magnetic card.

A transport bus operates from the industrial area to the office where the magnetic cards are renewed. Only persons with authorization from Palestinian security forces get on the bus. Before and after getting on, I was body-searched, just like the other passengers. At the office, I showed them my identity card and magnetic card, and they gave me a permit that explains my being at the site, and that confirms that my documents are at the DCO. They conducted another body search and security check, and I waited for them to call me.

When my turn came, they called me to go to the complaints officer. I went to him. He

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54. The testimony was given to Najib Abu Rokaya on 17 December 1997 in Jerusalem.

55. The testimony was given to Najib Abu Rokaya on 30 December 1997 in Gaza.

asked me about personal details. He asked if I pray, and if I had been arrested in the past. I said that I had been. I was held for twenty-two months for stone-throwing. He asked me which organization I belonged to. I told him that I don't belong to any political organization. He asked me where I work. I told him that I work at the Palestinian Center for Human Rights. He laughed and said, "What,

there are human rights in Gaza? You will not receive a magnetic card." At the end, he said, "OK, I'll forward my opinion to the committee that will discuss the appeal on revoking your magnetic card. Come back to me in about two weeks." The soldier gave me back my identity card and said to me, "Come back in two months; don't come back before then."

## Conclusions

In signing the Oslo Accords, Israel undertook to implement a safe passage between the Gaza Strip and the West Bank. Israel has continuously disregarded this undertaking, thereby violating not only the Oslo Accords, but also the rights of thousands of persons. The Oslo Accords' declaration that the West Bank and the Gaza Strip constitute "a single territorial unit" is based on a demographic reality of mutual dependence and family, economic, and social ties between the two areas.

The sweeping restrictions on movement imposed on all residents of the Occupied Territories cannot be considered a measure to prevent security dangers. The restrictions are imposed arbitrarily on the entire population of the Occupied Territories, and not only on those persons proven to have been personally involved in violent acts. Therefore, this measure is not only for security; it is also a punitive measure, constituting collective punishment, prohibited under international law.

The balance between Israel's security needs and the right of residents of the Occupied Territories to free movement was established in the Oslo Agreements. In signing the peace agreements, Israel agrees to consider the Gaza Strip and the West Bank one territorial unit, and to implement a safe passage between these two areas, while maintaining the security arrangements that were also agreed upon.

Israel's policy raises the strong suspicion that it intends to sever the Gaza Strip and the West Bank, thereby creating two separate regions under the control of the PNA. The

fact that it is easier for Palestinians to enter Israel to work than to move between the West Bank and the Gaza Strip strengthens this suspicion.

Whether or not this is Israel's intention, non-implementation of the safe passage has a political and social significance. The severance between the Gaza Strip and the West Bank precludes development of communal, social, economic, and political life of the residents of the two areas. As a result, it necessarily creates two Palestinian societies, with weak ties between them.

Implementation of the safe passage is a minimum standard in terms of the freedom of movement of residents of the Occupied Territories. As defined in the agreements, use of the passage depends on obtaining a permit from Israel. Even considering Israel's right to ensure the security of its citizens, this restriction violates the fundamental rights of residents of the Occupied Territories to freedom of movement. B'Tselem maintains that the passage between these two areas should be unrestricted, given that the areas should be considered a single territorial unit, as agreed in the Oslo Accords. However, B'Tselem holds that, at this stage, Israel must at least comply with those arrangements it undertook to implement.

B'Tselem urges the Israeli government and the PNA to reach an agreed-upon solution as soon as possible regarding implementation of the safe passage, which will enable movement between the Gaza Strip and the West Bank. It also urges the two sides to strive for a solution that will enable unrestricted movement between the two areas.

# **Response of the Office of the Coordinator of Government Activities in Judea, Samaria, and the Gaza Strip\***

STATE OF ISRAEL  
Ministry of Defense

Ministry of Defense  
Office of the Coordinator of Government Activities  
in Judea, Samaria, and the Gaza Strip  
Tel: 03-6975351/02  
Fax: 03-6976306  
11 March 1998

Dear B'Tselem,

Re: B'Tselem's Report on the Safe Passage

1. In the Interim Agreement, the principle of the safe passage was agreed upon. The agreement provided that the manner in which it would be implemented would be discussed by the two parties. Until such time as the discussions are completed and the principles of implementation signed, it is impossible to implement the safe passage.
2. Unrelated to implementation of the safe passage, the Ministry of Defense is acting, through the Coordinator of Government Activities in the Territories, to improve and advance the economic situation there. The Coordinator of Government Activities in the Territories, Gen. Ya'akov Ohr, considers economic advancement to be of crucial importance, to be sought without any connection to progress being made in the political negotiations. This activity is not being done instead of the safe passage, which would solve some of the problems, but rather as an independent activity. This activity will also continue after implementation of the safe passage.
3. The following is the activity that the Coordinator of Government Activities in the Territories performs in order to improve the economy and quality of life of Palestinians in Judea, Samaria and Gaza:
  - A. Passage of trucks between Gaza and Judea and Samaria. The Coordinator authorized operation of a Palestinian truck route to and from Hebron. Another route that was established, from Gaza to Ramallah, has not been operated at this stage because the Palestinian Authority does not want to operate it. Some nine hundred trucks use this route yearly.
  - B. The economic improvement is indicated by the increase in the number of trucks passing through each of the crossing points. In 1996, an average of 11,962 passed. In 1997, the average number was 15,178.
  - C. There was also a significant increase in other export matters. For example, exports of vegetables from Gaza have multiplied. In 1996, 1500 tons of vegetables were exported

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\* Translated by B'Tselem.

from Gaza. In 1997, vegetable exports reached 3200 tons. Strawberry exports in 1996 were 800 tons. In 1997, strawberry exports had reached 1200 tons. There has been an increase in all the other export sectors, such as clothing, shoes, furniture, and other products.

- D. Our desire to improve the matter of passage has also been apparent recently. Only a couple of weeks ago, we began to move citrus fruits from Gaza to Jordan via the Allenby Bridge. This improvement was executed following negotiations between our representatives and Jordanian representatives and between our representatives and those of the PA.
- E. Israel allows a total of 600 Palestinians to cross from Judea and Samaria to Gaza and from Gaza to Judea and Samaria for the purpose of family visitation.
- F. Israel offered the Palestinians the possibility of passage for Gaza residents wanting to travel to Jordan via the Allenby Bridge. In the first stage, we suggested that this passage be accompanied. The PA has not yet enabled implementation of this arrangement.
- G. It is possible to add to this partial list the entry of fifty thousand Palestinians to work in Israel daily, twelve thousand dealers, and thousands of Palestinians who enter Israel to study, receive medical treatment, for meetings, and for various other activities. It is also possible to include the Palestinian taxis allowed to pass through Israel.
- H. Israel established an annual quota of 1200 families for family unification. Unfortunately, we only began to implement this process this year because the PA refused to provide us with the names of the families. The process continues as normal in Gaza because the PA is cooperating in providing the names.
- I. We are also involved in the movement of investors and the provision of permanent permits, in order to encourage investment by businesspeople in the Territories.

In summation, our wide-scale activity to facilitate living in Judea and Samaria and Gaza is not done to replace the safe passage, but we think that we should not wait for the negotiations on the safe passage, like negotiations on other subjects, to conclude in order to improve socio-economic relations between us and the residents of Judea, Samaria, and Gaza.

It is clear to us that advancement of the subject of industrial areas on PA lands, arrangement of meetings between Palestinian and Israeli businesspeople, encouragement of investments in industrial areas in the PA, and nurturing of economic and social relations are important to create a better future for Israel and the Palestinians. It is clear to us that the safe passage will improve this situation, though it is not clear to us just how significant this improvement will be.

- 4. Another issue raised in the report is that of the closure. As we point out in paragraph 5, there is no closure as previously understood, but there are restrictions on movements dictated by the security situation. It should be noted here that residents of Israel are still subject to threats of terrorist acts. In the past year, we witnessed two suicide-attacks in Jerusalem, and if we take into account Hamas threats and the exposure of terrorist cells and their intention to execute further attacks, this threat has not yet lessened.

5. The testimonies B'Tselem presents on Palestinians being precluded from entering Israel or passing through the country speak for themselves. We did not expect for a moment that a person who was precluded entry into Israel for security reasons would state to B'Tselem's researchers about his activity in terrorist organizations. The fact that Israel allows 12,000 dealers, more than 50,000 workers and thousands of other Palestinians to enter Israel daily indicates that it does not intend to prevent innocent persons from entering Israel, but rather only those whom we fear will take advantage of this privilege to prejudice the security of residents of the state.
6. We do not profess to be able to change the economic condition in Judea and Samaria within a short period of time. We are aware that the situation in the Territories is far from good. However, the Coordinator of Government Activities in the Territories seeks to achieve constant improvement while taking a certain degree of security risk. We hope that tomorrow will be better than today which is better than yesterday.
7. As for students, a few points for precision's sake:
  - A. We estimate there are currently some 1500 students from Gaza studying in Judea and Samaria who remain there without a permit.
  - B. As a first step, Israel agreed to grant permits to 100 students who do not constitute a security problem. The PA has so far submitted 131 names. Twenty-two students were not approved for security reasons. Eight students are still being checked, and 101 were approved. To date, forty-four students have taken their permits. The PA has been promised that students who stayed in Judea and Samaria without a permit and passed the security check will also not be listed as being precluded from entering Israel.
  - C. We do not have a general tendency to preclude passage of students through Israel. Hundreds of students study in Israeli educational institutions. Our objective is to arrange passage of students while ensuring Israel's security interest.

In summation: Despite security constraints and difficulties in the political process, Israel is implementing a gradual process of improving the socio-economic condition of residents of Judea, Samaria, and Gaza. We are not talking about a subjective feeling of one resident or another, but rather about proven economic data. The transfer of money from Israel to the PA for tax deductions, crossing fees, and other taxes have significantly increased. The transfer of money in 1995 amounted to less than NIS 80 million. In 1997, it rose to more than NIS 180 million. PA revenues in 1997 also reached more than US\$ 800 million, in comparison to less than US\$ 700 million for 1996. These figures indicate improvement in the Palestinian economy, and we shall continue to act to strengthen this trend.

Sincerely,

s/

Shlomo Dror

Spokesperson for the Coordinator of  
Government Activities in the Territories