



Date: July 22, 2013

To:

Mr. Moshe Ya'alon

Minister of Defense

via fax: 03-6976218

**URGENT!**

Dear Sir,

**Re: Regulation of travel to and from the Gaza Strip following recent events in Egypt**

1. We hereby request that you **institute arrangements that respect the right of Gaza residents to freedom of movement to and from the Gaza Strip**. Our appeal follows events in Egypt which have resulted in significantly reduced operations at Rafah Crossing, under circumstances in which Israel does not allow travel abroad via Gaza's airspace or territorial waters. As a result, more than 10,000 individuals have been unsuccessfully waiting to exit Gaza, and an unknown number of Gaza residents have been unable to exercise their basic right to return home, stranded abroad and paying unduly for stays in airports and hotels.
2. Disruptions in the operation of Rafah Crossing since late June, when the events that culminated in the regime change in Egypt first began, have significantly limited the ability of Gaza residents to leave the Gaza Strip and return to it via Egypt. The crossing was closed entirely from July 5 to 9, 2013. Since reopening, it has operated at limited capacity, allowing exit from Gaza only for medical patients with official referrals from the Palestinian Health Ministry and individuals holding foreign citizenship or residency. Gaza residents who are currently in Egypt are permitted to return to Gaza via Rafah, but individuals who have travelled from Egypt to a third country are not permitted to return to Egypt through its airports.
3. The average number of individuals exiting Rafah daily during the first two weeks of July (up to July 16, 2013) was less than a third of the daily average between January and May 2013 (197 compared to 655). As a result, the number of people on the waitlist to exit Gaza has risen to 10,000, and the Interior Ministry in Gaza has closed the list for now, leaving an unknown number of additional people waiting to exit. This group includes students who need to get to universities

abroad, Palestinian residents who must return to their workplaces in the Gulf and other countries, professionals and business people who must attend meetings and medical patients who do not have an official referral from the Palestinian Health Ministry, but seek medical treatment outside the Gaza Strip. An unknown number of Gaza residents is stranded in airports and hotels in third countries, paying unduly for these circumstances, and with no way of returning home.

4. Due to Israel's control over the Gaza Strip, it has an obligation, under the law of occupation and human rights law, to enable Gaza residents to lead normal lives and to respect their fundamental right to freedom of movement, particularly the right to leave Gaza and return to it. **So long as travel through Rafah is not possible, for whatever reason, Israel must allow Gaza residents to exercise their right to freedom of movement through other crossings, whether by land through the border crossings between Israel and Gaza or by sea and air, to the outside world.**
5. We note that over the past few years, during periods in which travel through Rafah was limited, Israel operated a shuttle service that made it possible for hundreds of Gaza residents to leave the Gaza Strip. It also allowed Gaza residents to exit and enter through Erez Crossing and Allenby Bridge on an individual basis. Many students will soon need to travel to their universities abroad and many who work in Gulf countries are at risk of losing their jobs if they are unable to return on time to the countries where they work, and where their children go to school.
6. The exercise of control imposes responsibility. If Israel chooses not to allow Gaza residents to operate independent sea and air ports, it must provide them with an alternative for travel into and out of Gaza. So long as Rafah Crossing is not a solution - and it currently **does not** constitute a sufficient solution - Israel must allow Gaza residents to travel through its crossings.
7. In light of the above, we call on you to institute arrangements for travel to and from Gaza immediately.

Respectfully,

Sari Bashi, Adv.  
Executive Director  
Gisha

Raji Sourani  
Director  
PCHR

Ran Cohen  
Executive Director  
Physicians for Human Rights-Israel

Issam Younis  
General Director  
Al-Mezan Center for Human Rights

Dalia Kerstein  
Executive Director  
HaMoked

cc: Coordinator of Government Activities in the Territories, Major General Eitan Dangot, via fax.