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Date: November 18, 2015  
In your response please note: 90004

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Dear Madam,

Re: **Pre – Petition**

**The New Practice which Prevents/Delays the Entry of Divided Families into the Gaza Strip through the Erez Crossing**

1. I hereby appeal to you in order to caution and prompt you to intervene against the conduct of the Israeli desk that in the past weeks has **prevented** the Israeli spouses of Palestinians whose families are divided between Israel and the Gaza Strip from realizing the exist permit from Israel to the Gaza Strip, which had been granted to them following strict security checks, and which **prevents** members of split families who are currently in the Gaza Strip from renewing their Gaza stay permits.
2. As known, many families in which one spouse is an Israeli and the other is from the Gaza Strip are forced to establish their home in the Gaza Strip (in light of the absence of the possibility of submitting a request for family reunification), or to maintain a family life by means of visits of the Israeli spouse to the Gaza Strip. In order to protect the rights of the Israeli spouses to family life, their entry into the Gaza Strip and their stay there are approved in accordance with the “split families’ procedure” (hereinafter: **the procedure**) in whose framework the applicant undergoes a rigorous security check by the General Security Service (GSS).
3. However, in recent weeks, the Gaza DCO adopted a new practice whereby Israelis whose entry into the Gaza Strip was approved by the Israeli desk in the framework of the split families’ procedure, and who arrive at the Erez Crossing in order to realize the permit are turned back by the soldiers at the crossing on grounds that their matter was transferred for a new security

check, even though the applicant came to the Erez Crossing soon after receiving the permit.

4. The new practice has not been published in any procedure or guideline and its content was not brought to the attention of HaMoked: Center for the Defence of the Individual which assists many applicants who request to leave Israel for the Gaza Strip. This practice came to our attention after the applicants who had received exit permits from Israel into the Gaza Strip, and made the effort to come to the Erez Crossing, unexpectedly discovered upon their arrival at the crossing that their exit into the Gaza Strip is being prevented due to the new security examination.
5. It must be noted that the permit is granted to an applicant after his request was examined over a long period of time by the security agencies, and the significance of the new security check is that the applicant will again have to wait for days, and even weeks, for the additional approval. During this time, the forced separation of couples continues, severely breaching the right to family life.
6. This practice, in addition, constitutes improper conduct and causes the applicants injury and anguish. As stated, this matter concerns applicants whose requests underwent a lengthy examination by security officials, after which the application was approved and a written confirmation was given to them signed by the commander of the Israeli desk. This matter usually involves women who wish to return to their homes and spouses in the Gaza Strip and who, after receiving the long-awaited approval, packed their belongings, and bore the costs of travel to the faraway Erez Crossing, where they had to wait for many hours, after which they were forced by the soldiers to return from whence they came.
7. An example is the case of Mrs. **Nariman Daya**, ID no. 081021818, a resident of Israel who is married to a Palestinian who lives in the Gaza Strip. The couple has eight children who live in the family's home in Gaza. On October 28, 2015, a written permit was received, signed by the commander of the Israeli desk, allowing the entry of Mrs. Daya into the Gaza Strip. On November 3, 2015, Mrs. Daya arrived at the Erez Crossing in order to return to her family and her home. However, following an hours-long delay and much anguish due to a "security check", she was forced to return to Israel.

A permit to enter Gaza dated October 28, 2015 is attached hereby and marked A'.

Another is example is the case of Mrs. **Sanaa Alsaig**, ID no. 080181035, a resident of Israel who is married to a Palestinian who lives in the Gaza Strip, and regularly enters Gaza to visit him. On October 18, 2015, a written permit was received, signed by the commander of the Israeli desk allowing the entry of Mrs. Alsaig into the Gaza Strip. On November 4, 2011, Mrs.

Alsaig arrived at the Erez Crossing, but following an hours-long delay and much anguish, she was forced to return to Israel.

A permit to enter Gaza dated October 18, 2015 is attached hereby and marked B'.

A similar case is that of Mrs. **Hazna Abu Abed**, an Israeli citizen, ID no. 025936808, who is married to a Palestinian who lives in the Gaza Strip. The couple has seven children. On September 8, 2015, Mrs. Abu Abed received an approval of her application to enter the Gaza Strip with her children in order to be reunited with her husband. On October 8, 2015, Mrs. Abu Abed and her children arrived at the Erez Crossing in order to enter the Gaza Strip, but the soldiers at the crossing prevented their entry and they were forced to turn back.

A permit to enter Gaza dated September 8, 2015 is attached hereby and marked C'.

The same happened in the case of Mrs. **Raida Gharam**, an Israeli citizen, ID no. 040158487, who is married to a Palestinian who lives in the Gaza Strip. The couple has three children. Mrs. Gharam also requested to visit her husband in the Gaza Strip along with their children. After her application was examined for a whole month, a written approval was received on September 30, 2015, signed by the commander of the Israeli desk, permitting the entry of Mrs. Gharam and her children into Gaza. On October 25, 2015, Mrs. Gharam and her children arrived at the Erez Crossing. Only then was she told by the soldiers at the crossing that there is no permit in her name in the computerized system. After several hours of waiting and much anguish, Mrs. Gharam and her children were forced to return to Israel.

A permit to enter Gaza dated September 30, 2015 is attached hereby and marked D'.

8. In addition to the flawed treatment of applications for entry into the Gaza Strip, even in cases where the applicants from split families reached the Erez Crossing in order to renew their Gaza stay permits, they were detained for hours, and sometimes forced to turn back, due to an identical claim that their request was forwarded for an additional examination.

An example is the case of Mrs. **Maha Baraka**, ID no. 028327344, whose request for a renewal of a stay permit was approved on October 28, 2015. Mrs. Barak arrived at the crossing on November 4, 2015 in order to renew her Gaza stay permit but following a long wait, she was forced to return home because her application was sent for an additional examination.

9. It should be noted that following the prevention of the passage of the aforementioned applicants, HaMoked: Center for the Defence of the Individual contacted the Israelis Desk at the Gaza DCO, explained the

chain of events, emphasized the urgency of the passage for the applicants, and requested that they be allowed to realize the exist permit into the Gaza Strip in order to prevent a prolonged violation of their right to family life. However, to date, no reply has been received to HaMoked's appeals.

10. It should be further noted that on November 5, 2015, HaMoked appealed to the Coordinator of Government Activities in the Territories (COGAT), Major General Yoav Mordechai, in order to verify whether there is a new directive prohibiting Israelis from entering the Gaza Strip.

HaMoked's letter of November 5, 2015 to the COGAT is hereby attached and marked E'.

11. In response to our letter, Captain Omri Dan, the COGAT's Public Appeals Officer informed us that there is no directive that prohibits the exist of all Israelis into the Gaza Strip, and that the directive only reduces the cases in which a permit is granted, as was reported to us in the past.

A copy of COGAT's Public Appeals Officer's letter of November 12, 2015 is attached hereby attached and marked F'.

12. In all of the cases specified above, it is unclear what had occurred between the day the permit was granted and the time, several days later, when the applicants came to the Erez Crossing in order to realize the entry permit. The new practice, which requires conducting a new examination of applicants whose passage to the Gaza Strip has already been approved, is contrary to the years-long customary routine and to the reality of the entry of Israelis into the Gaza Strip, and their exit from it, in the framework of the "split families' procedure".
13. It is inconceivable that after requests for coordinating the passage are approved by the commander of the Israelis desk, and a written permission is received, signed by the commander of the desk, the applicant, who acted in accordance with the approval given him and who made the effort to come to the Erez Crossing in anticipation of a reunion with his family, will be told that his application is under further examination.
14. The rule of fairness underlying the duty of an authority to uphold its promises grants an administrative promise its force as a binding, independent measure. When an administrative authority makes a decision to allow the exist of the applicants into the Gaza Strip, or to renew a Gaza Strip stay permit, a new situation is created which causes the applicants to rely on this decision and, therefore, the public authority is obliged to protect the dependence that had been created.
15. Hence, given the urgent circumstances of the matter, and in order to end the grave and prolonged violation of the applicants' rights, and to avoid legal proceedings, I request your intervention and ask that you instruct the Gaza DCO:

- a. To allow Israelis who are present in the Gaza Strip in the framework of the “split families’ procedure” to renew the stay permits issued to them in accordance with the procedure.
  - b. To permit the entry into the Gaza Strip of spouses and children from split families who were informed that their passage was approved **without delays, without obstructions and without further deferral , in consideration of the fact that their entry into the Gaza Strip has already been approved.**
16. If the applicants’ entry into the Gaza Strip is not permitted in the coming days, we will be forced to consider an appeal to the courts on behalf of these applicants, in consideration of the fact that their entry into the Gaza Strip and their return to their home and their spouses has already been approved, but could not be realized due to the above described practice.

Respectfully,  
Nasser Odeh, Adv.