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Ministry of Defense
Coordination of Government Activities in the
Territories

Office of the Spokesman

References: pp – 111095
13 Iyar 5768
18 May 2008

Abeer Jubran, Adv.
HaMoked: Center for Defence of the Individual
4 Abu 'Obeid St., Jerusalem

Re: Appeal under the Freedom of Information Act – HaMoked: Center for Defence
of the Individual

Ref.: your letter to the IDF Spokesperson 37230 dated 10 February 2008

1. I hereby confirm your appeal, which comprises of your request to receive various details regarding stay permits for the Judea and Samaria Area issued for Gaza residents, in accordance with the **Freedom of Information Act, 5758-1998**. Our response is as follows:
 - A. Our response to question A: On 25 December 2007.
 - B. Our response to question B: See our response to question A.
 - C. Our response to question C: Every resident of the Gaza Strip who is present in Judea and Samaria is required to hold a permit/ authorization by the military commander, otherwise, his presence is unlawful. As of November 2007, a resident of the Gaza Strip present in Judea and Samaria is required to hold a "stay permit for Judea and Samaria", and the permit is designated for this purpose only.
 - D. Our response to question D: The permit is a stay permit for Judea and Samaria, issued for Gaza Strip residents.

- E. Our response to question E: The permit does not allow entry and exit through the Allenby Bridge and such passage requires a specific permit. Regarding other matters, indeed, the issue would be decided according to circumstances.
- F. Our response to question F: This question does not entail "information" as defined by the Freedom of Information Act 5758 – 1998. In any case, see the State's response in the Al-Qumsan case (**HCJ 6412/06**) and the Ward case (**HCJ 3519/05**), both petitions submitted by your organization.
- G. Our response to question G: We do not have this information.
- H. Our response to question H: 68 permits for Gaza Strip residents.
- I. Our response to question I: No changes were made to military legislation. The permit is issued by force of the authority of the military commander in Judea and Samaria (See our response to question F).
- J. Our response to question J: See our response to question F.
- K. Our response to question K: This question does not concern information as defined by Art. 9(b)(2) of **the Freedom of Information Act 5758-1998**.
- L. Our response to question L: The military commander and those authorized by him.
- M. Our response to question M: A Gaza Strip resident who wishes to enter Judea and Samaria is required to submit his application, through Palestinian channels, to the Israeli side. When the application is received it is examined in accordance with current policy and criteria. Presently, only exceptional and humanitarian applications are approved. According to the current policy, family ties to residents of the Area in and of themselves do not constitute a humanitarian justification for approval of the request. If an application is approved, the resident will be issued a stay permit for Judea and Samaria.

A resident of the Gaza Strip who wishes to enter through the Allenby Bridge is required to submit an application in advance to the Erez DCO each time he wishes to enter Judea and Samaria. In urgent cases, where advance coordination is impossible, the option of approving the entry of a Gaza resident to Judea and Samaria without pre-arrangement will be considered, subject to the discretion of the authorized person.

A resident of the Gaza Strip who is currently present in Judea and Samaria unlawfully and wishes to receive a stay permit is required to submit a detailed application demonstrating extraordinary humanitarian grounds, through the Palestinian Authority to the Israeli side. Insofar as the application is transferred to the Israeli side, it will be examined on its merits and in any case will not be approved unless the following cumulative conditions are met:

1. The resident entered the Judea and Samaria Area before September 2000 and remained there continuously prior to submission of the application.
2. The resident is married to a resident of the Area and they have children or the children of a resident of the Area.
3. Security and police clearance.
4. Extraordinary humanitarian grounds – family ties to a resident of Judea and Samaria are not in themselves sufficient humanitarian grounds for approval of the application.

5. An application may be refused even if the applicant fulfills the aforementioned conditions, given all relevant circumstances, including general security considerations.
6. Despite the aforesaid, the authorized person is permitted, with the approval of the Head of the Civil Administration in the Judea and Samaria Area, to approve the granting of stay permits for Judea and Samaria in exceptional cases, according to his discretion.

N. Our response to question N: see our response to question C.

O. Our response to question O: We do not have the information.

2. Sincere thanks,

[signed]

Peter Lerner

Spokesman - Coordination of
Government Activities in the Territories

Copy: IDF Spokesperson/ Public Relations Branch/ Head of Human Rights and Public
Complaints Division