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Date: 19 February 2007

In the response please mention:

10321, 15286, 31490, 31706

Ms. Tova Amadi

The Population Administration Bureau

The Ministry of the Interior

49 Wadi al-Joz St.

Jerusalem

Via Registered Mail and by fax:

02-6268521

Dear Ms. Amadi,

Re: The Unlawful Taking of Identity Cards from Israeli Residents

I hereby write to you in the matter of two women, permanent residents of Israel, whose identity cards were taken away from them when they came to issue laissez-passers at your office.

The Case of Ms. _____ Iyad, ID _____

1. Ms. Iyad empowered the attorneys of the Center for the Defence of the Individual (hereinafter: "HaMoked") to handle her affairs vis-à-vis the Israeli Authorities.
Enclosed please find the power of attorney.
2. Ms. Iyad is a resident of Jerusalem, and is married to Mr. _____ Iyad, ID _____, a Palestinian residing in Gaza. She and her spouse have five children who are registered with the Palestinian Population Registry.

3. On 2 February 2007, Ms. Iyad and her five children arrived at the Erez checkpoint with the intent of entering Israel. Upon leaving, she was told that if she wished to return to the strip, she would have to issue a laissez-passer at your office.
4. On 5 February 2007, Ms. Iyad arrived at your office and submitted an application for receiving a laissez-passer. After submitting the application, she was told that the laissez-passer would be sent by mail to her parents' home in Jerusalem.
5. Ms. Iyad was concerned that the laissez-passer would not be ready before her children's permits to stay in Israel expired. Therefore, on 11 February 2007, Ms. Iyad arrived at your office. At the office, Antoinette, the registration officer, asked her for her identity card and the receipt for the submission of the laissez-passer application. Ms. Iyad assumed that the sole purpose of taking the identity card was to locate the laissez-passer that had been issued for her.
6. When Antoinette returned with another registration officer, about half an hour later, Ms. Iyad learned how wrong she had been. She was told that since she resided in the Gaza Strip, her identity card would be taken away from her and she could only keep her laissez-passer. And so it was. When Ms. Iyad inquired whether she could come to your office and ask for the identity card when she left Gaza, Antoinette answered that **she would never get the certificate back.**
7. In light of the reply that she received, Ms. Iyad turned to the manager responsible for the issuance of laissez-passers (Ms. Iyad does not recall his name), and requested that her identity card be returned to her. Ms. Iyad said that she divided her time between Gaza and Jerusalem and needed the Certificate. The manager responded that this was a new directive, according to which women with her status could no longer enter the Gaza Strip without a laissez-passer, but asked her to return to Antoinette to check if the computer noted whether or not her identity card was supposed to be returned to her. Ms. Iyad returned to Antoinette, who said that she could not help her. At this point, Ms. Iyad left your office.

The Case of Ms. _____ Badah, ID

8. Ms. Badah empowered the attorneys of HaMoked to handle her affairs vis-à-vis the Israeli authorities. Enclosed please find the power of attorney.

9. Ms. Badah is a resident of Jerusalem, and is married to Mr. _____ Salim, a Palestinian residing in Gaza. The couple has seven children.
10. On 18 January 2007, Ms. Badah left Gaza for Jerusalem with her five children, who are registered with the Palestinian Population Registry, to go to her family who resides in Jerusalem. As she passed through the Erez checkpoint, she was not informed of any policy changes as to personal documents that must be presented upon re-entry to Gaza via the checkpoint.
11. In Jerusalem she was informed, by HaMoked, of the policy change according to which, henceforth, any citizen or resident wishing to enter the Gaza Strip via the Erez checkpoint must present a passport or a laissez-passer.
12. On 1 February 2007, Ms. Badah arrived at your office, accompanied by Adv. Ibrahim Magdi, and submitted the application for the issuance of a laissez-passer. She was told that she would receive the laissez-passer by mail within a week or two.
13. Ms. Badah needed the laissez-passer urgently owing to the fact that her children's permit to stay in Israel was about to expire, and they needed to return to their schools in Gaza. Therefore, on 7 February 2007, she arrived at your office to follow up on her application.
14. At the office, she was received by Antoinette, the registration officer, who took from her the receipt for submission of the laissez-passer application and asked her to wait. Antoinette handed the receipt to another registration officer, who spoke to Antoinette irritably in Hebrew. Ms. Badah does not understand Hebrew very well, but from the other registration officer's body language she could tell that she was talking about her. Antoinette then asked Ms. Badah to give her the identity card for a few minutes so she could show it to the other registration officer. Ms. Badah assumed that, as was the case in her previous visit to the office, Antoinette was only interested in the certificate in order to inspect the details recorded therein.
15. At a certain point, the other registration officer began speaking in Hebrew while holding Ms. Badah's identity card in one hand and the laissez-passer in the other. Antoinette translated what the other registration officer was saying, to the effect that Ms. Badah had to choose whether she was interested in the identity card or the laissez-passer. Ms. Badah replied that she was interested in getting her identity card back, but was answered that **it was not possible to return**

the identity card to her, and that according to the new procedure, she was only permitted to receive the laissez-passer. When she asked the registration officers at the office what exactly that new procedure was, she received no reply at all.

16. At this point Ms. Badah asked Antoinette to meet the manager, since she insisted on her demand to get her identity card back and understand the nature of the new procedure. Antoinette did not enable her to meet with him, and Ms. Badah left the office.
17. *The way in which your office conducted itself in the matter of Ms. Iyad and Ms. Badah raises harsh questions:* thus, for example, under what authority does your office take identity cards away from Israeli residents?

It should be noted that **Article 28 (a) of Hoq Mirsham ha-Ukhlosin [the Population Registry Law], 5725-1965** determines that a registration officer may require the holder of an identity card to submit it to him only **for the purpose of entering a change in a registration detail or if the certificate is worn out or has expired or if the photograph no longer correctly represents the holder. Section 28 of the law** determines that **"Where in dealing with an identity card it appears to a registration officer that any change, correction, addition or deletion has been made therein unlawfully, he may retain the same until the matter has been fully examined."**

As persons who deal with identity cards on a daily basis, the registration officers at your office are aware of the law's provisions. They are aware that they have no authority to take my clients' identity cards away other than in the instances mentioned in the law, and which have been presented above. There is some concern that the registration officers, being aware of the legal situation, chose cunningly to take possession of my clients' identity cards. The registration officers led my clients to the understanding that their identity cards had been taken away from them for only a few minutes, for the purpose of handling the issuance of the laissez-passer, and when the same came into their possession –they refused to return them.

18. The way your office conducted itself is surprising, especially in light of the fact that you are not claiming that the residence of my clients has expired. Indeed, it was on this basis that their application for a laissez-passer was approved. How, then, is it possible to explain the statements made by your registration officer, who told Ms. Iyad that her identity card would never be returned to her?

19. The demand that those residents deposit their identity cards at your office may even thwart their passage through the Erez checkpoint. HaMoked knows of at least one case in which a resident who wanted to pass through the checkpoint into the strip was required to present an identity card. As she did not have the Certificate in her possession – since it had been taken away by your office – that resident was denied passage through the checkpoint, even though she had a laissez-passer!
20. All of the above suggests that your office, which is a public authority, deviated in these cases from basic standards of decency and proper service of residents that come to it and need its services. **Furthermore, this conduct is not supported by any legal source.**
21. **Therefore, we demand that your conduct, which conditions the handing over of the laissez-passer upon surrender of the identity card to your office, be immediately discontinued. In addition, we demand that the identity cards of our clients, and of other women in their situation, be returned to them immediately.**

Sincerely,

Yotam Ben-Hillel, Adv.

Encl.:

Powers of Attorney

cc:

Mr. Avi Lekach, Director, Population Administration Bureau in East Jerusalem

Adv. Daniel Salomon, the Legal Department of the Ministry of the Interior

Mr. Roni Bar On, Minister of the Interior

Ms. Michal Yosepuph, Border Control and Passage Supervisor