



Procedures for Considering Gaza Residents' Applications for Entry Permits for Reasons Relating to Legal Proceedings in Israel

Objectives

- 1 Gaza Strip is under the control of Hamas, which is a terrorist organization whose goals include the destruction of the State of Israel. In addition, Hamas carries out terrorist activity directed at Israel from the Gaza Strip. Given this security-political situation, Israel has developed, and adheres to, policies that allow Gaza residents to enter Israel only under special humanitarian circumstances.
- 2 Given these policies, this memo serves to create uniform guidelines to help state agencies handle requests by Gaza residents who wish to enter Israel for reasons relating to legal proceedings within its borders. This comes with recognition of the complexity of such requests, and the need to coordinate between the Gaza District Coordination and Liaison (that is authorized to issue such entry permits) and security forces, the state attorney, and regional attorneys (whose professional judgment helps determine whether such requests will be honored).

General

- 3 The State of Israel will examine and handle requests made by Gaza residents to enter Israel for reasons relating to legal proceedings according to existing guidelines, as they are periodically updated, according to the political-security situation.
- 4 When considering such a request, the special circumstances of each case will be taken into account, as well as any other relevant information that may apply.
- 5 Without contradicting the information above, requests will be considered according to these guidelines, as well as according to the following criteria:
 - 5.1 The absence of a specific security- or criminal-related motive;
 - 5.2 The possibility that denying the applicant's request may thwart or seriously harm the legal proceedings. In this context, the progress of the legal case will also be taken into account.
 - 5.3 The relevance of exceptional humanitarian circumstances that justify deviating from the overarching policy. Such circumstances may take many forms, including:
 - 5.3.1 The circumstances under which the event being adjudicated occurred;
 - 5.3.2 The kind of harm and the extent of damage allegedly caused to the plaintiff and the requested compensation;
 - 5.3.3 The parties in the case, and if the plaintiff was not directly harmed, their relationship with the person who was directly harmed;
 - 5.3.4 Exceptional humanitarian circumstances that apply to the legal proceedings and its outcome.

For the purposes of these guidelines, examples of exceptional humanitarian circumstances would be a case being pressed by dependents of a person whose death is the subject of the court case, or if the plaintiff has incurred serious injuries that have caused much distress.

Consideration of Requests

- 6 Every and all requests by Gaza residents wishing to enter Israel must be filed through the acceptable channels, through the Palestinian Civil Committee in Gaza, and according to the committee's consideration. **To be clear, requests that are received in ways other than through the Palestinian Civil Committee will not be considered, unless there are special circumstances relating to the committee's functioning that prevent the particular Gaza resident from filing their request through the committee.**
- 7 To the extent that a Gaza resident is prevented from filing their request through the Palestinian Civil Committee, their request must be filed directly with the Gaza District Coordination and Liaison, along with a written explanation detailing the reasons preventing the applicant from filing their request through the committee.
- 8 Requests must be filed at the earliest possible date. As a rule, unless there are exceptional circumstances preventing the applicant from doing so, requests must be received no later than 90 days before the requested date of entry. Requests received for entry dates sooner than 90 days in the future will not be considered.
- 9 The request must include all necessary and relevant information that supports the request. Without contradicting the information above, applicants must, at the minimum, include the following information:
 - 9.1 The personal information of the Gaza resident requesting to enter Israel, including their full contact information;
 - 9.2 The details of the legal proceeding, including case number, the court in which the case is being heard, the judge presiding over the case, the stage at which the case is at, and the subject of the case;
 - 9.3 The type of case and the compensation being sought.
 - 9.4 Information about the lawyer handling the case;
 - 9.5 Whether the State of Israel is one of the parties in the case;
 - 9.6 Details about the legal representatives of the defendant party/parties in the case, including full contact information;
 - 9.7 The concrete reason that the Gaza resident must enter Israel in association with this case (for each person requesting entry), on the specific date being requested, and how this relates to the stage at which the case is at;
 - 9.8 The necessity of entering Israel in order to continue handling the legal proceeding (for each person requesting entry);
 - 9.9 Any and all alternatives that have been explored to continue handling the legal proceeding and the reason such alternatives have been rejected;
 - 9.10 Any additional circumstances that may support the request, with an emphasis on any exceptional humanitarian circumstances;
 - 9.11 The plaintiff's financial standing, and whether a favorable outcome is financially crucial for their existence.



Requests that do not include all the considered.

necessary information will not be

- 10 Applicants must attach all relevant documents to their request, including the written claim and and court rulings (including any decisions about dates for hearing and the type of hearing scheduled).
- 11 The Gaza District Coordination and Liaison will screen all requests received from the Palestinian Civil Committee.
- 12 If the initial screening reveals no reason for the request to be honored (e.g. if it is clear that entry into Israel is not necessary for the legal proceedings), the Gaza District Coordination and Liaison will deny the request without taking any additional steps.
- 13 If the initial screening reveals that entry is indeed necessary, the Gaza District Coordination and Liaison will pass the request to the other side (if the case is being filed against the State of Israel, the request will be given to a regional attorney, and if the case is filed against a private entity, to their legal representative).
- 14 The other side must provide their response within 20 days, unless there are reasons it must be provided sooner. Their response will include and address all aspects of the legal procedure that may affect the request. In this context, a separate response must be written for each person requesting entry into Israel. Without contradicting the information above, the response must also address:
 - 14.1 The claims mentioned in the request;
 - 14.2 The necessity of entering Israel for reasons relating to the legal proceedings, including possible alternatives that do not require entry, and addressing the stage the stage is at;
 - 14.3 The circumstances of the case, with an emphasis on any humanitarian justifications for granting the request.
- 15 After receiving the other side's opinion, Gaza District Coordination and Liaison will transfer it, together with the original request and any other relevant information it may have, to the Ministry of Defense torts department in the Tel Aviv District Attorney (civil), which will also provide a written opinion on whether denying the request and not granting entry into Israel will thwart or seriously harm the legal proceedings. This response will be provided within 20 days, unless there are reasons for providing it sooner. Once this response has been received, the Gaza District Coordination and Liaison will consider the case within 15 days, and determine whether the applicant's entry into Israel is necessary for the legal proceedings. If the request is found to be unjustified, the Gaza District Coordination and Liaison will deny it.
- 16 If the applicant's entry into Israel is deemed essential for the legal proceedings, the Gaza District Coordination and Liaison will give the request to the security forces (the Shin Bet and police, according to their guidelines, as they are periodically updated). The security forces will provide a response within 15 days.
- 17 In case there is a reason (security- or criminal-related) to prevent the applicant from entering Israel, the Gaza District Coordination and Liaison will deny the request.
- 18 If the applicant's entry into Israel is deemed essential for the legal proceedings, the Gaza District Coordination and Liaison will consider the case in light of the criteria listed in article 5 above, and issue its decision within 15 days.

- 19 Answers will be provided through the acceptable channels, through the Palestinian Civil Committee in the Gaza Strip. Requests filed with the Gaza District Coordination and Liaison's humanitarian division, will receive an answer through that division.
- 20** The Gaza District Coordination and Liaison will inform the other side about the decision.



Flow Chart