

## **New Procedure –** **Israel bars Palestinians in Gaza from moving to West Bank**

**The goal: Total separation of the Gaza Strip from the West Bank**

**The means: A bureaucratic wall that divides Palestinian families and society.**

**The pretext: "Security"**

An official procedure that has come to light following HaMoked's petitions to the Supreme Court reveals a far-reaching Israeli policy intended to deepen and formalize the separation between the West Bank and Gaza Strip. Under the new procedure, Israel sets extremely stringent conditions for changes of residence from the Gaza Strip to the West Bank, erecting a new and virtually insurmountable barrier between the two areas.

The procedure constitutes an escalation in Israel's policy of separation between Gaza and the West Bank, undermining the prospect of a viable Palestinian state and exacting a high price from the Palestinian population of the Occupied Territories.

Israel is preventing civilians from changing their place of residence using the vague pretext that it is responding to the security-political situation in the Gaza Strip, but in fact, Israel is pursuing political goals at the expense of the civilian population, in blatant violation of international humanitarian standards.

- **Israel is undermining the possibility of a two-state solution**

Even as the international community, led by the United States, is working to achieve a two-state solution, and the Israeli Prime Minister himself declares his intention to promote a political settlement, Israel is systematically taking action to further isolate the Gaza Strip while increasing the geographic and political separation between Gaza and the West Bank.

The new procedure contradicts a long list of Israeli undertakings to conduct negotiations for the establishment of an independent, viable Palestinian state, including an explicit commitment in the Oslo Accords to preserve the status of the West Bank and Gaza Strip as "a single territorial unit."

- **Israel is rendering the term "humanitarian" meaningless**

The procedure, which is supposed to restrict relocation from Gaza to the West Bank to "humanitarian" cases only, in fact renders the term "humanitarian" meaningless. It specifies that even in patently humanitarian cases – such as an orphan living in Gaza who seeks to reunite with his remaining parent in the West Bank, or an elderly invalid who requires care by a relative who lives in the West Bank, or married couples who have become separated – Israel will not permit relocation to the West Bank, except under the most exceptional circumstances.

By almost completely blocking the possibility of moving from Gaza to the West Bank, Israel is separating parents from their children and husbands from wives, and denying Palestinians the basic right to family life as well as their right to choose their place of residence.

The harsh criteria Israel has established render the term "humanitarian" devoid of meaning and deviate from accepted international standards:

- Israel declares that **family ties do not constitute humanitarian grounds** for approval of relocation to the West Bank.
- Chronically-ill patients, orphans and elderly invalids will not be able to receive care from **first degree** relatives living the West Bank if they have **any** relatives in Gaza capable of caring for them.
- According to the criteria, it is easier for a foreign national living in the West Bank to obtain resident status in the Territories than for a Palestinian from Gaza to relocate to the West Bank. Approval for permanent residency will be given only after **seven years** of continuous presence in the West Bank by means of temporary permits. (This despite the fact that, in the framework of the Interim Agreements, Israel acknowledged Palestinians' right to freely choose their place of residence in the Territories).

- **Israel is exploiting the security claim**

Israel is cynically exploiting the security claim by preventing relocation to the West Bank even by individuals whom it itself screened and confirmed did not pose a security risk.

The new procedure explicitly states that a **precondition** for consideration of an application for change of residence is the absence of a security risk – both from the applicant in Gaza and his or her relative in the West Bank – as determined by the ISA and police. However, even Palestinians whom Israel determined did not pose a security risk will be prohibited from moving to the West Bank if they do not meet the procedure's stringent criteria.

- **An arbitrary procedure based on personal connections**

The procedure establishes a method of processing applications which is based on personal connections and arbitrary decisions that lack transparency. This is precisely the type of conduct that the Supreme Court sought to prevent when it ordered the State to draft a clear procedure concerning changes of residence from Gaza to the West Bank.

According to the procedure, every application for change of residence must be transferred by the Director-General of the Palestinian Civil Affairs Ministry **directly** to the Coordinator of Government Activities in the Territories (COGAT). Applications that are not transferred in this manner shall not be considered. The Coordinator is given exclusive discretionary power regarding the approval or rejection of applications.

- **One-way ticket**

The procedure, which is designed to prevent Palestinians from Gaza from relocating to the West Bank, is part of a broader Israeli policy that "encourages" relocation in the opposite direction, to Gaza, which means **permanent** removal from the West Bank. Families unable to live together in the West Bank will be forced to move to the Gaza Strip even if their home, livelihood, relatives and friends are in the West Bank.

- **A call for action**

**HaMoked and Gisha call on Israel to cancel the procedure and allow Palestinians to move from the Gaza Strip to the West Bank, and change their registered address accordingly.**

**HaMoked and Gisha call on the international community to take action to have Israel revoke this procedure, which violates the basic rights of Palestinians in the Occupied Territories, severely damages the ties between Gaza and the West Bank and undermines the possibility of establishing a viable Palestinian state.**

- **Historical and legal background**

International law recognizes the right of residents of an occupied territory to freedom of movement as well as their right to choose their place of residence, except in extraordinary cases. Palestinians living in the Occupied Territories also have the basic right to choose their spouse and maintain family life, and Israel is obligated to ensure that children are not separated from their parents. The right to family life has also been acknowledged by the Supreme Court as a constitutional right.

Since 2000, Israel has acted in various ways to prevent passage between Gaza and the West Bank, imposing restrictions on movement and increasingly severe bureaucratic obstacles. One of the main tools Israel uses to separate the population of the Gaza Strip from that of the West Bank is the control it has assumed over the Palestinian population registry.

In 2000 Israel "froze" the updating of addresses between the Gaza Strip and the West Bank in its copy of the population registry. As a result, thousands of Palestinians who have been living in the West Bank for years are still registered as Gaza residents. Since November 2007, Israel has required these residents to hold a temporary permit to remain in the West Bank, and has removed Palestinians from the area – from their homes, their families and the center of their lives – to Gaza, claiming that they are "illegal aliens".

In 2008 HaMoked submitted several petitions to the Supreme Court on behalf of Palestinians who had been prohibited from relocating to the West Bank, even though they were not deemed a security risk. The cases were heard together, and the Court ordered the State to formulate a procedure for processing Palestinians' applications for relocation from Gaza to the West Bank. The procedure was submitted by the State in March 2009.