



## Israeli Policy – Removal from the West Bank to Gaza

### Fact Sheet

November 2, 2009

Beginning approximately in 2003<sup>1</sup>, Israel began to prohibit Palestinians whose registered address is in Gaza from being in the West Bank – even if they had been living in the West Bank for years. Israel began to arrest Palestinians whose registered address is in Gaza – including those whose homes, families, and jobs are in the West Bank – and to bring them to Gaza against their will. Those arrests included people whose only suspected "wrongdoing" was being in the West Bank. Israel bases this policy on the 1967 order declaring the West Bank to be a "closed military area."<sup>2</sup> This position contradicts an obligation undertaken under the Oslo Accords and incorporated into the military legislation governing the West Bank, which recognizes the Gaza Strip and the West Bank as a "single territorial unit"<sup>3</sup> where Palestinians listed in the Israeli-controlled Palestinian Population Registry may lawfully reside. That political commitment became part of the internal law of the West Bank via military orders implementing the Interim Agreement.<sup>4</sup> See Gisha, *Disengagement Danger: Israeli Attempts to Separate Gaza from the West Bank*, especially Part 2D, for more details.

The result is that thousands of Palestinians, whose registered address is in Gaza, live in hiding in the West Bank, and the unlucky ones – are caught and removed to Gaza.<sup>5</sup> The Palestinian Office of Civilian Affairs in Ramallah has estimated the number of people living in the West Bank with registered addresses in Gaza at 25,000. These people, almost all of whom entered the West Bank legally, via permits to cross through Israel, cannot travel freely between West Bank towns, because of the credible fear that soldiers at one of the checkpoints within the West Bank will arrest them and bring them to Gaza against their will. They cannot travel abroad, because Israel will not allow them to travel through the Allenby Bridge crossing into Jordan. Those who live in West Bank cities entirely surrounded by Israeli checkpoints are trapped, unable to travel more than a few kilometers in any direction. They are limited in their places of work, because they cannot travel within the West Bank and cannot take work-related trips abroad. They cannot study abroad or request permits to enter Jerusalem for work, study or medical care. Many have not seen their families in Gaza since 2000.

Recently, Israel has stepped up its policy of arresting people in the West Bank whose ID cards are registered in Gaza – and removing them to Gaza by force. Israel has done this in four types of circumstances:

1. Arresting people at internal checkpoints within the West Bank and removing them to Gaza;

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<sup>1</sup> There were incidents prior to 2003, but a broad policy of forbidding people from Gaza from being in the West Bank became readily identifiable in 2003.

<sup>2</sup> Order Regarding Closure of Areas (West Bank Area) (No. 34), 1967.

<sup>3</sup> Article 11 of the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, signed Sept. 28, 1995, Washington, D.C (hereinafter: "Interim Agreement"); Israel's High Court has affirmed the integrity of Gaza and the West Bank as a single territorial unit. See H.C. 7015/02 *Ajuri v. West Bank Military Commander*, P.D. 56(6) 352 (available in English at [www.court.gov.il](http://www.court.gov.il)).

<sup>4</sup> Order Regarding Implementation of Interim Agreement (Judea and Samaria) (No. 7) 1995 [West Bank].

<sup>5</sup> See H.C. 11595/05 *Najar v. IDF Commander in the West Bank* petition brought by Gisha (petition available at [www.gisha.org](http://www.gisha.org)); Amira Hass, "The Obstacle Course to School," *Haaretz*, Jan. 11, 2006; Amira Hass, "Expressing the 'Closure of Thought,'" *Haaretz*, Jan. 10, 2006.

2. Entering homes in the West Bank, arresting those whose addresses are registered in Gaza, and removing them to Gaza;
3. Following completion of a prison term, releasing prisoners whose addresses are registered in Gaza, even when the prisoner has been residing in the West Bank for years;
4. In cases in which Palestinians are caught entering Israel without a permit, they have been deported to Gaza (rather than the West Bank), because their addresses are registered in Gaza - even if they have been living in the West Bank for years and have no connection to Gaza.

### **Almost No Address Changes from Gaza to West Bank**

Aside from a few "gestures" that have taken place over the last nine years, in which a few hundred address changes were approved, since 2000, there is no possibility to change one's address from Gaza to the West Bank (See Gisha, *Disengagement Danger: Israeli Attempts to Separate Gaza from the West Bank*, Part 2B). So Palestinian residents originally from Gaza or whose addresses were registered in have no possibility to change that address.

### **"Staying Permits"**

In late 2007, Israel began issuing "staying permits", ostensibly to permit Palestinian residents whose addresses are registered in Gaza to "remain" in the West Bank temporarily. The criteria are extremely restrictive, and most people do not meet them. It should be noted that prior to 2007, consistent with the Oslo Accords, no such permit existed, as the only permit required was the entrance permit allowing a resident to enter Israel for purposes of transit from Gaza to the West Bank. Israel continues to claim that Palestinian residents (like Berlanty Azzam) are present illegally in the West Bank – even though at the time they entered the West Bank, no permit was required to "stay" in the West Bank and it was not even possible to request one, because they did not exist. Instead, a Gaza resident whose request to travel to the West Bank was granted – received a permit titled "Entry permit to Israel," under circumstances that make it clear that the permit is granted for purposes of transit (for example, a family who received a permit to travel to the West Bank for purposes of study received a one-day entry permit to Israel, where it was clear that his studies would not be completed in one day, and that the permit was for purposes of transit).

### **Preventing Family Reunification**

For those removed to Gaza from the West Bank who left families behind, the criteria for returning are extraordinarily strict. The only cases to be considered for relocation to the West Bank are orphans, the chronically ill, and elderly persons in need of care, and even then – only on the condition that there is no relative in Gaza who can care for them. This procedure was revealed in a court petition brought by Hamoked. See a position paper by Hamoked and Gisha, *New Procedure: Israel Bars Palestinians in Gaza from Moving to West Bank*.

### **Due Process**

In addition to the substantive right to remain in one's territory,<sup>6</sup> the way in which the Israeli government has carried out the removals to Gaza raises serious questions concerning due process. Indeed, despite instructions by the Israeli Supreme Court to institute a procedure for allowing residents to raise claims concerning their residency rights in the West Bank,<sup>7</sup> the military has recently stepped up efforts to arrest

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<sup>6</sup> International Convention on Civil and Political Rights, Art. 12(1): " Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence".

<sup>7</sup> H.C. 3519/05 Ward v. West Bank Military Commander, case brought by Hamoked: Center for the Defence of the Individual (petition available at [www.hamoked.org.il](http://www.hamoked.org.il)).

people in the West Bank whose ID cards list a Gaza address and to remove them to the West Bank with no ability to challenge the removal. Berlanty Azzam was removed despite an explicit promise by military lawyers that she would not be removed to Gaza until her lawyers had an opportunity to seek judicial review.

### **Effect on the Economy**

As mentioned above, those living in the West Bank with Gaza ID cards are extremely limited in their movement, which limits their ability to work, run businesses, or study. Women especially, who left Gaza for the more liberal atmosphere of the West Bank, including greater work opportunities, are reluctant to risk being removed to Gaza and therefore – give up on jobs that require travel, in order not to risk being caught. Those who have been taken to Gaza by force from the West Bank leave behind jobs, factories, and livelihoods. Inside Gaza, they have no home, no job, and no way to support themselves or their families left behind in the West Bank.

### **Additional Resources:**

- ⇒ Hamoked and Gisha, [New Procedure: Israel Bars Palestinians in Gaza from Moving to West Bank](#) (available at [http://www.gisha.org/UserFiles/File/publications\\_/WB\\_Gaza\\_Procedure-PositionP-Eng.pdf](http://www.gisha.org/UserFiles/File/publications_/WB_Gaza_Procedure-PositionP-Eng.pdf)), June 2009
- ⇒ Gisha, [Disengagement Danger: Israeli Attempts to Separate Gaza from the West Bank](#) (available at [http://www.gisha.org/UserFiles/File/publications\\_english/Publications%20and%20Reports\\_English/Disengagement%20Danger%20feb%2006.doc](http://www.gisha.org/UserFiles/File/publications_english/Publications%20and%20Reports_English/Disengagement%20Danger%20feb%2006.doc)), February 2006
- ⇒ Gisha, News Release, [As Military Lawyer Gives False Promise, Bethlehem University Student is Blindfolded, Handcuffed, and Taken to Gaza by Force](#) (available at <http://www.gisha.org/index.php?intLanguage=2&intItemId=1619&intSiteSN=113>), Oct. 29, 2009

### **For more information, please contact us:**

[Tania Hary](#), Gisha Director of International Relations: 03-6244120, 054-8349227, [tania@gisha.org](mailto:tania@gisha.org) or  
Sari Bashi, Executive Director, 03-6244120; [sari@gisha.org](mailto:sari@gisha.org)