

-Unclassified-

On official letterhead of the State of
Israel Ministry of Defense

Coordination of Activities
in the Territories
Records and Registry Department
Public Liaison
Tel: 03-7189107
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File: General
Ref: EVEN289-01-6797
23 Nisan 5782
14 April 2022

To,

Adv. Osnat Cohen Lifshitz

Re: **Your letter regarding response of Gaza CLA Public Liaison Desk to inquire
about the status of applications by Gaza residents.**

Ref: Your letter to the Attorney General, the MAG, COGAT and the Head of the Gaza CLA, dated January 18, 2022.
Your letter to the Director of the HCJ Department, State Attorney's Office, dated February 3, 2022
Your letter to the Director of the HCJ Department, State Attorney's Office, dated March 29, 2022
Your letter to the Director of the HCJ Department, State Attorney's Office, dated April 5, 2022

1. We hereby confirm receipt of your letters in reference and provide our response in coordination with the relevant officials at the Ministry of Justice, as follows:
2. In your letter dated January 18, 2022, you requested "the immediate reversal of the Gaza CLA's refusal to process applications from residents of the Gaza Strip sent by counsel from human rights organizations." Thereafter, in your subsequent communications, you once again complained that the CLA refuses to address such applications, including in urgent medical cases.
3. We begin by clarifying that the Gaza CLA encourages and welcomes the fruitful dialogue with civil society organizations for the purpose of advancing solutions to humanitarian issues, and we flatly reject your claim that the CLA is "attempting to trample the right of Gaza residents to legal representation by turning its back on human rights organizations."
4. On the merits, we first note that, as noted in the response provided to you by the Public Liaison Desk, according to the agreements between Israel and the Palestinians, the Palestinian Civil Affairs Committee (PCAC) is the agency responsible for processing, prioritizing and screening applications for entry into Israel made by Gaza residents and for forwarding these to the Israeli side. The PCAC is the only agency on the Palestinian side in the Gaza Strip with which the State of Israel engages on this issue. Accordingly, inquiries about the processing status of such applications should also be made to the PCAC rather than the Gaza CLA.

5. According to the policy in place, the Gaza CLA only processes applications the PCAC forwards to it for review. It does not review other documents submitted directly to the CLA, whether by the resident themselves or by counsel. Communications made directly to the CLA by Gaza residents or anyone on their behalf **do not constitute official applications** to enter Israel and are not processed as such.
6. The aforesaid policy has been in place for decades, and has even been upheld by the High Court of Justice (as clarified in a letter from the Director of the State Attorney's Office HCJ Department dated November 5, 2009, which was attached to your letter, as well as a previous response from the Head of the Gaza CLA dated October 6, 2009).
7. It is recalled that, as noted in the aforesaid letter from the Director of the HCJ Department at the time, this policy also includes a decision that applications by Gaza residents for entry into Israel submitted to the CLA directly rather than via the PCAC would be processed on an exceptional basis only in urgent, humanitarian, life-saving cases. While there have been other cases in the past in which the CLA has responded directly to applications forwarded to it, such responses were provided as an exception to the aforesaid policy, given changes in the operation of the PCAC.
8. At the present time, when the PCAC is operating routinely and maintains constant communications with the CLA, as part of which its representatives request and receive updates on the processing status of applications, such inquiries should be made to the PCAC. The PCAC effectively processes communications from Gaza residents on this matter, and its representatives maintain direct communications with the CLA for all matters pertaining to this issue. This holds true for urgent life-saving cases as well, wherein the PCAC works closely with the CLA to provide responses within exceedingly short response times.
9. That being said, as clarified in the past and for the sake of order, we recall that the Gaza CLA may be contacted directly about applications made by Gaza residents in the following cases:
 - a. When a person wishes to challenge a decision made by the CLA not pertaining to a security impediment in their matter;
 - b. When a person wishes to have a fundamental question of principle considered;
 - c. When the CLA's assistance is required in inquiries about application processing exceeding standard processing times;
 - d. In humanitarian cases concerning urgent medical care, in which a response had not been provided close to the time scheduled for the treatment. This includes life-saving cases or medical treatment without which quality of life is critically altered, in which no response has been provided in the relevant time allotted for the requisite medical treatment.

In any event, in the cases listed above, the Gaza CLA may be approached using the standard, known communication channels, as posted on the COGAT website. The Gaza CLA will respond to these communications on their individual merits, noting the decision in the application specified in the communication, if one was made, or detailing the application's processing status. This holds true regardless of the identity of the person inquiring, whether a private person or their counsel.

10. It is further noted that in your additional letter in reference addressed to the Director of the HCJ Department and dated April 5, 2022, you noted that prior to making direct contact with the CLA, you make attempts to inquire about processing status via the PCAC. In light of this, and to streamline processing as noted in paragraph 9 above, including with the PCAC, we ask that you include the following details within your inquiries:

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- a. The date on which contact was made with the PCAC to inquire about the application's processing status;
- b. The number assigned to the application by the PCAC;
- c. The dates on which the PCAC contacted the Gaza CLA with respect to the application, as provided by the PCAC.
- d. The time and substance of the response provided by the PCAC with respect to the inquiry it made about the application.

11. The Gaza CLA Public Liaison Desk is available should you have any further concerns.

Sincerely,

Ortal Mespín, Captain
Public Liaison Officer
C O G A T

CC:

Attorney General

Deputy Attorney General (Public Administrative Law)

HCJ Department Director, State Attorney's Office

Legal Advisor to the Defense Establishment

MAG

Head of the Gaza CLA