



July 19, 2020

To
Mr. Benny Gantz
Minister of Defense

To
Dr. Avichai Mandelblit
Attorney General

To
Mr. Kamil Abu Rukun
Coordinator of Government
Activities in the Territories

By fax: 03-6962757

By fax: 02-6467001

By fax: 03-6976306

Dear Sirs,

Re: Reversing the sweeping ban on travel to and from Gaza in cases other than medical emergencies against the backdrop of the coronavirus crisis

I hereby contact you urgently in the matter in reference with a demand that you immediately review and update the decision made at the onset of the coronavirus crisis to impose a blanket ban on travel to and from the Gaza Strip other than in urgent medical cases, as specified below:

1. On March 12, 2020, in continuation of the closure imposed on the Strip and the West Bank during the Purim holiday, the Coordinator of Government Activities in the Territories (COGAT) announced that a decision had been made to close the crossings between the Gaza Strip, the West Bank, and Israel, other than to exceptional humanitarian cases, due to the concern over the spread of the coronavirus. With time, it came to light that the State of Israel is allowing passage to and from the Gaza Strip only in cases requiring urgent life-saving medical treatment.
2. For many years and well before the outbreak of the virus, the State of Israel has imposed severe restrictions on Palestinians' freedom of movement and prevented travel to and from the Strip using a strict permit regime. Ostensibly, current travel restrictions are in line with a global trend of reducing international travel in order to curb the spread of the pandemic. The facts, however, indicate otherwise. In recent weeks, most pandemic-related restrictions imposed on travel inside Israel and between Israel and the West Bank were lifted, and there appears to be no justification for refraining from reassessing restrictions on movement from Gaza as well.
3. All notices about coronavirus-related restrictions enforced at crossing points are posted on the COGAT's Arabic Facebook page. Careful monitoring of these notices reveals an essential difference between Israel's policies with respect to movement of people from the Gaza Strip as opposed to the West Bank.
4. COGAT's notices regarding travel between Israel and the West Bank are modified occasionally, ostensibly according to updated assessments regarding the spread of the pandemic. Thus, for instance, on March 21, 2020, COGAT announced that the crossings would be fully closed, after earlier announcing that laborers from the West Bank would be allowed to enter Israel subject to certain conditions. A month later, COGAT announced that as part of the effort to return to a normal routine, laborers would be permitted to enter Israel from the West Bank under certain conditions. In

early May, COGAT announced that in light of a relative improvement in the coronavirus situation, and as part of the efforts to return to a normal routine, some crossings would be opened, and magnetic cards would again be issued. On May 28, 2020, COGAT announced that beginning May 31, laborers and merchants from the West Bank would be permitted to enter Israel via all crossings between the West Bank and Israel, and that the requirement of extended stay after entering Israel would be lifted, allowing daily passage between the West Bank and Israel. The age restriction on entering laborers was also lifted. COGAT also noted that entry would be permitted for permit holders for a variety of reasons. On May 31, 2020, COGAT announced that the crossings were operating normally, as they had been prior to the coronavirus crisis. On June 25, 2020, COGAT announced certain limitations on entry by laborers from the West Bank into Israel in light of an increase in coronavirus cases.

5. The clear and explicit message evident in the decisions made by COGAT with respect to travel between Israel and the West Bank is that the State of Israel is doing everything in its power to return to normal and remove unnecessary restrictions.
6. When it comes to the Gaza Strip, time has stood still. No changes have been made to the travel policy declared as part of the response to the pandemic. COGAT repeatedly declares that Erez Crossing is closed other than for exceptional humanitarian cases, which the State of Israel takes to mean only the most urgent medical cases.
7. The aggressive restrictions imposed by the State of Israel on Gaza residents' freedom of movement, and the reports of these restrictions stemming from efforts to curb the spread of the pandemic, might lead one to think that the pandemic is running rampant within the Gaza Strip; that the number of people sick in Gaza is colossal and that its borders must remain sealed to prevent an outbreak in the West Bank and in Israel and protect public health.
8. In reality, however, the contrary is true. In terms of the response to the pandemic, the situation in Gaza is excellent, certainly far better than it is in Israel or the West Bank. Unlike Israel, which has lost control over the pandemic, with close to 2,000 new cases confirmed each day, only 72 people have tested positive in the Gaza Strip since the pandemic broke out. Most of the people diagnosed in Gaza had the virus when they entered Gaza from abroad, and all patients stay and receive care in isolation facilities from the moment they enter Gaza. Of the people diagnosed, one patient died and most recovered (to compare, the West Bank reports 6,298 confirmed cases).
9. As you are aware, anyone entering the Gaza Strip is placed in quarantine in government-run facilities for 21 days. This has prevented the disease from spreading inside the Strip, and there is no risk that exit by Gaza residents would put others at risk either in Israel or the West Bank, or that residents' return to their homes in Gaza would put the local population there at risk.
10. Despite these facts, the Gaza Coordination and Liaison Administration (CLA) perfunctorily dismisses the various applications submitted to it, including applications to return to the West Bank, visit sick relatives, and participate in weddings or funerals. This is carried out without reviewing the applications on their individual merits, and based on an unknown decision made at "government level" that was never published, nor is it known who made the decision or on what grounds.

11. Given all the above, there can be no dispute that the decision made by the State of Israel to prevent travel from the Gaza Strip is entirely unrelated to the coronavirus, that it has no relevant or current factual basis and that it is extremely unreasonable. Given the grave impingement on the fundamental rights of Gaza's residents, including the rights to freedom of movement, to autonomy, family life, life with human dignity, and the right to health, the decision is also disproportionate - to put it mildly. It appears that the decision, which has nothing to do with efforts to curb the pandemic, is motivated by wrongful, extraneous considerations and must be reversed.
12. Your duty to end the sweeping closure at the crossings and allow access other than in urgent medical cases stems not only from the rules of Israeli administrative law, but also from the laws of occupation under international law, international human rights law and Israeli law. According to Art. 43 of the Regulations annexed to The Hague Convention with respect to the Laws and Customs of War on Land of 1907, Israel has a duty to ensure the safety and wellbeing of Gaza's residents. This duty also arises from the complete control Israel wields over the border crossings between its territory and the Gaza Strip (see: HCJ 9132/07 **al-Bassiouni v. Prime Minister** (January 30, 2008) and HCJ 201/09 **Physicians for Human Rights v. Prime Minister** (January 19, 2009)).
13. Given the aforesaid, we demand that "government level" officials thoroughly examine the present status of the coronavirus pandemic in the Gaza Strip, amend their decision based on current facts and remove the restrictions. This decision should be reevaluated from time to time, as is done with respect to the West Bank, and brought to the public's attention. Additionally, we request to be provided with a copy of the decision implemented at present and the grounds for it forthwith.
14. Given the ongoing harm to residents of Gaza, we respectfully request your response no later than July 24, 2020.

[signed]

[signed]

Osnat Cohen Lifshitz, Adv. Adi Lustigman, Adv.

per/ [signed]

per/ [signed]

[signed]

Sawsan Zaher, Adv.

**Danny Shenhar, Adv.
Adv.**

Abir Joubran Dakwar,