

Full Lockdown: The tightening of the closure on Gaza under the guise of the pandemic

November 2020

Since March 2020, Israel has banned virtually all travel via Erez Crossing. Exit from Gaza has been limited to a small number of patients in need of urgent treatment and the people escorting them, plus a handful of others. Travel by Palestinians over the last six months is less than 3% of what it was at the beginning of the year. This prolonged and near-hermetic closure of Erez is almost unparalleled in the last 13 years since the [closure](#) of Gaza was imposed and in the decades of [movement restrictions](#) preceding them.

Sweeping movement restrictions are being enforced by Israel at Erez Crossing with unprecedented lightness, ignoring even urgent humanitarian needs. Whereas the measures implemented by Israel over the last months with respect to international travel, travel within its own borders, and travel between the West Bank and Israel have shifted and been adapted in an ongoing effort to strike a balance between public health and economic activity, the policy at Erez cemented the lockdown of the first days of the global COVID-19 outbreak. In stark contrast to the heated debates within Israel regarding each aspect of coronavirus restrictions and regulations, there has been zero public debate or accountability for Israel's decision to all but ban travel to and from Gaza for eight months and counting.

Gisha, international agencies and local authorities alike have [called attention](#) to the prospect of the virus spreading among Gaza's dense population centers, particularly given the state of the [healthcare system](#) and chronic lack of vital [medical equipment](#), and infection rates are rising. But these valid concerns do not justify the unwillingness to take measures and precautions that could protect public health while addressing other pressing needs.

Restrictions on movement through Erez Crossing infringe on the most basic rights of Palestinians, causing great harm in myriad aspects of life in the Strip, years before the pandemic and with increasing force since its outbreak. Now, instead of acknowledging the vast influence it has over public health and well-being in Gaza through its control over movement, Israel is fully [turning its back](#) on its obligations, with disastrous implications.

Over the past months, Gisha has filed numerous petitions to Israeli courts challenging the travel ban on behalf of Palestinians seeking to return home, visit sick parents or attend their funerals. In one case, we [represented](#) a PhD student from Gaza wishing to reach a highly coveted research position and academic scholarship abroad. A lower court ruled in the student's favor, but the state was so protective of its "coronavirus closure" at Erez that it appealed to the Supreme Court, and won. Israel has refused to address the lockdown at Erez as a matter of policy, only making concessions in a handful of individual cases, including where ordered by the courts, despite [demands](#) made by Gisha and partner human rights and civil society organizations to do so.

As has been made all the more salient to everyone in 2020, necessary health precautions must be balanced with the recognition of the cardinal importance of movement to everyday life. Israel must make far-reaching changes to its policy at Erez Crossing, both [immediately](#) and post-pandemic, that recognize its obligation to meet the basic needs and protect the human rights of Gaza's residents.

The following pages contain quotes from responses provided by the state, and by the Coordinator of Government Activities in the Territories (COGAT), to petitions and applications filed by Gisha on behalf of Palestinians seeking to exit Gaza for basic needs. The examples demonstrate Israel's current position of denying almost all travel to and from Gaza, without examining permit requests based on their individual merits and with no connection whatsoever to concrete security grounds.

The tightening of the closure: Quotes from official Israeli documents

1. [State response](#) to a petition regarding a request to participate in mourning rituals for a father (Hebrew)

July 3, 2020 – The state responded to a petition submitted by Gisha to the Jerusalem District Court on behalf of two sisters from Gaza who wished to participate in mourning rituals for their father who passed away in the West Bank.

Israel denied the sisters permits, citing a “procedural error” given that their permit application was not forwarded to the Israeli Gaza Coordination and Liaison Administration (CLA) via the PA-run Palestinian Civil Affairs Committee in Gaza. In addition, the state argues that regardless of the procedural issue, the determining factor in the sisters' case is the government-level decision to restrict exit from Gaza “in order to reduce the risk of coronavirus contagion and spread.”

“26. It is hereby clarified that the CLA is prepared to receive applications through the accepted channel and consider them on their merits. Moreover, **we note that currently, as part of measures taken to address the coronavirus, there is a government-level decision to impose a closure on the Gaza Strip in order to reduce the risk of contagion and spread of the virus. This decision remains in effect; entry from the Gaza Strip to Israel and the Judea and Samaria Area is limited to humanitarian medical cases only.**

27. **Since this closure was imposed, as a rule, applications for entry into Israel and transit to the West Bank made by residents of the Gaza Strip for non-medical needs have been rejected. As of yet, this policy has not been altered.**

Therefore, in accordance with the response provided to the petitioners' counsel by the CLA, **even if the petitioners' application had been filed via the committee in keeping with the agreements between Israel and the Palestinian side, it would have likely been rejected given the closure in force due to the coronavirus.**

28. In conclusion, this petition has been rendered irrelevant given the response provided by the Gaza CLA to the petitioners' counsel, stating that **given the current situation, the state is unable to approve the Petitioners' application.**”

(Emphases added by Gisha)

2. [State response](#) to a petition regarding an application to visit a sick relative in the West Bank (Hebrew)

August 4, 2020 - The state responded to a petition to the Jerusalem District Court filed by Gisha on behalf of a woman from Gaza who wished to visit her father, who is severely ill, in the West Bank. The state cites the same procedural pretext about the application not being forwarded by the Palestinian Civil Affairs Committee, but also argues that in any case, the determining factor for denying the woman's application is the government-level decision to reduce travel from Gaza at this time.

In the following section of the response, the state lists the three exceptions to the coronavirus closure: Exit from Gaza for urgent medical treatment, return of West Bank residents to the West Bank, and entry into Israel by Palestinians with Israeli citizenship who live in the Strip. The implication is that an application to visit a sick first-degree relative in Israel or the West Bank is not an exception to the coronavirus closure being enforced by Israel.

“23. It would not be unwarranted to note that currently, as part of measures taken to address the coronavirus, **there is a government-level decision to impose a closure on the Gaza Strip in order to reduce the risk of contagion and spread of the virus. This decision remains in effect**, and entry from the Gaza Strip to Israel and the Judea and Samaria Area is limited to humanitarian medical cases; the return of West Bank residents and foreign or dual nationals following individual examination of the circumstances of the application; and Israelis located in the Gaza Strip who wish to return to Israel. Beyond necessity, it is noted that **the petitioner's matter does not fall under any of the aforementioned categories, and therefore, even if her application had been forwarded to the Israeli side by the committee, it would have been rejected due to the previously specified closure policy.**”

(Emphases added by Gisha)

3. [COGAT document](#): Policy for entry of Gaza Strip residents into Israel and into the Judea and Samaria area during lockdown

August 12, 2020 – COGAT published a document to its website, detailing the narrow circumstances in which Gaza residents may submit applications for travel “during lockdown.” The document was published following Gisha's demands for transparency regarding the decision to effectively tighten the closure on Gaza. It states as follows:

“[...] **In order to reduce the spread of the coronavirus, a closure has been imposed on the Gaza Strip.** [...] Several exceptions have been determined: [...] Permits to enter Israel and the Judea and Samaria Area for the purpose of medical treatment for medical patients and persons accompanying them [...]. Applications by residents of the Judea and Samaria Area and foreign nationals located in the Gaza Strip to transit to the Judea and Samaria Area or to their country of origin [...]”

(Emphases added by Gisha)

4. [CLA response](#) regarding exit from Gaza for a consular interview in Israel (Hebrew)

August 18, 2020 - The Gaza CLA responded to an application filed by Gisha on behalf of a Ph.D. candidate from the Gaza Strip who requested permission to attend a visa interview at a foreign consulate in Tel Aviv.

The CLA denied the student's permit application on the grounds that it had not been received through the Palestinian Civil Affairs Committee and due to the government-level decision to reduce exit from Gaza:

"It is further noted that **as part of the effort to curb the spread of the coronavirus, entry from the Gaza Strip into the State of Israel has been limited, according to a government-level decision, to humanitarian medical cases only**, and the matter of the resident herein does not fall under the aforesaid circumstances."

(Emphases added by Gisha)

5. [State response](#) to a petition regarding an application to return to the West Bank (Hebrew)

October 25, 2020 - The state responded to a petition Gisha submitted to the Jerusalem District Court on behalf of a young man living in Gaza, registered as a West Bank resident, who wished to return to the West Bank. In its response, the state cites the March 2020 decision to tighten the closure on Gaza, acknowledges that it received the man's permit application prior to this decision, and claims it is now willing to consider the application under the second exception to the coronavirus closure policy: West Bank residents and foreign nationals wishing to return to their homes.

"30. As stated, **on March 11, 2020, the State of Israel imposed a closure on the Gaza Strip as part of the effort to address the spread of the coronavirus. Accordingly, the respondents' policy ever since that time has been to forbid entry by persons living in Gaza into Israel and the [Judea and Samaria] Area, barring exceptions stipulated by the respondents.**

31. The closure policy with respect to entry by Gaza Strip residents into Israel and the Judea and Samaria Area was published on August 12, 2020. **As part of this policy, which was in effect prior to its publication, exceptions to the closure policy were listed, one of which stipulates that 'Applications by residents of the Judea and Samaria Area and foreign nationals located in the Gaza Strip to transit to the Judea and Samaria Area or to their country of origin would be filed through accepted channels, as listed in the procedures posted on the COGAT website [...].**

33. As listed above, the petitioner filed his application to travel from the Gaza Strip via the State of Israel to the Area through the Palestinian Civil Affairs Committee. **While his application was in processing, a closure was imposed on the Gaza Strip as part of the efforts to address the spread of the coronavirus. As such, his application was rejected according to the respondents' policy at the time**, and notice to that effect was given to the Palestinian Civil Affairs Committee as accepted.

(Emphases added by Gisha)