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March 27, 2016

His Excellency Dr. Abdullah Ensour
Prime Minister
Hashemite Kingdom of Jordan

Your Excellency,

I write to express concern about obstacles facing Palestinians from the Gaza Strip seeking to transit through Jordan in order to travel between Gaza and third countries. Since August, residents of Gaza have found it increasingly difficult to obtain permission to transit via Jordan in order to travel abroad. I respectfully request that you look into the matter and take steps to facilitate such transit.

Background- Travel Restrictions for Gaza Residents

As you know, the Gaza Strip is mostly closed. Israel does not allow the operation of an airport or seaport and limits travel via the Erez Crossing between Gaza and Israel to “exceptional humanitarian cases”. Egypt opens the Rafah Crossing just a few times per year, allowing for just 8% percent of travel needs, as measured in the first half of 2013, when Rafah was open regularly. As a result, Palestinians in Gaza are virtually barred from traveling abroad for study, work, family reunification or any other reason.

For limited categories of people and subject to a quota of up to 100 people per week, Israel permits people to travel from Gaza to Israel and the West Bank in order to enter Jordan and travel abroad via the airport in Amman. According to criteria published by the Israeli authorities, Israel allows passage for medical patients, students studying in advanced degree programs abroad, and participants in certain conferences. Israel also allows passage for some businesspersons and VIPS and in some cases in response to requests from countries maintaining embassies in Israel. Most of them have visas to a third country or residence or citizenship in a third country.

Just last month, Israel also announced that it would allow transit from Gaza to Allenby/King Hussein Crossing for Palestinians in Gaza beyond the above-mentioned categories and apparently not subject to the quota, on the condition that the traveler not seek to return to Gaza via Israel for a period of at least one year. This latter form of travel, which has not yet begun, is to take place via escorted convoys.

All Palestinians receiving permission from Israel to travel undergo security screening by the Israel Security Agency (Shin Bet). They also undergo physical inspection at Erez Crossing and Allenby/King Hussein Crossing.

Jordan's Role in Facilitating Transit

Palestinian residents who are from the West Bank may enter Jordan freely, but those from Gaza or whose address is listed in Gaza in the Israeli controlled population registry need permission from Jordan to transit through Allenby/King Hussein Bridge. Until this summer, Jordan would routinely grant “no objection” (*adam mumana*) letters to those transiting, usually after being presented with a foreign visa and/or residence permit. People in Gaza would then present those no objection letters to the Israeli authorities as assurance that they would be allowed to access Jordan.

In this way, Jordan played a helpful role in alleviating the effects of the closure of Gaza on the rights of its residents to freedom of movement and the host of other rights for which freedom of movement is a precondition.

Beginning in August, however, individuals, lawyers and human rights organizations began to observe wide scale refusal or non-responsiveness to requests for the no objection letters. For example: until August, the human rights organization Gisha (or Maslak), which represents Gaza residents before the Israeli authorities, observed that its clients received Jordanian transit permission relatively easily. There were almost no recorded cases of rejections. Beginning in August, almost every client reported that his or her request for Jordanian permission to transit had been rejected. Between August 2015 and the end of January 2016, Gisha received requests for help from 58 people who were refused the no objection letter, including 16 people seeking family reunification, 37 students with acceptances and visas to study in third countries and five people accepted (with visas) to conferences and trainings abroad. The Jordanian authorities either refused these requests with no explanation or did not respond, even after months of waiting.

For people who are unable to obtain Jordanian permission to transit, the ability to travel abroad is blocked. Israel will not consider requests to transit unless accompanied by the Jordanian no objection letter, so without Jordanian transit permission, Palestinians in Gaza cannot even apply to leave.

Three Young People Denied Permission to Transit

I offer here three examples of residents of Gaza, clients of Gisha, who were refused Jordanian permission to transit. These examples are illustrative and by no means exhaustive.

Entrepreneur who missed her competition in Qatar

Amani Al-Halaq, 25 (Palestinian ID number: [REDACTED]; Palestinian passport number: [REDACTED]), works as Project Manager at the University College of Applied Science in Gaza. She developed a mobile application for teaching Arabic as a foreign language and was awarded a place in a competition sponsored by the Tunisia-based Arab League Educational, Cultural and Scientific Organization (ALESCO), to take place in Qatar on January 14. The competition was an opportunity to meet other developers and investors, receive recognition for her work and develop her career.

On December 13, the Palestinian National Committee for Education and Culture in Ramallah (Ms. Wafa Kana'an) submitted a request for a no objection letter on her behalf to the Jordanian representative to the Palestinian Authority. Ms. Al-Halaq submitted, as part of her request, a copy of her visa to Qatar and also the invitation letter. Despite numerous attempts to receive an answer, no response was given, and Ms. al-Halaq lost her place in the competition.

Master's student unable to reach his studies

Fadi Abu Hassan, 25 (Palestinian ID Number: [REDACTED], Palestinian passport number: [REDACTED]), is an Internet engineer at the Mada company in Gaza. He received a scholarship from the Palestinian Ministry of Education in Ramallah to pursue a Master's degree in the field of information technology. He was accepted to study at the Alexandru Ioan Cuza University in Romania, where he was to complete a year of Romanian language study as a precursor to the Master's program.

Mr. Abu Hassan's cousin, Yousef Salem Abu Hassan, who lives in Jordan, submitted a request for a no objection letter on his behalf to the Jordanian government's Department of Palestinian Affairs. Mr. Abu Hassan's cousin submitted a copy of his visa to Romania, his passport, and the university acceptance letter and also requested transit for Mr. Abu Hassan's father. A January 10, 2016 posting on the web site for the Department of Palestinian Affairs stated that Mr. Abu Hassan's request for transit had been refused, while his father's request for transit was approved as of January 13. Both responses were listed under the cousin's name.

Mr. Abu Hassan then submitted another request for a no objection letter, with the supporting documentation, via a commercial company in Gaza, Marrakesh, that submits requests for transit to the Jordanian authorities on behalf of Palestinians in

Gaza. While still waiting for an answer, sometime in mid-January, Mr. Abu Hassan submitted a third request for a no objection letter via another commercial company, Alasdeqa'a, also based in Gaza. On January 25, Mr. Abu Hassan received a text message from the Jordanian representative office informing him that his request for a no objection letter, apparently as submitted via Marrakesh, was refused. On February 1, Mr. Abu Hassan's father received a text message from the Jordanian representative office informing him that his son's request for a no objection letter, apparently as submitted via the Alasdeqa'a office, was refused.

No reason was given for any of the three refusals. The January 25 text message, which Human Rights Watch reviewed, said simply, "Apologies for the refusal of your request".

Human Rights Watch Researcher seeking to travel to meetings and security training

Deema El Ghoul (Palestinian passport number: [REDACTED]; Palestinian ID number: [REDACTED]; Swedish passport number: [REDACTED]), 28, is a research assistant for Human Rights Watch, based in the Gaza Strip. We invited her to attend organizational wide meetings and a security training in New York, beginning on February 21. On January 12 she requested a no objection letter through the Jordanian representative office to Palestine in Ramallah. She included in her request a copy of the invitation letter and her Swedish passport, which allows her to travel to the United States without receiving a visa in advance.

On January 24 Ms. El Ghoul received a text message from the Jordanian representative office stating that "We regret to inform you that your request for a no objection letter was not approved." No reason was given.

Human Rights Watch's office in Amman subsequently brought Ms. El Ghoul's case to the attention of the governmental human rights coordinator, who intervened on her behalf and obtained permission for Ms. El Ghoul to receive a no objection letter. We would like to express our gratitude for the assistance provided by the government on Ms. El Ghoul's case. Just prior to receiving the no objection letter, Ms. El Ghoul managed to leave Gaza during a rare opening of Rafah Crossing on February 13.

Human Rights Watch has obtained copies of these requests and supporting documentation.

Again, these examples are merely illustrative of a broader problem. Based on the experience of lawyers in this field and a large number of anecdotal examples, it appears as if the Jordanian government has changed its policy regarding transit for Gaza residents and/or is implementing an existing policy in a more restrictive way. I want to emphasize that, in addition to residents of Gaza, Palestinians living in the West Bank but originally from Gaza also need Jordanian permission to transit in and

out of the West Bank, and they too are vulnerable to this apparent change in practice.

Jordan has accepted a large number of refugees from the region and should be commended for doing so. But I want to emphasize that those seeking transit from Gaza are seeking just that – transit. Israel for the most part will not even allow them to reach the West Bank and the bridge unless it is persuaded that they are moving on to third countries. And the fact that Israel coordinates their transit through Allenby/King Hussein Bridge means, in principle, that it will also coordinate their return to Gaza via the West Bank. The burden on Jordan is limited to permitting transit.

Human Rights Watch has researched the travel restrictions that Israel imposes on Gaza and has concluded that they far exceed what are necessary for security and even raise the specter of being imposed for reasons of collective punishment, in violation of the Fourth Geneva Convention. We also note that Israeli refusal to allow transit, except in exceptional cases, may often violate the rights of Palestinians in Gaza to freedom of movement and additional rights for which freedom of movement is a precondition, such as the right to education, the right to health, the right to protection of the family unit and the right to freedom of occupation.

As a party to the Fourth Geneva Convention, Jordan should do everything within its power to ensure the universal application of the Convention's humanitarian provisions, including protections for civilians living under occupation. The Jordanian authorities should also take care to ensure that their decisions are transparent, free from arbitrariness and take into consideration the human rights of those affected.

For all these reasons, I ask that you take steps to facilitate such transit. In cases in which the Jordanian authorities refuse a request for a no objection letter, we ask that they explain the reasons for the refusal and give applicants a chance to request reconsideration. We also ask that, in cases of refusal, the Jordanian authorities clarify how they have considered the human rights implications of the case in question.

We plan to publish information about the challenges that Gaza residents face in leaving Gaza, and I would like to include your response in that publication so that we represent the Government of Jordan's views fairly and accurately. I would be grateful if you might answer a few questions regarding your policy:

1. What is Jordan's policy regarding requests for transit from Palestinians whose ID cards list them as being from Gaza?
2. How many requests for "no objection" letters did you receive in 2014? How many did you approve?

3. How many requests for “no objection” letters did you receive in 2015? How many did you approve?
4. What criteria do you use to evaluate requests for no objection letters? Do you include an assessment of the impact of a refusal on the rights of the persons affected?
5. What procedures are available for residents to appeal a refusal of a no objection letter, including submitting additional information if necessary?

I am grateful for your attention to this matter and ask if I might have your response no later than April 25, 2016. Human Rights Watch would also appreciate the opportunity to meet with Your Excellency or members of your staff to discuss this issue in person. If you have any questions regarding this matter or to arrange a time for this meeting please do not hesitate to contact my colleague Adam Coogle at [REDACTED] or [REDACTED].

Very truly yours,



Kenneth Roth
Executive Director
Human Rights Watch

cc:

His Excellency Bassel Tarawneh
Governmental Human Rights Coordinator
Prime Ministry
Hashemite Kingdom of Jordan