

## **Protocol Concerning Safe Passage between the West Bank and the Gaza Strip**

### **1. Preamble**

A. Pursuant to the Wye River Memorandum of October 23, 1998 and the Sharm el-Sheikh Memorandum on Implementation Timeline of Outstanding Commitments of Agreements Signed and the Resumption of Permanent Status Negotiations of September 4, 1999; and

In accordance with the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, signed in Washington, D.C. on September 28, 1995 (hereinafter “the Agreement”); and

With a view to implement Article X and the other related provisions of Annex I to the Agreement “Protocol Concerning Redeployment and Security Arrangements” (hereinafter “Annex I”),

both sides hereby agree to the following “Protocol Concerning Safe Passage between the West Bank and the Gaza Strip” (hereinafter the “Protocol”).

B. This Protocol establishes the modalities for the use of safe passage. The arrangements set out in this Protocol are subject to the Agreement and are not in any way intended to derogate from any of its provisions, including, inter alia, the provisions of the Agreement regarding passage between the West Bank and Israel, between the Gaza Strip and Israel and between the West Bank and the Gaza Strip.

C. This Protocol may be amended by a decision of both sides.

D. This Protocol will come into force upon the signing thereof by both parties.

E. This Preamble is an integral part of this Protocol.

### **2. General Provisions**

A. Article X of Annex I, and the attached map No. 6 delineate two routes through which Israel will make safe passage available.

B. 1. Israel will ensure safe passage for persons and transportation during daylight hours (from sunrise to sunset) or as otherwise agreed, but in any event not less than 10 hours a day.

2. Travelers will be required to commence their journey as follows,

- i. one and a half hours for travelers using private vehicles and taxis;
- ii. two hours for commercial traffic and buses,

before sunset on the day of the journey.

C. 1. Safe passage will be effected by means of privately owned road vehicles and public transportation, as detailed in paragraph 5 below.

2. Safe passage shall be via the following designated crossing points:

- i. the Erez crossing point (for persons and vehicles only);
- ii. the Karni crossing point (Commercial) (for goods only);
- iii. the Tarkumya crossing point (for persons, vehicles and goods); and
- iv. an additional crossing point around Mevo Horon.

D. 1. The safe passage arrangements will not be available on Yom Kippur, Israel's Memorial Day and Israel's Independence Day.

2. Both sides may make special arrangements for other designated days, as agreed between them.

E. Israel shall signpost the safe passage routes clearly and shall take all necessary measures to ensure smooth movement while preserving safety and security on the route or routes in use on any specific day.

F. Except as provided in paragraph 3.H.2 below, the use of safe passage by residents of the West Bank and the Gaza Strip does not afford them license to be present in Israel except along the safe passage routes designated for their use.

G. Israel may, for security or safety reasons, temporarily halt the operation of a safe passage route or modify the passage arrangements while ensuring that one of the routes is kept open for safe passage. Notice of such temporary closure or modification shall be given to the Palestinian side, through agreed channels, as far in advance as the circumstances will allow.

H. Israel may deny the use of its territory for safe passage by persons who have seriously or repeatedly violated the safe passage provisions detailed in this Protocol or in the Agreement. Israel will notify the Palestinian side, through agreed channels, of any decision to deny the use of its territory as a result of such violations. The notification shall include details of the violations giving rise to the denial. The individual in question shall have the right to request, through the Palestinian side, that Israel reconsider its decision.

I. Nothing in this Protocol will be construed as derogating from Israel's right to apply inspection measures necessary for ensuring security and safety at the crossing points of the safe passage. Maximum efforts will be made to maintain the dignity of persons using safe passage and to implement inspection measures relying heavily on brief and modern procedures.

J. Israel shall notify the Palestinian side of incidents involving persons using safe passage routes through the agreed channels.

K. It is understood that the safe passage shall be operated on a cost-reimbursement basis, in accordance with an agreement on the modalities to be reached in the Joint Economic Committee.

L. Israel shall be compensated for damages incurred by Israel, Israelis or their property as a result of the use of safe passage, in accordance with an agreement on the modalities to be reached in the Joint Economic Committee.

### 3. Use of Safe Passage

A. Residents of the West Bank and the Gaza Strip wishing to make use of safe passage shall arrive with a safe passage card at the safe passage terminal at one of the crossing points specified at paragraph 2.C.2 above, where they will identify themselves by means of identification documents as mentioned in paragraph 6, Article 28, Appendix 1, Annex III to the Agreement.

B. After identification at the terminal, and after the validity check of the safe passage card, travelers will be issued with safe passage slips subject to the provisions of this Protocol and the Agreement, except for persons provided for in paragraph 2.H above and paragraph 6 below.

C. 1. The Palestinian side shall transfer to the Israeli side all applications for safe passage cards, after initial Palestinian security approval. The applications shall be in accordance with the agreed procedures (including the submission of all required information as well as two updated photographs).

2. The Israeli side shall respond to the applications within two working days. It is agreed that in all cases in which the photographs submitted with the application do not match the Israeli database, or in which the photograph of the individual does not appear in the Israeli database, the application shall not be processed and shall be returned to the Palestinian side.

3. Safe passage cards shall be issued in the relevant Israeli District Civil Liaison Office (DCL) in the West Bank or in the Regional Civil Affairs Subcommittee (RCAC) in the Gaza Strip.

4. On-duty Palestinian policemen and minors under age 14, traveling in accordance with the provisions of paragraphs 7 and 3.I below, respectively, shall not be required to receive a safe passage card for the use of safe passage.

5. Men over 50 and women shall generally receive their safe passage cards through the Palestinian side, except for special cases. The Israeli side will make all efforts to minimize such exceptions.

6. In light of the special nature of the safe passage, those persons whose applications for safe passage have been approved shall receive from the Israeli side their safe passage cards at the Israeli side of the District Coordination Offices (DCOs). An unarmed civilian Palestinian liaison officer shall be present throughout all stages of this process. Receipt of the safe passage card shall be contingent on the individual being definitively identified by the Israeli side, using the best available methods (including, in the near future, biometric information), as agreed upon by the two sides.

D. A safe passage card shall be valid for one year for multiple two-way journeys on the safe passage routes. Travelers can only use safe passage within the operation time as provided for in paragraphs 2.B.1 and 2.B.2 above.

E. Upon completion of the journey, the safe passage slips and safe passage stickers shall be returned to the Israeli authorities at the destination crossing point.

F. Residents of the West Bank and the Gaza Strip in possession of permits enabling them to enter Israel will be able to use these permits as safe passage cards, subject to the conditions of such permits and to the modalities set out in this Protocol.

G. 1. Individual safe passage slips will be issued and stamped by the Israeli authorities at the crossing points, with the time of departure from the crossing point and the estimated time of arrival (hereinafter “the designated time”).

2. The designated time shall enable completion of the journey within a reasonable time.

H. 1. Persons and vehicles using safe passage under these arrangements shall neither break their journey nor depart from the designated routes, and shall complete the passage within the designated time, unless a delay is caused by a medical emergency or a technical breakdown.

2. Notwithstanding paragraph 3.H.1 above, in the case of a medical emergency travelers may drive directly to the nearest hospital or first aid station. Such travelers will be required to report the incident to the relevant authorities at the destination crossing point as soon as circumstances allow.

3. In the case of a technical breakdown, travelers must remain on the safe passage route with their vehicles until the arrival of the Israeli police and follow their instructions. In addition, travelers may stop another vehicle using safe passage and request the driver to inform the authorities at the destination crossing point of the case.

I. 1. a. Minors under the age of 16 who are accompanied by a parent and registered in the identity card of that parent will not be required to carry individual safe passage cards.

b. Such minors shall identify themselves via the identity card of the accompanying parent.

2. a. Minors who are not accompanied by a parent may also use safe passage without carrying a safe passage card provided that:

- i. they are under the age of 14; and
- ii. they are accompanied by an adult (18 or over).

b. Such minors shall identify themselves by means of a birth certificate or a certified copy of the parent's identity card in which they are registered.

J. Persons and vehicles shall not carry explosives, firearms or other weapons or ammunition except for special cases that may be agreed by both sides. Transportation of dangerous substances shall be in accordance with the provisions of the Agreement.

#### 4. Use of Safe Passage Routes by Visitors from Abroad

A. Provisions of the Agreement and this Protocol regarding the use of safe passage will apply to visitors to the West Bank and the Gaza Strip from abroad, without derogating from the provisions of the Agreement concerning visitors.

B. Visitors will identify themselves by means of: (i) valid visitors' permits; and (ii) passports or travel documents when using the safe passage.

#### 5. Use of Vehicles on Safe Passage Routes

A. 1. Residents of the West Bank and the Gaza Strip wishing to use their privately owned vehicles to travel along the safe passage shall apply for a vehicle safe passage permit through the Palestinian side. The Israeli side shall respond to such applications within five working days. Such applications shall include the identification documents referred to in paragraph 3.A above; safe passage cards or permits enabling them entry into Israel; valid drivers' licenses; valid vehicle licenses; and valid insurance policies. The vehicle safe passage permits shall be issued in the relevant Israeli DCL in the West Bank or in the RCAC in the Gaza Strip and transferred to the Palestinian side.

2. In addition to the above, the two sides may agree on specific categories or persons who may use a vehicle not owned by them. Such categories include, inter alia: (i) persons employed by the Palestinian Authority driving a vehicle owned by the Palestinian Authority; (ii) persons employed by a private company driving a vehicle owned by the private company; and (iii) taxi drivers (only one designated driver per taxi). In such cases, in addition to all other requirements of this Protocol, the person shall be required to possess and submit a written permit signed by the Palestinian side and by the vehicle-owner authorizing that person's use of the vehicle for safe passage.

B. 1. On the day of the journey, the drivers will arrive at the safe passage terminal at the departure crossing point with their vehicle safe passage permits; safe passage cards or permits enabling them entry into Israel; identity cards; valid drivers' licenses; valid

vehicle licenses; valid insurance policies; and, if applicable, the permit referred to in paragraph 5.A.2 above. After identification, and after the validity check of the vehicle safe passage permit, drivers will be issued with an individual safe passage slip and a safe passage sticker, to be displayed on the right-hand side of the front windshield of the vehicle.

2. The names of all passengers traveling in the vehicle shall be listed on a separate document to be attached to the driver's safe passage slip.

3. Persons listed as travelers in a particular vehicle must remain with the vehicle for the full duration of their safe passage journey, except for the medical emergencies provided for in paragraph 3.H.2 above.

C. Residents of the West Bank or the Gaza Strip in possession of valid permits enabling them to enter Israel with their vehicles, will be able to use these permits as vehicle safe passage permits, subject to the conditions of such permits and to the modalities set out in this Protocol.

D. 1. Vehicle safe passage permits shall be valid for not less than three months from the date of issuance, for multiple two-way journeys.

2. Certain persons who are acceptable to both sides will be issued vehicle safe passage permits, the validity of which shall be for more than the period specified in paragraph 5.D.1 above and up to one year. Such permits shall be issued provided that the Joint Civil Affairs Coordination and Cooperation Committee (CAC) had applied for them through the relevant DCL in the West Bank or the RCAC in the Gaza Strip.

E. All vehicles used by residents of the West Bank and the Gaza Strip for the purpose of traveling via safe passage must have valid licensing in accordance with Article 38, Appendix 1, Annex III to the Agreement and at least valid compulsory insurance policies, in accordance with Article 19, Appendix 1, Annex III to the Agreement, and Article XI, Annex V to the Agreement.

F. All vehicles used for the purpose of safe passage shall meet Israeli standards and applicable Israeli law.

G. 1. "Sterile" public transportation vehicles shall operate between Tarkumya and Erez crossing points.

2. The public transportation vehicles will be designated for the purpose of safe passage only.

3. The public transportation vehicles as well as their drivers should be acceptable to both sides.

H. In special emergency related cases, to be handled through agreed channels, safe passage may be used by privately owned vehicles without having submitted an application in advance.

#### 6. Use of Safe Passage by Persons Denied Entry into Israel

A. Persons who are denied entry into Israel will use safe passage by means of shuttle buses which will be escorted by Israeli security forces vehicles, and which will operate from 7:00 AM to 2:00 PM on Mondays and Wednesdays of every week.

B. Applications by persons denied entry into Israel to use the safe passage must be submitted to, and agreed upon, at least five working days prior to the planned journey.

C. Cases of persons denied entry into Israel whose applications to use safe passage are not agreed upon shall be discussed in the agreed channels.

D. 1. Persons denied entry into Israel who have used the safe passage will be able to return that same day to their original point of departure via the mechanism established in paragraph 6.A above.

2. Persons denied entry into Israel and who have used the safe passage will be able to return to their original point of departure by shuttle bus within two weeks following the date of departure with notification through the agreed channels at least 1 working day prior to the planned journey.

3. Persons denied entry into Israel and who have stayed for a period in excess of that specified in paragraph 6.D.2 above, will be required to submit applications as provided for in paragraph 6.B above.

E. 1. The aforementioned shuttle buses shall have Palestinian registration and shall be driven by Palestinian residents.

2. The aforementioned shuttle buses as well as their drivers should be acceptable to both sides.

#### 7. Passage of Palestinian Police

A. In accordance with paragraph 2.g, Article X of Annex I, uniformed and plainclothes Palestinian policemen required to use the safe passage so as to perform their duty in the West Bank and the Gaza Strip, or Palestinian policemen other than in instances covered by paragraph 7.E below, using privately owned vehicles, official vehicles or other means of transportation, will be able to use the safe passage after the Palestinian police has submitted an application and after that application was approved, through the relevant DCO two working days prior to the planned journey.

B. Palestinian policemen provided for in paragraph 7.A above and Palestinian police vehicles and equipment moving between the West Bank and the Gaza Strip via safe passage shall be escorted by Israeli security forces vehicles.

C. When in safe passage, the weapons of the Palestinian policemen will be handed over to the Israeli police and placed in a closed trailer affixed to the Israel police vehicle. A Palestinian policeman may travel in the aforementioned Israeli police vehicle. The vehicle shall be driven by a member of the Israeli police. Upon completion of the safe passage journey the weapons shall be handed over to the Palestinian officer in charge in the DCO.

D. Cases of usage of safe passage by Palestinian policemen requiring special attention and arrangements will be dealt with and coordinated through the Joint Coordination and Cooperation Committee for Mutual Security Purposes (JSC).

E. The provisions set out in this Protocol and in the Agreement relating to regular persons will apply to Palestinian policemen using safe passage when off duty. Such policemen may only use safe passage when unarmed and out of uniform.

#### 8. Use of Safe Passage for Commercial Traffic

A. Goods transferred to or from the Gaza Strip via the safe passage will enter or leave the Gaza Strip through the Karni (Commercial) crossing point.

B. Commercial vehicles carrying goods from the West Bank to the Gaza Strip via safe passage will travel along the relevant safe passage route as far as the Yad Mordechai Junction, and from there branch off to Karni as indicated on Map No. 6 (attached to the Agreement). Commercial vehicles carrying goods from the Gaza Strip to the West Bank will follow the same routes in reverse.

C. All provisions of this Protocol and the Agreement relating to use of vehicles on safe passage routes shall apply to the use of commercial vehicles.

D. The provisions in this paragraph 8 shall not prejudice any other mechanism established in the Agreement, or based on the Agreement, with respect to passage of goods.

E. Further details concerning commercial traffic will be agreed upon in a special sub-committee in the CAC. Until decided otherwise, the current arrangements adopted by the CAC concerning commercial traffic shall remain in effect.

#### 9. Future Meetings for Improving Operation of the Safe Passage

A Continuing Safe Passage Committee shall meet regularly to supervise the implementation of this Protocol and to discuss ways to improve the safe passage operation, as agreed between both sides.



## 10. Use of Safe Passage by the Ra'ees of the Executive Authority

Arrangements for the use of safe passage by the Ra'ees of the Executive Authority shall be discussed in a special sub-committee through the JSC.

## 11. Final Clauses

A. Consistent with paragraph 6, Article XXXI of the Agreement, the arrangements included in this Protocol are without prejudice to the permanent status negotiations.

B. There shall be a Liaison Bureau at agreed locations close to each of the safe passage crossing points. In addition, the Palestinian side shall establish coordination points at agreed locations on the roads leading to the crossing points. The function of the coordination points shall be to ensure the smooth and orderly movement of persons and vehicles to the crossing points, in accordance with their capacity.

C. In between the operation of the Southern crossing point of the safe passage and the Northern crossing point of the safe passage, Israel will facilitate arrangements for the movement between the West Bank and the Gaza Strip, using non-safe passage routes other than the Southern route of the safe passage.

Done at Jerusalem, this 5th day of October, 1999.