



Campaign for the Right of Entry/Re-Entry to the Occupied Palestinian Territory (oPt)

A Grassroots Campaign for the Protection of Foreign Passport Holders Residing in and/or Visiting the oPt

SITUATION UPDATE (1 MAY 2008)

News round-up

The number of **denied entry cases reported to the Campaign has doubled over the past several months**. Denials of entry in March and April have been reported from **all ports of entry** and include **citizens from the USA, Canada, Latin America and the EU**; most of those turned back are of Palestinian origin. Among those denied entry since the start of 2008 are **filmmakers, journalists, students, business persons and family** of oPt residents:

- * An elderly couple and their son, all US citizens, intending to visit family were turned back within days of one another at Allenby and Sheikh Hussein bridges, respectively. Less than 3 weeks later, showing just how arbitrary Israel's exercise of discretion on entry is, the couple returned to Allenby Bridge for a second time and were permitted entry without explanation. Their son had already returned to their hometown of Chicago.
- * Joanna Wiktoria Machinska, Polish citizen and wife of a Palestinian ID-holder, was deported from Ben Gurion on 29 March, 2008. She was returning to reside with her husband in the West Bank, after completing her MA studies in Poland.
- * On 20 April, Radio Netherlands Worldwide journalist Abir Sarras was arrested at Ben Gurion airport on Sunday night and told that she would not be permitted to enter Israel. She was detained and flown back to The Netherlands the following day. Sarras, who is of Palestinian descent, was informed by Israeli authorities that Palestinians can only enter Israel via Allenby Bridge. Sarras, who reported "rude" treatment by border officials, was detained over night and had her phone confiscated.



Illustration: Nino Jose Heredia / Gulf News
<http://www.gulfnews.com/opinion/columns/world/10201688.html>

- * On 24 April, Italian citizen, Anita Mosca was denied entry at Allenby Bridge. Mosca, an actress, directress and playwright, was to meet with a delegation from Italy headed by Campania's regional Minister for Culture.
- * Less than a week later, on 30 April, Palestinian American filmmaker, Annemarie Jacir, traveling to the West Bank for the world premiere of her feature film "Salt of the Sea," was also denied entry at Allenby. Jacir's film, slated for the Cannes Film Festival 2008 as an Official Selection, was to be screened in al-Ama'ri refugee camp at the invitation of the French Consulate in Jerusalem, which supported production of the film, and the International Art Academy in Ramallah, which was co-sponsoring the screening. Jacir has been barred from entering the oPt for the past 9 months. As a result, shooting for one of the main scenes of the film had to be relocated to Marseilles, France. Jacir was held at Allenby Bridge for 6 hours and repeatedly interrogated before she was escorted by two of the agents out of the terminal and onto a bus back to Jordan. Jacir was informed that the Israeli Ministry of Interior had denied her entry because "you spend too much time here."

***RTE meetings with diplomats
& delegations***

16 March - Mr Thomas Rogan,
Consular Section Chief, US Consulate
17 March - Mr Tony Blair, Official
Envoy of Quartet on Middle East
27 April - Mennonite Central
Committee

On 17 April, **RTE Campaign members met with** Quartet Representative Tony Blair. Campaign member Charles Shammass stressed that, contrary to international law, "Israel continues to exercise its control over entry and residency in an arbitrary, capricious and political manner that seriously harms Palestinian economic, social and cultural life." The Campaign drew Mr Blair's attention to **the futility of attempting to attract investment in the oPt** while the ability of investors' to directly manage and oversee their investments and the ability of

Palestinian institutions and businesses to recruit and retain the human resources needed for development remains uncertain and subject to Israel's political discretion. The upcoming May investor's conference in Bethlehem, part of the Quartet's current efforts to stimulate foreign investment in the Palestinian economy, is likely to be confronted with such critical questions by participants who will only be able to attend the 3-day conference under an exceptional arrangement with Israel. The Campaign stressed the need for a comprehensive solution for the broad spectrum of foreign nationals that are vulnerable to arbitrary exclusion or expulsion and urged the Quartet to begin receiving, compiling and reviewing data on Israel's exercise of control over entry, residency, and family unification in the occupied Palestinian territory. **"To have any hope of success, the Quartet should start sending clear signals that the arbitrary exclusion and expulsion of foreign passport holders from the oPt, like Israel's other abusive restrictions on movement and access, violates Israel's treaty obligations to the states represented in the Quartet, is contrary to the UN Charter, and thus directly concerns the Quartet itself,"** concluded Shammass.

In the USA, **the issue of discriminatory treatment by Israeli border officials was raised in a letter sent to the US Secretary of State Condoleeza Rice by 29 Arab American organizations** including the American-Arab Anti-Discrimination Committee (ADC) and the Arab-American Institute (AAI). The letter expressed continued concern over the treatment of Americans attempting to legally enter the occupied Palestinian territory by the Government of Israel and the ongoing burdensome bureaucratic requirements, harassment, and humiliation that Americans of Arab (and particularly Palestinian) descent often face when trying to enter Israel or the oPt. Signatories emphasised that the deep ties and family connections to the region enjoyed by many Americans of

Palestinian descent are jeopardised by these procedures. Documentation of 41 cases of entry denial to US citizens was attached to the letter. (See: www.adc.org/PDF/entrydenial.pdf)

In the media

- * **13 March 2008: American activist and feminist Starhawk denied entry and deported from Israel.** <http://www.imemc.org/article/53454>
- * **17 March 2008: Israeli refusal of right to enter,** http://english.pnn.ps/index.php?option=com_content&task=view&id=2536
- * **20 March 2008: ADC sends first hand accounts of Israel's entry denials of US citizens to Secretary Rice,** www.adc.org/PDF/entrydenial.pdf
- * **20 March 2008: Palestinian Americans warned of security profiling at B-G Airport ,** <http://www.haaretz.com/hasen/spages/966217.html>
- * **20 March 2008: US State Department tells Israel to stop discriminating against Arab-Americans,** <http://www.iht.com/articles/ap/2008/03/20/america/NA-GEN-US-Israel.php>
- * **20 March 2008: US to Israel: No bias Vs Arab-Americans,** http://www.usatoday.com/news/washington/2008-03-20-4081720201_x.htm
- * **31 March 2008: Israel doesn't treat all Americans equally,** <http://www.gulfnews.com/opinion/columns/world/10201688.html>
- * **21 April 2008: Arrested journalist flies home on Monday: RNW journalist of Palestinian descent was arrested and told she was not allowed to enter Israel** <http://www.expatica.com/nl/articles/news/Arrested-journalist-flies-home-on-Monday.html>
- * **27 April 2008: RTE meets with Blair: Calls on Quartet to take concrete steps to solve the denial of entry issue Quartet,** <http://www.righttoenter.ps/moreInfo.php?pid=6>
- * **28 April 2008: Angham Radio Station, live interview with RTE Campaign Coordinator, Rasha Mukbil,** <http://www.radioangham.com/> and 92.3 FM

Take action

Third states maintaining friendly relations with Israel command the standing to challenge the arbitrary exclusion of their nationals from the oPt. They also have **an obligation to scrutinize Israel's exercise of authority as an occupying power and to oppose arbitrary denials of entry and residency** that harm Palestinian family life, educational, religious and social service institutions, businesses and socio-economic development more broadly.

Third states are urged to:

1. Ensure Israeli implementation of the rights to family unity and reunification and the establishment of clear and transparent procedures for foreign nationals seeking to reside in the oPt, in keeping with international law.
 - obtain Israeli cancellation of CoGAT's stipulation that foreigners are restricted to a 27-month, single entry, maximum stay
 - demand Israel's adoption and implementation of a clear, transparent policy for issuing residency permits to foreign nationals
2. Call for an immediate halt to Israel's abusive practice of arbitrarily denying entry to foreign nationals traveling to the oPt.
 - demand Israel's adoption and implementation of a clear, transparent policy for unhindered access to the oPt by foreign nationals
 - obtain explicit assurances that people who have previously been denied entry will be permitted to re-enter the oPt (*continued on p. 6*)

Summary of documented cases 2007-2008

Types of entry denial cases documented since CoGAT announcement <i>(13 Dec 2006 through 30 Apr 2008)</i>																	
Cases of denial documented:	Dec '06	Jan '06	Feb '07	Mar '07	Apr '07	My '07	Jun '07	Jul '07	Aug '07	Sep '07	Oct '07	Nov '07	Dec '07	Jan '08	Feb '08	Mar '08	Apr '08
Ports of entry																	
Allenby Bridge	X	X	X	X	X	X	X	X		X	X	X	X	X		X	X
Ben Gurion Airport	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Sheikh Hussein Bridge	X		X		X	X	X	X	X	X			X	X		X	
Taba				X		X	X		X								X
Nationals																	
Arab World**			X		X					X							
Europe	X	X	X		X		X	X	X	X	X		X	X	X	X	X
Latin American	X		X				X	X									X
North America	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Other		X	X		X							X					
Types of visitors																	
Business persons		X	X	X	X			X						X			
Development, humanitarian & HR workers			X		X		X	X	X			X				X	X
Family	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X	X
Educators, health & social service workers	X	X				X		X						X			
Media workers & artists		X	X		X		X		X				X			X	X
Students & researchers	X	X	X		X	X	X	X		X	X			X		X	
Tourists & visitors	X	X	X	X	X	X		X		X	X		X		X		X
Other***							X	X		X		X		X			X

*from 13 December 2006 when Israeli Major General Mishlav, Coordinator of Government Activities in the Territories (COGAT), first informed the EU of its revised policy on entry and visa renewals for the oPt.
 ** Citizens of Arab countries are particularly reluctant to report entry denials. Procedures outlined in the COGAT and MOFA notices pertain only to countries having visa agreements with Israel; no provision for visas or entry permits are made for Jordanian nationals – the vast majority of those seeking family unification – or other Arab nationals seeking to visit or reside in the oPt.
 *** Others include those affiliated with the church and/or other religious institutions and diplomatic missions.

Let's re-double our efforts to put an end to Israel's denial of entry policy. Random, piecemeal "alleviation" of unlawful entry and residency denials is no substitute for their abolition.

Israel doesn't treat all Americans equally

Excerpted from article by James J. Zogby, Special to *Gulf News*

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For 30 years now, I have been demanding that my government, in Washington, protect and defend the rights of its citizens of Arab descent when they travel to Israel and the Palestinian lands occupied since 1967.

I neither felt that this was an unreasonable request to make, nor did I feel that it should have been difficult to fulfil. What I have asked of the past five US Administrations was, quite simply, to do what any government is required to do; and that is, to protect and defend its own citizens and, in this case, require Israel to live up to its treaty obligations. The US passport says clearly on the opening page: "The Secretary of State of the United States of America hereby requests all whom it may concern to permit the citizen/national of the United States named herein to pass without delay or hindrance and in case of need to give all lawful aid and protection." There is also the 1961 Treaty of Friendship, Commerce and Navigation, signed by the US and Israel, in which Israel agrees that US citizens travelling there be permitted "to travel therein freely, to reside at places of their choice; to enjoy liberty of conscience... and to bury their dead according to their customs."

As many Arab-Americans and most especially those of Palestinian descent will testify, this treaty has been "honoured more in the breach than in the observance". Over the years, we have recorded countless cases where Arab-Americans (even those with US diplomatic passports) were detained at entry and exit, treated harshly and in a humiliating manner....

At times, past US Administrations have intervened in individual cases. Former National Security Advisor Sandy Berger and former Secretary of State Madeleine Albright, and, more recently, Secretary of State Condoleezza Rice, have raised this issue directly with the Israeli government, but the problem remains because the Israeli behaviour persists.

Own view

It appears that Israel has its own view of US citizenship, seeing three classes: American Jews whom they see as having "birthright advantages", other US citizens who are respected and protected, and then, finally, Arab-Americans whose rights as US citizens Israel does not fully recognise.

In somewhat tacit acknowledgement of this shameful attitude, the US State Department has issued a travel advisory for US citizens going to the West Bank and Gaza. It states: "American citizens whom Israeli authorities judge (based on their name or other indicators) may be of Palestinian origin are likely to face additional, and often time-consuming, questioning by immigration and border authorities ... persons judged by the Israeli authorities to have claim to a Palestinian Authority ID are subject to Israeli law and regulations that apply to residents of the West Bank and Gaza, regardless of the fact that they hold US citizenship. ... In addition, American citizens considered to have or to be eligible for a Palestinian ID who entered Israel via Ben Gurion Airport might be required to depart via the Allenby Bridge to Jordan." In response to what can only be described as apartheid, the US government rather lamely adds in its advisory that, "the US government seeks equal treatment for all American citizens regardless of national origin or ethnicity. American citizens who encounter difficulties are encouraged to contact the US Embassy in Tel Aviv or the US Consulate General in [occupied] Jerusalem...."

After my organisation wrote to the secretary of state (in a letter signed by 29 other Arab-American organisations) protesting this state of affairs, the department spokesperson, at a press briefing, responded, "Our view... is that an American citizen is an American citizen is an American citizen. There are no second classes. ... You have a blue American passport, you should be treated like an American citizen. ... We expect all American citizens to be accorded the rights that any other American citizen would be accorded." To that, I can only add, "Amen." ...

Dr James Zogby is the president of the Arab American Institute in Washington, DC.

Take action (contd. from p. 4)

- end the practice of issuing permits that restrict exit and re-entry end the practice of issuing permits of less than three months to those traveling to oPt
 - cease collective punishment of those with relatives accused of overstaying their visas
3. Apply vigorous scrutiny to cases of denied entry and denied residency in the oPt with a view to promoting Israel's adoption and transparent application of principles consistent with the internationally accepted rights and obligations of an occupying power.
 - set up clear procedures for citizens to report cases of denied entry as well as clear procedures for supporting and reviewing the disposition of their appeals
 - set up clear mechanisms for liaising with Israeli authorities to ensure safe passage to the oPt for all citizens and ensure the prompt and proper resolution of cases where safe passage has been hindered
 - insist on receiving a formal explanation of each decision taken by Israel to bar any of their citizens from the oPt
 - object to all arbitrary denials of entry and residency that harm Palestinian family life, educational, health and social service institutions and businesses and act to resolve all such cases of exclusion.
 4. Respect the duty of all states not to acquiesce to the internationally unlawful acts of other states, bearing in mind that failing to object to *prima facie* unlawful acts or policies when notified of them implies accepting them as lawful.
 5. Promote Israel's compliance with international humanitarian law with appropriate and effective tools of persuasion and dissuasion. Take appropriate measures based on reciprocity to ensure that the correct treatment accorded Israeli nationals seeking to enter third countries is reciprocated by correct treatment of their nationals seeking to enter Israel and/or the oPt.

Concerned individuals and organizations are called on to intensify their efforts to hold the governments of Israel, third states and the Palestinian National Authority to their respective obligations under international humanitarian law and international human rights law.

1. **Send (another) letter to Israeli, UN, your government representatives, EU and USA officials**, documenting your case and emphasizing the need to obtain clear assurances from Israel that persons carrying foreign passports will not be arbitrarily denied safe and secure passage to the oPt and that all foreign citizens seeking entry will be treated with dignity and respect.
2. **Write your local press** protesting Israel's unlawful policy of entry denials and describing the impact it has had on you or your loved ones.
3. **Update the Campaign on your experience**. Updated and reliable information about how entry denials (whether recent or past) continue to affect individuals, families and the general welfare of the Palestinian people in the oPt is essential to effectively combat Israel's policies. Even if you wish to keep your information confidential, it helps the Campaign to have documentation and statistics to establish trends and report impact. If you've attempted / been successful in returning, let us know. If you haven't tried, let us know why and under what conditions you might try to return. **Fill out the Campaign's denial of entry form and contribute to the Campaign's efforts to document and defeat Israel's unlawful policy of restricting entry into the oPt.** The on line form can be found on this link:
<http://www.righttoenter.ps/ReportYourCase.php?mid=16&sid=18>
US citizens are also encouraged to file a report with ADC at:
[http://www.adc.org/index.php?id=2980&no_cache=1&sword_list\[\]=Entry&sword_list\[\]=Denial](http://www.adc.org/index.php?id=2980&no_cache=1&sword_list[]=Entry&sword_list[]=Denial)
4. **Encourage friends and family members affected by the policy to take action**. The successful return of individuals previously denied entry and the unhindered entry of others was made possible by **organized civic action involving a broad alliance of concerned individuals and organizations** within the Palestinian, Israeli and international communities.