



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

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

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## MONTHLY SITUATION UPDATE (30 SEPTEMBER 2007)

### I. STATUS OF ENTRY DENIALS SINCE ANNOUNCEMENT OF NEW PROCEDURES IN DECEMBER 2006

#### **A. Recent developments**

Nine months following an announcement by Israeli authorities purportedly resolving the issue of entry denials,<sup>1</sup> the Campaign has documentation of more than 90 detailed cases of persons denied entry. Of these cases, roughly 20%, most assisted by their respective government officials, media publicity and/or lawyers, have succeeded in returning for various lengths of time, although one was then again denied entry. That these individuals were eventually able to return clearly demonstrates that Israel's regulation of entry into the occupied Palestinian territory (oPt) by foreign nationals remains arbitrary, abusive and internationally unlawful.<sup>2</sup> The experience of those able to return, also highlights the critical role of third state intervention and public outcry in contesting ongoing denials. While pleased that some cases have successfully returned, the Campaign remains concerned that 80% of those cases documented have not been able to return, particularly since the Campaign is aware that its documentation represents only a tip of the iceberg in terms of numbers denied and it is more likely to hear of cases which end in success.

**This month, Israel's banning of a Malikite Catholic priest from returning to his church in Ramallah** spurred a public outcry but has yet to secure his re-entry. Father Faris, a holder of both Vatican and Jordanian passports, has been traveling regularly between the West Bank and Jordan on church affairs without any problems for years. Early in September, Father Faris traveled to Amman for several days and returned without incident. However, a week later, on 14 September, his multiple entry visa as a clergyman serving in the oPt, valid until February 2008, was canceled by Israeli authorities at Sheikh Hussein Bridge without explanation and he was forced to return to Jordan. **His *de facto* deportation has left the Ramallah parish without its sole clergy.** According to the Holy Land Christian Ecumenical Foundation (HCEF), the Israeli Government has rescinded its policy of granting re-entry visas to Arab Christian clergy and other religious workers who wish to travel in and out of Israeli-occupied Palestinian territory, demanding they apply for new entry visas from the Israeli embassy in their home country each time they travel. These procedures threaten to separate clergy serving in the oPt, many who are from Jordan, from parishes and families.<sup>3</sup>

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<sup>1</sup> In December 2006, the Coordinator for Government Activities in the Territories (CoGAT) outlined new procedures for entry into the occupied Palestinian territory (oPt). On December 28, a letter announcing the new procedures for foreign nationals wishing to visit, live or work in the oPt was sent by CoGAT to Dr. Sa'eb Erakat and several diplomatic missions in Tel Aviv, including the German (currently representing the EU-presidency) and US Embassies. In March 2007, a similar statement entitled "Transit Policy to the West Bank via Israel" was issued by the Israeli Ministry of Foreign Affairs (MOFAA) and addressed to third state missions.

<sup>2</sup> See, for example, B'Tselem, Israeli Information Center for Human Rights in the Occupied Territories. (February 2007) "Response to COGAT presentation: 'Key measures for easing the daily lives of the Palestinian population.'"

<sup>3</sup> The HCEF reports that re-entry visas to Arab Christian religious workers in the Holy Land were normally granted in Israel by the Israeli Government, and clergy traveled relatively freely to and from points overseas, including the United States but that Arab Christian church workers will henceforth be required to apply for re-entry visas at Israeli consulates abroad each time they travel. Since visa applications submitted to Israeli missions abroad typically take months to process, this new Israeli policy means that religious personnel will no longer be able to move freely between their parishes in the oPt and locations out side of those areas. Many of the clergy and other church workers in the occupied Palestinian territories are from nearby Jordan; the new Israeli policy will prevent them from visiting their families there." <http://www.hcef.org/index.cfm/mod/news/ID/16/SubMod/NewsView/NewsID/1849.cfm>

Also this month, the Israeli press reported that the US State Department has formally protested to Israel in response to an escalation in complaints from Arab Americans regarding harassment and ill treatment received from authorities at Israeli airports and border crossings. In a recent meeting, senior State Department officials have informed their Israeli counterparts that Secretary of State Condoleezza Rice was "perturbed" by the reports and expected immediate improvement.<sup>4</sup>

The new academic year began this month with Palestinian universities still threatened by the possibility of forced departure of staff and students with foreign passports (whether of Palestinian or other origin) due to the continued absence of a clear policy on right of entry/re-entry into the oPt. According to the campaign for Right to Education, 21 faculty members and over 380 students are at risk in Birzeit University alone. Over the summer, 7 students traveling to attend An-Najah University's international work camp were denied entry. At Jenin University, the English Department, where 6 of 9 faculty members are foreign nationals without Palestinian IDs, remains without its head since he was denied entry last Spring. None the less, 8 Jenin faculty members denied visa renewals last Spring have been able to return following persistent demands to CoGAT. However, all were issued 3-month visas stipulating that they are not permitted to work rendering university operations still uncertain at best.

**Israel is also persisting in issuing visas of short duration – sometimes as little as one to two weeks – and visa extensions on an arbitrary basis.** This trend suggests a cynical attempt to undermine demands by third states that Israel cease its arbitrary denial of entry to and residence in the oPt and honor its obligations under International Humanitarian Law. **The issuing of visa durations and/or extensions on an unpredictable and arbitrary basis -- like arbitrary denials -- incurs inhibiting costs and discourages individuals from traveling to the West Bank whether to visit, work or reside and in effect contributes to the continuation of the denial of entry policy.** Moreover, a significant percentage of visa extensions applications continue to be rejected. **Some 20% of a reported 337 applications submitted through the Palestinian Ministry of Interior in August and September, were rejected by the Israeli authorities.** Among the 68 persons handed rejections were **47 US citizens and a dozen EU nationals** as well as several Latin American and Arab nationals.

In this light, the Campaign maintains its demand for **securing a clear, transparent and lawful policy for all foreign nationals wishing to enter the oPt** from Israel in line with its obligations under International Humanitarian Law; random and piecemeal "alleviation" of the illegal practice of entry denial is no substitute for its abolition. The Campaign further maintains that following recent events and announcements by Israel and the international community of their commitment to assist Palestinians in a more sustainable fashion, the time has come for all parties, particularly members of the Quartet, to **address the issue of family unification and visitation rights** in a serious fashion. The Government of Israel, in the Oslo Accords, has already accepted the principle of issuing permanent residency to foreign nationals wishing to live in the Palestinian Authority areas. **The Quartet and other parties should demand the immediate resumption and transparent processing of the 120,000+ pending family unification applications as an immediate first step.**

## **B. Ongoing practices**

Cases documented by the Campaign demonstrate that **Israel is failing to implement even the limited procedures outlined in Ministry of Defense and Ministry of Foreign Affairs announcements in a consistent and transparent manner:**

- 1. Individuals continue to be denied entry at all major ports of entry -- Allenby Bridge, Sheikh Hussein Bridge, Ben Gurion Airport and Taba.**
- 2. The overwhelming majority of documented cases since January 2007 involve US citizens.** Among the cases of entry denial are citizens from Australia, Canada and EU member countries as well as countries in Latin America, East Asia, the Middle East and Eastern Europe. **Documented cases include men, women and children, ranging from 2 to over 70 years in age.**
- 3. Procedures set out in the announcements are not being implemented in a clear, consistent and transparent manner.**

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<sup>4</sup> <http://www.haaretz.com/hasen/spages/904550.html>

- \* Individuals who have demanded explanation for their denial of entry have been physically abused and forced back into vehicles returning to Jordan.
  - \* Individuals who have previously traveled to the region on a regular basis have been denied entry for the first time. Others who have never visited the country have also been denied.
  - \* Individuals who were denied entry in 2006 and were then able to obtain some form of clearance to enter have again been denied entry in 2007.
  - \* Israeli assurances to third state representatives regarding granting entry for particular foreign nationals have failed to materialize in several instances.
  - \* Individuals seeking to apply for permits from Israeli embassies / consulates in their home countries to enter the West Bank (the procedure "recommended" in CoGAT announcement) have been informed upon inquiry that this procedure is not in effect.
  - \* Individuals have been denied entry without access to a CoGAT representative contrary to stipulations in the CoGAT announcement.
  - \* Many of the individuals permitted to enter have been able to do so only through exclusive arrangements – often for fees including sometimes exorbitant fees to lawyers. Some individuals are being required to provide monetary deposits (between NIS 20,000 and 50,000) to guarantee their departure before the expiration of their visas.
  - \* Moreover, the duration of visas issued to a number of individuals granted entry varies widely and is issued without clear reason or explanation. Documentation includes cases of individuals granted visas for as little as one week and suggest that the Israeli authorities are increasingly issuing visas of shorter duration to those indicating the intention to travel to the oPt.
  - \* Despite a reactivation of visa extension processes, documented cases suggest that Israel's granting of visa extensions remains arbitrary, clearly harming Palestinian family life, educational and social service institutions and businesses. Moreover, even those who do receive visa extensions are unable to leave the country since they fear they will be denied entry on their return.<sup>5</sup>
- 4. The welfare and integrity of countless Palestinian families continue to be affected by separation or the imminent threat of separation.**<sup>6</sup>
- \* Spouses remain separated despite provisions in the CoGAT announcement for visa entry and renewal of spouses.
  - \* Young children continue to be separated from their parents and the elderly are denied visits and essential care from their immediate family.
- 5. The functioning of Palestinian health, educational and social services, religious institutions and businesses continue to be affected.**<sup>7</sup>
- 6. Members of the international press have been denied entry to Israel and the oPt.**<sup>8</sup>

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<sup>5</sup> See previous section; some 20% of visa extensions requested by West Bank residents in August and September were refused by the Israeli authorities.

<sup>6</sup> In September 2007, Jenin Kamel and her newborn daughter, Haneen, both US citizens were denied entry at Ben Gurion airport. Ms Kamel's husband, who is a resident of Ramallah where he works in a restaurant, plans to leave as soon as he can to join his young family, who are now in Ohio. Also in September, French citizen Laila Elbouchbti, was denied entry for a third time despite inquiries by the French government into her case. She has been trying since July 2006 to join her husband Nael Mahmoud Barakat in Nablus. Ms Elbouchbti, of Moroccan origin, was informed by Israeli authorities that she was prohibited entry because she had visited Syria (as a tourist) in 2004. French officials claimed that they had made two written inquiries to the Israeli authorities but received no reply. "I have lost all my savings – 20,000 Euros waiting to get in," reports Ms Elbouchbti. Her husband visits her every month in Jordan and is obliged to miss work every time he travels.

<sup>7</sup> See section A for details on Catholic Malikite priest denied entry in September 2007. In June of this year, an American woman affiliated with an organization promoting ecumenical and interfaith dialogue was denied entry. Also in June, a Brazilian human rights lawyer was denied entry. On 2 July, 2007, a Swedish human rights worker for Defense of Children International (DCI) was denied entry at Ben Gurion Airport, held overnight and deported the following day. Neither documents from DCI nor from the United Nations Association for International Services (UNAIS), the organization sponsoring her voluntary position, were considered sufficient to facilitate her entry.

<sup>8</sup> On 9 July In an article in the *Electronic Intifada*, Matthew Cassel, assistant editor and photographer, chronicles his own denial through the Sheikh Hussein crossing in late June 2007.

**Types of denial of entry cases documented post-CoGAT announcement**  
(updated 09-30-07)

Cases of denial documented:	Dec 2006 *	Jan 2007	Feb 2007	Mar 2007	Apr 2007	May 2007	June 2007	July 2007	Aug 2007	Sep 2007
<b>Ports of entry</b>										
Allenby Bridge	X	X	X	X	X	X	X	X		
Ben Gurion Airport	X	X	X	X	X	X	X	X	X	X
Sheikh Hussein Bridge	X		X		X	X	X	X		X
Taba				X		X	X		X	
<b>Nationals</b>										
Arab World**			X		X					X
Europe	X	X	X		X		X	X	X	X
Latin American	X		X				X	X		
North America	X	X	X	X	X	X	X	X	X	X
Other		X	X		X					
<b>Types of visitors</b>										
Business persons		X	X	X	X			X		
Development, human rights, & humanitarian workers			X		X		X	X	X	
Family	X	X	X	X	X	X		X	X	X
Health professionals, educators & social service providers	X	X				X		X		
Media & filmmakers		X	X		X		X		X	
Students & researchers	X	X	X		X	X	X	X		
Tourists & visitors	X	X	X	X	X	X		X		X
Other***							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.

## **II. CRITICAL ISSUES STILL TO BE ADDRESSED**

***Moreover, critical shortcomings in CoGAT announcement have yet to be addressed:***

**The right to family unification & long-term residence** - The CoGAT notice addresses only the issue of temporary admissions (typically for short-term family visits, tourism and humanitarian, business, educational or other professional activities). Israel has yet to provide any indication regarding a change in policy regarding its refusal to process family unification applications since late 2000. The PA's Ministry for Civil Affairs estimates that it has received more than 120,000 requests for unification since that time.

Israel's continued refusal to process family reunification applications directly affects as many as 500,000 to 750,000 people who may be forced to leave the occupied Palestinian territory to keep their families intact. Together with the many foreign nationals who have established their primary business, investment or professional activities in the oPt, or otherwise aspire to build their lives in the oPt, the new procedures place them, at best, in a state of continuous uncertainty, under constant threat of expulsion or exclusion.<sup>9</sup>

**Provisions for entry into East Jerusalem and the Gaza Strip** - The notice omits any indication that foreign nationals seeking entry into occupied East Jerusalem or the Gaza Strip will be eligible to apply for temporary admission or visa extensions.

<sup>9</sup> See: Amnesty International (21 March 2007) *Israel/Occupied Territory: Right to Family Life Denied, Foreign Spouses of Palestinians Barred*. AI index MDE, 15/018, 2007.

**Lack of accountability** - All aspects of Israel's policies with regard to the Palestinian civilian population have been characterized by arbitrariness and a complete lack of transparency; Israel has failed to indicate any mechanisms that will be established to ensure that even the limited procedures outlined in the CoGAT announcement will be implemented let alone that Israeli will comply with its obligations as an occupying power.

*In short, Israeli authorities have failed to provide a transparent policy on which foreign nationals wishing to enter or maintain their presence in the occupied Palestinian territory can rely and instead have continued to pursue both policies and practices that fail to comply with International Humanitarian Law.*

### **III. WHAT SHOULD BE DONE?**

*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 social and 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 arbitrary and abusive practice of 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
  - 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 the oPt
  - cease the 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 mechanisms for citizens to report and appeal cases of denied entry
  - 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 internationally unlawful acts, 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.