



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

SUMMER 2007 -- SITUATION UPDATE FOR JULY & AUGUST 2007
(31 August 2007)

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

A. Recent developments

Eight months following an announcement by Israeli authorities purportedly resolving the issue of entry denials, the Campaign continues to document cases of persons denied entry clearly demonstrating that Israel's regulation of entry into the occupied Palestinian territory (oPt) by foreign nationals remains arbitrary, abusive and internationally unlawful.¹

Interventions by a number of third states demonstrate that they can and must play an instrumental role in challenging Israel's denial of entry policy:

In late July, **the Spanish Consulate** in Jerusalem intervened when three peace activists from *Paz Ahora*, Julio Rodríguez Bueno, Carmen Montilla and Ignacio Saldaña Herrero were detained at the Allenby Bridge crossing. They were trying to enter the oPt to meet 60 Palestinian children and take them back to Spain as part of a program called *Vacaciones por la Paz* (Holidays for Peace). They were eventually allowed to enter on July 24 on a one-week visa.

On August 9, a **German** citizen and *Dienst* service passport holder was denied re-entry through BGA upon his return from a trip that departed from there in July. MA not only has a special service passport due to his work with a German institution, he also has an Israeli issued B-1 visa, a Palestinian ID, and has been provided *lem sheml* [family unification] by Israel in order to be with his wife and children who hold Jerusalem IDs. After 13 hours in a detention center, he was finally permitted re-entry thanks to the **direct involvement of German Embassy officials**. Israeli authorities, however, cancelled his *Dienstpass*, because he holds a Palestinian ID, thereby prohibiting his ability to access BGA for future travel.

On 13 August, **Bulgaria's Consul General** and a Jerusalem Legal Aid Center attorney, Sliman Shaheen, intervened when 65 year old Gerga Petrova Ivanova was denied entry and detained at Ben Gurion Airport. Israeli authorities initially refused Gerga passage to see her daughter who resides in the oPt with her husband, a Palestinian ID holder. After 36 hours in detention, Ms Ivanova was given a 2-day entry permit which was subsequently extended to 3 months upon the Bulgarian Consul General's approach to Israeli authorities.

¹ 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 (then representing the EU-presidency) and US Embassies. In March 2007, a similar statement was issued by the Israeli Ministry of Foreign Affairs and addressed to third state missions. On 5 March, the Israeli Ministry of Foreign Affairs issued a statement entitled "Transit Policy to the West Bank via Israel."

Agreements between Israel and third States permitting passage of their nationals without delay or hindrance continue to be **disregarded** by Israel:

On July 27, **Chilean** Elisa Abedrapo was denied re-entry through Allenby Bridge despite written assurance by the Israeli Ministry of Foreign Affairs to the Chilean Government that she would be permitted passage. Elisa is one of two Chilean nationals whose government requested and received written “clearance” to enter by Israeli authorities earlier this year.² Ms. Abedrapo narrates her encounter at the Allenby Bridge crossing on July 27 as follows: “The soldier at the window said me a very nice ‘hi’, but suddenly her mood changed when she opened my passport and saw my name. She asked if I have a Palestinian or Jordanian passport, and I told her, of course not, as ‘my great grand father went to Chile one century ago.’ She asked me for the name of my father (Jorge) and then for the name of my grandfather (Jorge too) and then for the name of my mother (Elisa) and if she is Arab too. After that, the soldier told me ‘go and sit.’” After further interrogation, Abedrapo was permitted to enter on a one-week visa with a warning that overstaying by even a single day would result in imprisonment. After Ms Abedrapo was denied entry in February of this year, the Chilean Government successfully intervened on her behalf and she was granted a 3-month tourist visa in April. This latest incident again demonstrates that while interventions on a case-by-case basis can be successful, resolution of the issue requires demanding a change in Israel’s policy.

In short, **the denial of foreign citizens into the oPt continues to adversely affect the fabric of family life** as many of those denied have spouses or close relatives who are Palestinian ID holders. **The denials of entry also continue to affect economic development and the provision of essential health and education services to the Palestinian people.** At a time when foreign investment is especially crucial and when members of the Palestinian Diaspora seek to bring specialized skills back into the Palestinian community, a clear and transparent policy for securing entry into the oPt is essential. Investment opportunities have become increasingly risky and projects aimed at providing specialized institutions face tremendous difficulties due to the lack of predictability which continues to characterize Israel's entry policy.

Moreover, as in previous months, **Israel continues to resort to the arbitrary issuing of visas of short duration** – sometimes as little as one to two weeks. 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.³ The issuing of visa durations on an unpredictable and arbitrary basis and mistreatment of visitors at border crossings -- like arbitrary denials -- incur inhibiting costs and discourage individuals from traveling to the oPt whether to visit, work or reside and in effect contributes to the continuation of the denial of entry policy.

In this light, the Campaign maintains its demand for third party states to actively pursue the securing of a clear, transparent and lawful policy for all foreign nationals wishing to enter the oPt through 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

² The other, Nadia Hassan, attempted to re-enter through Ben Gurion Airport (BGA) in May based on the Israeli letter, but was denied entry for the fifth time since September 2005. Nadia was also denied access to the Chilean Consular official waiting for her at the airport, in possible violation of the Vienna Convention on Consular Relations.

In another possible violation of the Vienna Convention, LK was refused repeated requests to contact the US Embassy during the first 24 hours of her detention at BGA on June 27. Only after persistent demands was LK finally given an opportunity to speak with US Consular officials. The initial denial of entry was rescinded after intervention by an attorney and a court judgment. LK holds dual US-British passports. Despite presenting only a US passport for entry, LK’s British passport was stamped as well, against LK’s wishes.

³ See, for example, cases above: Chilean citizen Elisa Abedrapo and Bulgarian citizen Gerga Petrova Ivanova. In another incident, reported on July 26 in the Israeli newspaper, *Yedioth Ahronoth*, Nigel Kennedy, one of the best-known violinists in the world, was delayed at Ben Gurion Airport even though the British Foreign Ministry had sent his particulars in advance to the relevant officials. It was only after an urgent message from the British Embassy that Kennedy was allowed to enter Israel. A few weeks prior, a French band was held up for a three-hour security check. All of their musical instruments were confiscated, in spite of their protests, and were returned to France only a week later. Some of the expensive instruments had been badly damaged. The band was the guest of the French Embassy in Israel, and the French Foreign Ministry had sent the particulars of all its members to the authorities at Ben Gurion Airport, but to no avail.

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.

- * 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 repeatedly failed to materialize in several instances.⁴
- * 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.⁵
- * 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, cultural 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.

4. The welfare and integrity of countless Palestinian families continue to be affected by separation or the imminent threat of separation.⁶

⁴ See, for example, cases in introductory section above.

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⁶ On July 23 L., a Brazilian national, was denied entry at Ben Gurion Airport. An engineering student in Germany, she was planning to visit the family of her fiancée, an architecture student from Beit Jala who is also studying in Germany. In the six years that the couple has been together, she has never been able to visit his family. While the family plans to appeal her denial through the Israeli court system, L.'s fiancée expects the procedure will be costly and tiresome and therefore their future is uncertain. The reason cited for her denial stems from her prior visit three years ago. While waiting at the Allenby Bridge crossing, she was writing in her diary. This aroused the suspicions of the Israeli border guard and though she was allowed entry on that occasion after prolonged questioning, it now appears that this incident was permanently recorded and was cited as the reason for her current refusal. At the time of writing, she is back in Germany and the couple's wedding has been cancelled.

Also in July, eyewitness Dr. Mazin Qumsiyeh, a geneticist living in the US, reported to the Campaign that while he was crossing Allenby Bridge with his wife on July 12. he met the mother, father and son of a Palestinian-American family who were prevented from entering the

- * Spouses remain separated despite provisions in the CoGAT announcement for their visa entry and renewals.
- * 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 and businesses continue to be affected.⁷

6. Members of the international press have been denied entry to Israel and the oPt.⁸

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.

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.

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.

West Bank for another son's wedding. Both mother and father were born in the West Bank but do not have Palestinian IDs. All three carry US passports and prior to their departure, they had spoken with a lawyer, the US State Department, Israeli and US Consulates in an attempt to ensure a smooth passage. Another witness reported that on July 19 several people were denied entry including an American woman married to a Palestinian-American; her husband was permitted entry with their children.

In yet another incident on 23 May, the wife and six children of Jamal Ibrahim were denied entry via Allenby Bridge. The youngest child is 4 years old and the oldest is 15. With the exception of Mr. Ibrahim, the family carries US citizenship.

⁷ On 2 July, 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.

Dr. Hatem Abdo, M.D. is a specialist in neurosurgery and is currently planning a project to establish a hospital to specialize in cancer recovery in Jerusalem. He is an American citizen and until recently, also a Jerusalem ID card holder. He arrived from the United States this May, only to be told upon his departure, from which he was redirected from the Allenby Bridge border crossing to Sheikh Hussein, that he is no longer entitled to his rights as a Jerusalem resident. His ID card was confiscated and now he may only enter the country once a year as a tourist. His mission to establish a hospital has been overshadowed by a personal struggle to re-establish his Jerusalem residency. He received his medical training in Egypt, Jerusalem, England, Canada and the United States and his presence would have a great impact on the quality of medical care available to Palestinians in Jerusalem. By denying individuals such as Dr. Abdo, Israeli authorities are effectively contributing to a Palestinian "brain drain" and preventing the establishment of projects intended to benefit the collective quality of life in the oPt.

Ibrahim Abed Al Rahman, for example, a Palestinian American whose spouse carries a Palestinian ID recently reported that he was denied entry twice -- once in June of 2006 and a second time in August of the same year. As the Israeli authorities marked his US passport, he stayed in Jordan for more than a month awaiting a new one from the US Embassy. He is a prominent business man who owns considerable property in Abu Shkhedim which he is unable to attend to. He is currently dependent on his son, who also holds an American passport, to oversee his business, but his son is also fearful of having his right to enter revoked.

⁸ 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.

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.

Types of denial of entry cases documented post-CoGAT announcement

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

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 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 family 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 whose relatives may have 'overstayed' their original visa duration

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 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.