



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

MONTHLY SITUATION UPDATE (30 APRIL 2007)

I. STATUS OF ENTRY DENIALS SINCE COGAT ANNOUNCEMENT IN DECEMBER 2006

In December 2006, the Coordinator for Government Activities in the Territories (CoGAT) outlined¹ new procedures for entry into the occupied Palestinian territory (oPt). In March 2007 a similar statement was issued by the Israeli Ministry of Foreign Affairs and addressed to third state missions.² However, despite reported assurances from Israeli officials that under the new procedures entry denials would be based on legitimate security considerations, documented cases of persons denied entry indicate that the practice resulting from the implementation of CoGAT procedures remains arbitrary, abusive and internationally unlawful.³

Moreover, recently documented cases indicate that Israel is increasingly resorting to the arbitrary issuing of visas of short duration – often one or two weeks.⁴ This development 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. In recent weeks, pressure by certain third states has facilitated the re-entry of several individuals previously denied entry, belying claims by numerous governments that they are unable to intervene to stop Israel's arbitrary denial of their citizens. Among those who have returned with the support of their government representatives are citizens of Chile and Switzerland.⁵

¹ On December 28, a letter announcing 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.

² On 5 March, the Israeli Ministry of Foreign Affairs issued a statement entitled "Transit Policy to the West Bank via Israel." The letter was distributed to embassies in Tel Aviv, including the German and US embassies.

³ 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.'"

⁴ The Campaign has received an increasing number of reports of instances in which the standard 3-month visa is crossed out by hand and shorter durations varying from 1 week to 2 months are handwritten across the entry stamp. See the case of Dr Ata Kasem in Note #11, for example. The arbitrary nature of duration granted is exemplified by one instance, in which two consultants, both UK citizens, traveling together and contracted by the same private company, entered through Allenby Bridge: one was given a 1-month visa and the second a 2-month visa. Less than 2 months earlier, they had both received 3-month visas; they had gone to Jordan for a weekend holiday. In another case, Fares Abdullah and his fiancée, Ms Ruba Klaji, who were traveling to Ramallah to be with family for the Easter holiday, were denied entry on 7 April, 2007. On 8 April, Mr Abdullah was granted a 1-week visa while his fiancée was granted a 3-month visa. See Note #5 below for further case details.

⁵ On 7 April, 2007 Fares Abdullah, 28, a Swiss IT-engineer whose father holds a Palestinian ID was denied entry at Allenby Bridge. He had notified the Israeli Embassy in Bern and the Swiss Embassy in Israel in advance regarding his planned visit to family for Easter and had been assured that all was "okay." When he arrived at Allenby Bridge on the morning of April 7, he was made to wait for many hours until all other passengers had been processed. At the end of the day he was suddenly ordered at gunpoint into a private taxi back to the Jordanian border without any explanation. He tried again the next day and with the continued and vigorous intervention by the Swiss Embassy official, he was eventually granted a one week tourist visa. On 19 April, 2007, Chilean citizen Elisa Apedrabbo, was granted a 3-month visa after interventions on her behalf by the Chilean Government. Ms Apedrabbo was denied entry last February.

*Beyond the ongoing detriment to family, economic and social life of the occupied population caused by entry denials, **the arbitrariness with which entry is granted or denied comprises a serious psychological and economic impediment to many would-be visitors and exiled residents of the oPt.** The situation is particularly acute in the current season, as **thousands of individuals of Palestinian origin begin plans for summer holidays with family and friends in the West Bank and Gaza Strip.***

- 1. Individuals have been denied entry at all major ports of entry -- Allenby Bridge, Sheikh Hussein Bridge and Ben Gurion Airport.**
- 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 at Allenby Bridge who have demanded explanation for their denial of entry have been physically abused and forced back into vehicles returning to Jordan.⁶
 - * 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.⁷
 - * 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 2007.⁸
 - * 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.⁹

⁶ On 14 April, an Israeli official at Allenby Bridge flashed a switchblade at Hassan Newash, US passport holder and retired engineer from Grosse Pointe Michigan, ordering him back on the bus to Amman. Fearing for his life, Mr Newash complied. When he asked the reason for Israel's denial of his planned entry to visit his family in Bethlehem, Mr Newash was slapped in the face and physically abused. Halfway to the Jordanian border it turned out that Mr Newash's passport was mixed up by the Israelis with those of two other travelers carrying the same first name. They were not on the bus to Amman. Mr Newash was eventually driven back to the Israeli border to collect his passport and was then allowed to enter on a 3-month visa.

⁷ Azoya Omar Ennab, a Russian citizen, who has never before visited the country, was denied entry for a second time on 1 April, 2007. She was first denied entry in 2006 when the family returned to the country after her husband completed his studies in Russia. Ms Ennab's husband and two children have Palestinian IDs. Her husband and son reside in Ya'abad in the Hebron district of the West Bank. Unable to join them, Ms Ennab and her young daughter have been forced to continue residing in Russia. Her husband has repeatedly attempted to secure a visa to permit her entry without success. His latest application was filed on 9 April; he has yet to receive a reply.

⁸ US businessman, Abdel Hakim Itayem -- who after being denied entry for months was finally given security clearance and subsequently entered, exited and re-entered the country several times on business since January 2007 -- was again denied entry on March 13. The following month, he was again permitted entry. An Australian citizen working for a development agency, denied entry in September 2007, was eventually able to receive clearance and traveled to Jerusalem several times for short consultations. He was then again denied entry on 19 February, 2007.

⁹ One US citizen, for example, paid \$7,000 to a lawyer who secured a 3-month B2 visa for his client. The individual in question had been denied entry three times after the CoGAT announcement despite the fact that his wife and 4 children have Palestinian IDs and reside in the West Bank. The decision to hire this particular lawyer was made after comparing offers and advice from several lawyers and finding him to be the *cheapest* option. What happens to this individual in another 3 months remains an unknown. In January, 50-year-old US citizen Riad Sharma secured a two-week visa at Ben Gurion airport after having paid

- * 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.¹⁰
- * 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.¹¹ 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.

- * Spouses remain separated despite provisions in the CoGAT announcement for visa entry and renewal of spouses.¹²
- * Young children continue to be separated from their parents and the elderly are denied visits and essential care from their immediate family.¹³

5. The functioning of Palestinian health,¹⁴ educational and social services¹⁵ and businesses¹⁶ continue to be affected.

\$4,000 in lawyer and court fees and an additional deposit of some \$6,000 to guarantee his departure. One day before his two-week visa expired, a second lawyer was able to obtain a last-minute visa extension for two-and-a-half months; this lawyer charged him an additional \$6,000. Mr Sharma is married and has two daughters living in the West Bank and runs a business in the US. He was denied entry three times in the course of the past year. In yet another case, a US citizen, married to a West Bank resident and denied entry at Ben Gurion Airport in February 2007, paid \$2,000 to her lawyer and posted a NIS20,000 bond; she was given a two-week entry visa in return.

¹⁰ An 85-year old couple, first denied entry last summer, arrived in Ben Gurion on 24 April; their passports were stamped with "denied entry." After the two US citizens pleaded their case, the clerk's superiors were consulted, and the denied entry stamp was stamped over with a "cancelled" stamp. Then an entry stamp was made on a new page of their passports but 3 months was crossed out and 2 weeks was handwritten over it. The couple has been spending 4-6 months of every summer in their home in Al-Bireh for the past 10 years and had expected to host their grandchildren for the summer. They intend to apply for visa extensions from the West Bank.

Similarly, US citizen Ata Kasem, a professor of mathematics, returned on 23 April from California, after 9 months of forced separation from his family and his home village Turmos Ayya in the West Bank where he was born in 1939. Dr. Kasem had lived and worked in the USA and in 1998 returned with his wife and 7 children, all holding Palestinian ID cards except him. For 8 years he kept 'visiting' his family by traveling in and out of the country to renew his 3-month visa, which he never overstayed. Last summer, after a vacation in Jordan, mother and children were allowed to return home through Allenby Bridge, while the father was denied and later had to leave from Jordan to the USA. This time he was permitted to enter -- no explanations or apologies were given for the previous denial or for the fact that he was only given a 3-week rather than the regular 3-month visa.

¹¹ Among the cases of those denied visa renewals in April 2006 are foreign nationals working in the international development and private sectors and foreign nationals with spouses and children holding Palestinian IDs.

¹² On 20 January, 2007, a 70-year-old retiree and US citizen born in the West Bank, was denied entry at Allenby Bridge. His wife, also in her seventies, is ill; he has been unable to see her since he was first denied entry nearly a year ago. At that time, Israeli authorities had informed him that he would not be permitted to return for a year.

¹³ On 1 April, 2007, Azoya Omar Ennab, a Russian citizen was denied entry a second time, obliging her and her young daughter to continue to live separately from her husband and son residing in the West Bank. See Note # 6 for details.

US citizen Amjaad Ghassan 'Abed, along with her 2-year-old daughter, was turned back from Allenby Bridge six times since the start of 2007, before, in mid-March, she and her child were finally able to return home to her husband and other children who hold Palestinian IDs.

On 9 January 2007, a 52-year-old woman and her husband (67), both US citizens, arrived at Ben Gurion Airport from the US in hope of visiting her 80-year-old mother, who had fallen ill. When they were denied entry, the couple attempted to appeal the denial through a lawyer but, after being held in detention at the airport for seven days, were ultimately deported to Jordan. The couple's children, as well as the woman's siblings and parents hold Palestinian IDs and reside in the oPt. Their court case is pending.

¹⁴ A German cardiologist of Palestinian origin, one of the few open-heart surgeons working in the occupied West Bank was denied entry at Ben Gurion Airport on 26 January with eight open heart surgeries scheduled for the following day. He was put in detention pending deportation. His lawyer filed an appeal and was able to secure a freeze on his deportation. Considerable media attention was given to his case and after being held for more than 24 hours, he was released and given a one-week visa.

6. Members of the international press have been denied entry to Israel and the oPt.¹⁷

Types of denial of entry cases documented post-CoGAT announcement

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

*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.

II. CRITICAL ISSUES STILL TO BE ADDRESSED

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

1. The right to family unification and 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

¹⁵In April, a staff member of GTZ, the international cooperation arm of the German government was refused a visa extension. The German Embassy is pursuing the case. Two consultants to a Swiss-registered development organization were denied entry within one week at the end of February.

¹⁶ Hanna Quffa, a US passport holder of Palestinian origin works as independent auditor for USAID and other US government projects. He travels back and forth to the oPt from Europe where his office is based. To his surprise he was deported for the first time from Tel Aviv airport back to Milan on April 21, after being kept in detention for 12 hours. Border authorities explained Mr. Quffa's detention and deportation by stating that 'he did not have a work permit.' Also in April, a US citizen working for a Palestinian telecommunications company was refused a visa renewal.

¹⁷ A Canadian writer and journalist was denied entry in February at Sheikh Hussein. The journalist who regularly visits the oPt was granted a 3-month visa but was unable to cross that day because the border authorities suddenly demanded - for the first time - a large cash sum for customs fees on professional equipment. Not having the cash with her, the applicant was obliged to return the next day with the requested money only to be denied entry even though her husband was allowed to enter.

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 and exclusion.¹⁸

2. 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.

3. 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 and social service institutions and businesses.

Third states are urged to:

- Focus their efforts on obtaining proper resolutions of outstanding issues detailed above, giving particular attention to the implementation of the right to family reunion.
- 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.

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.

¹⁸ 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.