



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 JANUARY 2008)

News round-up

One year has passed since Israel announced new procedures for entry into the West Bank and declared the "problem" of entry into the occupied Palestinian territory (oPt) solved.¹ Campaign documentation continues to show that this is by no means the case. The reality is: **Israeli authorities have failed to provide a transparent, lawful 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.**²

The Campaign welcomes the issuing of residency to some 3,500 who have applied for family unification over the past ten years or more but notes with concern that this represents only a small percentage of the tens of thousands of others who have applied for family unification. At the current rate, it will be another 57+ years before the backlog of applications alone is processed (any new applications excluded). In any case, Israel has yet to commit itself to processing the remainder of outstanding or forthcoming applications.

Similarly, while the Campaign is pleased that in recent months more people have been successful in acquiring visa renewals and celebrates the re-entry of every individual previously denied entry that has been able to return, for every individual who has re-entered we know at least three who have not. As 2007 comes to a close, **the holiday season is marred by the fact that countless Palestinian families remain separated and Palestinian health and social services, educational and religious institutions and businesses continue to be disrupted.**

Israel denies entry to church representative

Every time I re-enter Israel/Palestine I am nervous about re-entry... I have had problems twice before -- a one week visa once and a denial of entry this past summer on the way back from a World Council of Churches (WCC) meeting in Amman. Last Saturday morning I flew into Ben Gurion airport after attending a Sabeel conference in Boston and visiting my family in Indianapolis. As I walked up to the passport control counter the woman in the booth sneered at me and asked "what are you doing back here?" after seeing that I had been in Israel recently. She asked why I didn't have a different visa - why was I trying to sneak past them? She did an additional computer check and exclaimed, "you sneaky girl! You were denied entry in Jordan- you sneaky little girl!" ... I knew what was coming, but I stayed calm as I was led from one interrogation to another, as my passport was taken from me, and as I was informed that I would not be allowed to enter the country. I explained that I was here representing my church in the US on business, but they told me that I would need a visa from the Ministry of the Interior. I questioned why I would not be allowed into Israel to be able to go to the Ministry of the Interior to look into this further, but was not answered. I remained calm, asked the reasons for my denial and asked how they would suggest attaining a different kind of visa, as I am not employed by an organization inside Israel. I was given no further reasons for my denial of entry other than continuing to be referred to as "sneaky." I was then taken to another room where I was photographed and fingerprinted. Then I was taken to identify my luggage and then taken to a back room where five security personnel searched through my luggage and I was given a body search by two female security officers. Finally I was taken to a detention facility and held for 13 hours before I was put on a plane back to the US. I was treated decently but locked in a room with no door handle on the inside, bare bunk beds, and a bathroom. I stayed in the room for 13 hours, but they brought me something to eat twice. (continued on p.3)

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 (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.

² 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.'"

"Convenience store victim was kept from joining family in Middle East"
(published Nov 6, 2007
in South Florida Sun-Sentinel)

I knew Adnan Khalil, one victim in the Pompano Beach double homicide.

Though I grew up in South Florida and am visiting his country of origin, we never met. Through advocacy work on his behalf with the Right to Enter Campaign, I became acquainted with his story.

He was a U.S. citizen, born in Palestine. His wife and three children live in a village near Tulkarem. When he married nearly 10 years ago, he applied for residency to live in the West Bank. Since then, he lived there intermittently on Israeli tourist visas; his residency application was pending, as Israeli authorities determine who can or cannot live in the West Bank. I wrote a letter on behalf of Mr. Khalil requesting U.S. intervention with the Israeli authorities on humanitarian grounds.

Three days before he was killed, Mr. Khalil informed the campaign that things were hopeful. The U.S. State Department contacted him offering intervention. We will never know whether he would have joined his family; now we are shifting our efforts to repatriate his remains to join them in death. Mr. Khalil never should have been in the Port Five Star Food Mart the morning he was brutally killed; he should have been at home with his family in Palestine. Though I didn't know him personally, during the two months I have been in Ramallah, West Bank, I have met many people whose lives share the tragic traces of his. His story is the sad ending of one that Israeli authorities controlled from the beginning.

*Toby Millman
Miami Ramallah, West Bank*

<http://www.sun-sentinel.com/news/opinion/sfl-sun-sentinel.com/news/opinion/sfl-brmail903nbnov06.0.4952213.story>

Churches and faith-based organisations targeted

As Christians worldwide celebrate the Christmas season, the Campaign notes with concern that **religious communities are finding it increasingly difficult to maintain their presence in the Holy Land**. In an apparent attempt to squeeze out Christian communities who have maintained their presence in the country for centuries, Israeli authorities have informed Church authorities that Arab clergy will no longer be issued multiple entry visas. Re-entry now requires repeating a full application process – one which may take up to a year or more. As a result, **some 250 Catholic clergy serving in the country are in effect locked in the oPt for fear of not being able to return** to their parishes if the leave and are thus cut off from families and unable to maintain regular contact with parishes and clergy in the rest of their Diocese (extending across Jordan, Lebanon and Cyprus).³ Others, like Father Faris, the only Greek Malikiite Catholic priest in Ramallah, are "locked out" of the oPt and unable to reach their parishes.⁴ Religious students are also affected. Despite several written inquiries, the Catholic Church has yet to receive written clarification of procedures; Jerusalem's Roman Catholic Patriarch criticised Israel's visa restrictions on clergy in a press conference following his annual Christmas address.⁵ Family of clergy and church volunteers are also facing difficulties in entering / staying in the country. Krista Johnson an intern with United Church of Christ at Sabeel, a Jerusalem-based ecumenical center, was denied entry for the second time in November 2007.⁶ A spokesperson for Sabeel commented: "In our understanding of U.S. State Department policy, Krista as an American should be privileged to a "reciprocity" policy -- the U.S. grants certain visas dependent on what the other country does. The current U.S. policy towards Israelis seeking religious visas -- yeshiva students, rabbis, synagogue volunteers, is that they get an unquestioned multiple entry five-year visa. Obviously, Krista did not receive this reciprocity."⁷ (See side box, p.1, for Ms Johnson's story in her own words.) In a recent meeting with church leaders, one representative summed up the situation: **"I don't know any congregation or faith-based organisation that is not facing difficulty in relation to entry visas or residence permits for international staff or volunteers."** Participants to the meeting also reported church delegations with West Bank locations in their itineraries being denied entry.

³ See *Ha'aretz*, 26 October 2007: "Interior Ministry 'locks' clergy in territories" <http://www.haaretz.com/hasen/spages/917189.html> See also: <http://www.hcef.org/index.cfm/mod/news/ID/16/SubMod/NewsView/NewsID/1849.cfm>

⁴ Israel's banning of a Malikiite 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. On 14 September, however, 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.

⁵ See: *Ha'aretz*, 19 Dec 2007 <http://www.haaretz.com/hasen/spages/936311.html>

⁶ Ms Johnson was detained for 13 hours at Ben Gurion before being deported back to the USA. See statement by "Friends of Sabeel – North America, Voice of Palestinian Christians" issued 9 November, 2007 for full details.

⁷ Statement by "Friends of Sabeel – North America, Voice of Palestinian Christians" issued 9 November, 2007.

I was forced to leave my luggage outside, but was allowed to bring my backpack. I was not allowed to keep my camera with me, and I can only assume this was to prevent me from being able to record the conditions in the cell.

On the airplane my passport was given to a flight attendant with instructions to only return it to me when I got off the airplane...

When I got my passport back at the end of the flight it had "denied entry" stamped in it and I did not have a connecting flight [back to Indianapolis]... after traveling for over fifty hours, I was completely exhausted.... One minute I had plans, and an apartment, and appointments- and the next my world was turned upside down.

For me, this was a scary experience. This was a challenge- an interruption- an inconvenience. But for ... thousands ... who are foreign nationals-Palestinians holding foreign passports who are often the highly educated, committed, creative contributors to the fabric of Palestinian society-this is a much larger issue. This policy of visa renewal takes away the ability to plan, and the stakes are much higher when denial of entry could mean separation from your family, your business, and your home. ...I may have been denied entry, but I was not a Palestinian being denied access to my homeland, as many are. I may have been detained for half a day, but Palestinians can be put in administrative detention for up to six months without a reason being given. I may have had to wait while my things were searched through, but that is something that happens every day at the terminal checkpoints to enter Jerusalem or the checkpoints that separate Palestinian villages from one another throughout the West Bank.

– Krista Johnson. excerpted from "Friends of Sabeel – North America. Voice of Palestinian Christians" newsletter (9 Nov. 2007)

The tactic of issuing single entry visas is also being used with university faculty. After persistent efforts and support from representatives of the Israeli and international community, a number of university faculty members with international passports have successfully managed to receive visas of up to one year. However, these visas are single-entry and stamped "not permitted to work".

In other instances, Israel persists in issuing visas of short duration – sometimes as little as one to two weeks – and visa extensions on an arbitrary basis. 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.⁸

All of these trends 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. **A de facto policy of deportation and forced migration continues.** 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. As 2007 comes to a close, the Campaign urges all parties – third states, religious congregations, non-governmental organisations and concerned citizens worldwide to join together to ensure the reunification of tens of thousands of Palestinian families and the freedom of movement in and out of the oPt within the coming year.

Overview of documented cases 2007

In the year since an announcement by Israeli authorities purportedly resolving the issue of entry denials, the Campaign has documentation of over 100 cases of persons denied entry. Individuals continue to be denied entry at all major ports of entry -- Allenby Bridge, Sheikh Hussein Bridge, Ben Gurion Airport and Taba.

Of these cases, over 56% were US citizens and some 25% were citizens of EU countries. At least 47% of entry denials involved separating individuals from immediate family members, including spouses separated from one another and parents from young children. Those denied entry ranged in age from several months to over 75 years in age and included doctors and health workers, business persons, university professors, media and humanitarian workers, clergy, students and volunteers. Roughly one-third of the documented cases have been denied entry on more than one occasion; some individuals have been refused entry as many as five or six times.

At least 24% of those denied entry, most assisted by their respective government officials, media publicity and/or lawyers, have succeeded in returning for various lengths of time, although in some instances these same

⁸ Some 20% of a reported 337 applications submitted through the Palestinian Ministry of Interior in August and September, for example, 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.

individuals were then again denied entry.⁹ The experience of those able to return highlights the critical role of third state intervention and public outcry in contesting ongoing denials. While, pleased that there are those who have successfully returned, the Campaign remains concerned that the large majority of those individuals denied entry have not yet been able to return and urges third states to redouble their efforts to end this unjust policy.

Types of entry denial cases documented since CoGAT announcement <i>(13 Dec 2006 through 20 Dec 2007)</i>													
Cases of denial documented:	Dec '06	Jan '06	Feb '07	Mar '07	Apr '07	May '07	Jun '07	Jul '07	Aug '07	Sep '07	Oct '07	Nov '07	Dec '07
Ports of entry													
Allenby Bridge	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
Sheikh Hussein Bridge	X		X		X	X	X	X	X	X			
Taba				X		X	X		X				
Nationals													
Arab World**			X		X					X			
Europe	X	X	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		X	
Other		X	X		X							X	
Types of visitors													
Business persons		X	X	X	X			X					
Development, human rights, & humanitarian workers			X		X		X	X	X			X	
Family	X	X	X	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		X			
Tourists & visitors	X	X	X	X	X	X		X		X			
Other***							X	X		X		X	
<p>*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.</p> <p>** 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.</p> <p>*** Others include those affiliated with the church and/or other religious institutions.</p>													

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

⁹ 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.

- 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.

1. **Send (another) letter to Israeli, UN, your government representatives, EU and USA officials**, documenting your case and emphasizing the need for clear assurances that Israel will grant safe and secure passage into the oPt to all those carrying foreign passports and treat all citizens 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>
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.

*We must re-double our efforts to put an end to Israel's denial of entry policy.
 Random and piecemeal "alleviation" of the unlawful practice of entry denial is no substitute for its abolition.*