



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 (31 MAY 2007)

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

A. Recent developments

Despite reported assurances from Israeli officials that under new procedures¹ entry denials would be based on legitimate security considerations, the Campaign continues to document cases of persons denied entry indicating that the practice resulting from the implementation of CoGAT procedures remains arbitrary, abusive and internationally unlawful.² Moreover, recently documented cases indicate **that Israel is increasingly resorting to the arbitrary issuing of visas of short duration – often one or two weeks.**³ 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. Moreover, cases documented in May suggest **that Israel's use of entry denials to penalize individuals with family members inside the oPt who have overstayed their visa may also be on the rise.**⁴

Another disturbing development in May, was **the denial of entry to Chilean citizen Nadia Hassan, for the fifth time since September 2005, despite written assurances from the Israeli authorities to the Chilean government that Ms Hassan was no longer banned from entering.** Upon her arrival in Ben Gurion Airport, Ms Hassan was subjected to some eight hours of intensive questioning before she was eventually denied entry and subsequently deported to Amman. The Chilean Consular was not permitted to be with Ms Hassan during questioning despite prior agreement that he could be present throughout entry procedures; also disturbing was the repeated message to Ms Hassan from Israeli authorities that she would only be permitted entry if she agreed to "collaborate" with the Israeli authorities. The Chilean Government formally protested, raising concerns regarding the interrogation process and the possibility

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 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." The letter was distributed to embassies in Tel Aviv, including the German and US embassies.

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.'"

³ 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 the case of Fares Abdullah and his fiancée, Ms Ruba Klaji, who were traveling to Ramallah to be with family for the Easter holiday. Both were denied entry on 7 April, 2007. On 8 April, after diplomatic pressure, Mr Abdullah, a Swiss citizen, was granted a 1-week visa while his fiancée, a British citizen, was granted a 3-month visa.

⁴ In May, 2007, a 22-year-old US citizen, traveling to Al-Bireh, in the West Bank, was denied entry at Ben Gurion airport and informed that his denial was based on his having relatives in the oPt who have overstayed their visas. Also in May, a second US citizen, also on his way to Al-Bireh to visit his parents, was denied on similar grounds.

that Israeli authorities may have acted in violation of international human rights standards. However, the Chilean Government appears to have since dropped the case, subsequent to a response from Israeli authorities reportedly claiming that no violations had been committed but failing to respond to specific complaints. The Campaign views this as a grave development, particularly as it raises concerns that Ms Hassan has been targeted by Israeli authorities for her outspoken opposition to the Israeli policy of entry denials and her successful efforts to bring the issue to the attention of Chilean government representatives at the highest level.

Also in May, **the number of university staff in the oPt threatened with refused visa extension and risking denial of re-entry before their work contracts at Palestinian universities expire rose sharply.** With just weeks to go before the completion of the semester, **at least 10 international faculty members in West Bank universities had their visa renewal requests rejected.** At the Arab American University in Jenin (AAUJ) alone, at least 9 faculty members were at risk: 5 had renewal requests rejected, 1 awaits a response and 4 decided to exit the country and re-enter for fear of overstaying their visas. Two faculty members at Al-Quds University also had their visa extension requests denied. Israeli authorities are reportedly demanding that faculty members apply for work permits; however, no procedures for such applications have been announced to third state representatives and attempts by affected faculty to apply have been stymied by lack of clear address or procedures for submitting applications. The offer by one CoGAT official to facilitate individual cases was rescinded when, in an effort to transparently address the issue, this information was shared with concerned individuals more broadly.⁵

A World Bank report on the situation in the oPt issued in early May criticizes Israel for its policy of denying (re-)entry to foreign passport-holders, particularly those of Palestinian background, wishing to enter the oPt, either for work or family reasons. "Given that the vast majority of new investment in WB&G [West Bank and Gaza] since the signing of the Oslo Accords [1993] has been through overseas Palestinians, such practices and the high degree of uncertainty connected to them will inevitably lead to a loss of foreign investment and knowledge transfer and a further contraction of the Palestinian economy," the World Bank warns.⁶

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 prepare for their customary summer holidays with family and friends in the oPt.**

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 have been denied entry at all major ports of entry -- Allenby Bridge, Sheikh Hussein Bridge, Ben Gurion Airport and Taba.**

⁵ In an email to Dr Rima Merriman, Captain Adam Avidan, Deputy Head of Foreign Relations Department, COGAT - Ministry of Defense, rescinded an earlier offer to facilitate permits for several AAUJ faculty after commenting that it "was very surprising to find our e-mail correspondence on ICRR Israeli Committee for Residency Rights forum and also very not [sic] professional." Dr Merriman, a US citizen and Chair of the Modern Languages Department at AAUJ, was further informed: "henceforth, in any visa related matters you may contact the Palestinian Ministry of Interior in Ramallah and / or the relevant consulate in Jerusalem (according to the applicant's nationality), as you had to do originally." Captain Avidan continued: "Of course, you can always appeal to the High Court of Justice if you feel dissatisfied. According to Dr Merriman, Captain Avidan was initially very helpful. However, his superior officer, Colonel Daniel Boudien, later informed her in a phone conversation that he was unhappy with Captain Avidan's initiative to intervene on behalf of AAUJ faculty members and the he did not want his office to receive petitions for help from other foreign nationals in a similar situation.

⁶ World Bank Technical Team (9 May 2007) *Movement and access restrictions in the West Bank: uncertainty and inefficiency in the Palestinian economy*, p. 5.

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.⁷
- * 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.⁸
- * 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 2007.⁹
- * 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.¹⁰
- * 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.¹¹

⁷ 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.

⁸ 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.

⁹ 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.

¹⁰ In January, for example, 50-year-old US citizen Riad Sharma secured a two-week visa at Ben Gurion airport after having paid \$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 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.

¹¹ 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

- * 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.¹² 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.¹³
 - * Young children continue to be separated from their parents and the elderly are denied visits and essential care from their immediate family.¹⁴
 5. **The functioning of Palestinian health,¹⁵ educational¹⁶ and social services¹⁷ and businesses¹⁸ continue to be affected.**
 6. **Members of the international press have been denied entry to Israel and the oPt.¹⁹**

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.

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.

¹² At least 10 international faculty members of Palestinian universities in the West Bank are reported to have had visa renewal applications rejected in May 2007. 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.

¹³ 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.

¹⁴ In May 2007, a US citizen attempting to visit her elderly mother in Hebron who is seriously ill, was twice denied entry. 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. See also Note # 8.

¹⁵ 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.

¹⁶ See previous section regarding difficulties faced by international faculty at Palestinian universities. Also this month, at least three international students, intending to join a volunteer work camp at Al-Najah University in Nablus were denied entry at various ports of entry.

¹⁷ In 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.

¹⁸ 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.

¹⁹ 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.

Types of denial of entry cases documented post-CoGAT announcement						
Cases of denial documented:	Dec 2006*	Jan 2007	Feb 2007	Mar 2007	Apr 2007	May 2007
Ports of entry						
Allenby Bridge (King Hussein)	X	X	X	X	X	X
Ben Gurion Airport	X	X	X	X	X	
Sheikh Hussein Bridge	X		X		X	X
Taba				X		X
Nationals						
Arab World**			X			
Europe	X	X	X		X	
Latin American	X		X		X	
North America	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	X
Health professionals, educators & social service providers	X	X				X
Media & filmmakers		X	X			
Students & researchers	X	X	X		X	X
Tourists & visitors	X	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.

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.²⁰

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.

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.

²⁰ 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.

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.