

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

1 March 2012

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Israel/Occupied Palestinian Territories: Israeli authorities should revoke Palestinian human rights defender's travel ban

Having decided to permit Palestinian human rights defender Shawan Jabarin to travel abroad from the West Bank for the first time in six years, Israel should now revoke his travel ban, Amnesty International and Human Rights Watch said today.

On 22 February, Israel's State Prosecutor agreed to a "temporary exception" to the ban, allowing Shawan Jabarin to travel to Geneva at the invitation of the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.

The two organizations said that the Israeli authorities had never produced any evidence to justify banning Shawan Jabarin from travelling, and should follow this belated "exception" by lifting the arbitrary ban entirely.

According to international human rights standards, any restrictions on travel should be issued in only exceptional circumstances, for reasons stated clearly and publicly, and be open to legal challenge. The refusal of the Israeli authorities to make public any evidence to substantiate the reasons for the travel ban means that Shawan Jabarin has been denied a meaningful opportunity to challenge the ban in court.

Shawan Jabarin's lawyer had filed a petition on 16 February asking the Israeli Supreme Court to overturn the ban.

It is the first time he has been allowed to leave the West Bank since he became the director of Al-Haq, a leading Palestinian human rights organization, in March 2006. Israel recently refused to allow Shawan Jabarin to travel abroad to receive human rights awards, including the Geuzen Medal in the Netherlands in 2010, and the Prize for Freedom in Denmark in 2011. He is also a member of the advisory committee of Human Rights Watch's Middle East and North Africa Division.

Amnesty International, Human Rights Watch, and numerous Palestinian and Israeli organizations have repeatedly urged the Israeli authorities to completely lift the travel ban, which is based on secret evidence that has never been disclosed to Shawan Jabarin or his lawyers.

Amnesty International and Human Rights Watch said that if the authorities deem that there is no security risk in Shawan Jabarin travelling to meet with Special Rapporteur Frank La Rue today, it is hard to understand why the travel ban should remain in place at all, especially in the absence of any public evidence justifying it.

The Israeli military has previously claimed in court, based on secret evidence, that Shawan Jabarin is an activist in the Popular Front for the Liberation of Palestine (PFLP), which Israel considers a terrorist organization, and that his travel abroad would endanger Israel's security. He served a nine-month sentence in 1985 after conviction of providing a service to the PFLP by facilitating the travel of two members abroad for training but denies having been a member since his release. During the 1980s and

1990s, Israeli forces repeatedly held him as an administrative detainee without charge or trial and without presenting any public evidence that he was a PFLP member at that time.

In August 1990, during one of his administrative detention terms, he was adopted as a prisoner of conscience by Amnesty International. In November 1994, the UN Working Group on Arbitrary Detention declared his detention to be arbitrary.

Following his release in early 1998, the Israeli authorities allowed him to travel abroad eight times over seven years before imposing an indefinite travel ban in 2006, after he became Al-Haq's director. This ban has since been upheld by the Israeli Supreme Court on security grounds, which found in favour of the Israeli military, even though the Israeli authorities have never provided any public evidence justifying the sweeping ban on his travel outside the West Bank. Shawan Jabarin and his lawyers have never been able to see or contest the secret information cited by the court.

In a letter thanking Amnesty International members for their campaigning on his behalf, Shawan Jabarin wrote:

"[As] I prepare myself to depart to Geneva, I have many conflicting thoughts and emotions running through my mind. I am happy because I, albeit temporarily, have regained my freedom to travel. However, I am dismayed because of the thought that many others continue to have their liberties crushed.

"This latest decision to allow me just one chance to travel has reinforced my conviction that liberty should be held as inviolable and deepened my resolve to defend the liberty of others."

Background

Article 12 of the International Convention on Civil and Political Rights (ICCPR), which the International Court of Justice and other legal bodies have determined applies to the Occupied Palestinian Territories, states that everyone shall be free to leave any country, including his or her own.

Under international law, states may restrict an individual's freedom of movement in only exceptional cases to protect national security, public order, public health or morals and the rights and freedoms of others, and the state must allow the person affected the opportunity to challenge the justifications for applying the restrictions, including the evidence supporting it, in a timely and open process.

In its recent General Comment 34, the UN Human Rights Committee, the authoritative body which interprets the ICCPR, stated that it would normally be incompatible with Article 19 of the ICCPR to restrict the freedom of those who seek to exercise their freedom of expression (such as persons who wish to travel to human rights-related meetings) to travel abroad.

Public Document

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AMNESTY INTERNATIONAL

Press Release

13 December 2011

Record number of Palestinians displaced by demolitions as Quartet continues to talk

Israeli authorities have stepped up unlawful demolitions in the West Bank including East Jerusalem over the past year, displacing a record number of Palestinian families from their homes, an international coalition of 20 leading aid agencies and human rights groups said today.

The statement comes as the Middle East Quartet meets in Jerusalem in its latest effort to revive peace talks.

The sharp rise in demolitions in 2011 has been accompanied by accelerated expansion of Israeli settlements and an escalation of violence perpetrated by settlers, the groups said.

The humanitarian and human rights groups, including Amnesty International, Human Rights Watch, and Oxfam International, are calling for the Quartet to hold all parties to the conflict to their international law obligations. The Quartet must, therefore, press the Israeli government to immediately reverse its settlement policies and freeze all demolitions that violate international law.

“The increasing rate of settlement expansion and house demolitions is pushing Palestinians to the brink, destroying their livelihoods and prospects for a just and durable peace. There is a growing disconnect between the Quartet talks and the situation on the ground. The Quartet needs to radically revise its approach and show that it can make a real difference to the lives of Palestinians and Israelis.” said Jeremy Hobbs, Executive Director, Oxfam International.

The evidence of rapidly deteriorating situation on the ground includes:

- **Doubling the number of people displaced by demolitions:** Since the beginning of the year more than 500 Palestinian homes, wells, rainwater harvesting cisterns, and other essential structures have been destroyed in the West Bank including East Jerusalem, displacing more than 1,000 Palestinians, UN figures show. This is more than double the number of people displaced over the same period in 2010, and the highest figure since at least 2005.[1] More than half of those displaced have been children for whom the loss of their home is particularly devastating.
- **Accelerating settlement expansion:** Plans for around 4,000 new settler housing units have been approved in East Jerusalem over the past 12 months - the highest number since at least 2006, according to Peace Now.[2] In November, moreover, Israel announced plans to speed up construction of 2,000 new units in the West Bank including East Jerusalem.
- **Sharp increase in settler violence:** violent attacks by settlers against Palestinians have escalated by over 50% in 2011 compared to 2010, and by over 160% compared to 2009, the UN reports. 2011 has seen by far the most settler violence since at least 2005. Settlers have also destroyed or damaged nearly 10,000 Palestinian olive and other trees during this year, undermining the livelihoods of hundreds of families.[3] The perpetrators act with virtual impunity, with over 90% of complaints of settler violence closed by the Israeli police without indictment in 2005-2010.[4]
- **Impending threat of forced displacement of Bedouin:** Up to 2,300 Bedouin living in the Jerusalem periphery could be forcibly and unlawfully relocated if Israeli authorities

follow through with their reported plans in 2012, which would destroy their livelihoods and threaten their traditional way of life. Rural communities in the Jordan Valley are also facing the prospect of further demolitions as settlements continue to expand.

“The Quartet should call ongoing settlement expansion and house demolitions what they are: violations of international humanitarian law that Israel should stop,” said Sarah Leah Whitson, Middle East director at Human Rights Watch.

“Israel’s escalating violations show the fundamental failure of the Quartet’s approach. It’s time for the Quartet to understand that they cannot contribute to achieving a just and durable solution to the conflict without first ensuring respect for international law,” said Phillip Luther, Middle East and North Africa Interim Programme Director, Amnesty International.

Notes to the editor:

[1] Latest figures from the UN Office for the Coordination of Humanitarian Affairs (OCHA).

[2] Data from the Israeli organisation Peace Now.

[3] Latest figures from the UN Office for the Coordination of Humanitarian Affairs (OCHA).

[4] Yesh Din, Law Enforcement upon Israeli Civilians in the West Bank, February 2011.

CONTACT:

For more information and to arrange interviews with spokespeople please contact: James Lynch at Amnesty International james.lynch@amnesty.org, +44 20 7413 5511; or Martin Konecny at Crisis Action martin.konecny@crisisaction.org, +32 484 601 283

INTERVIEWEES:

The following people are available for interview:

Representatives of aid agencies and human rights organisations in Jerusalem, New York, Brussels, London, Paris, Berlin, Stockholm, Dublin and Cairo.

External interviewees: The following external experts are available to discuss the issues highlighted in the press release:

- **Izzat Zeidan**, Palestinian Agricultural Relief Committee, Ramallah
- **Shawan Jabarin**, Al Haq, Ramallah
- **Hila Aloni** and/or **Firas Alami**, Yesh Din, Tel Aviv
- **Sarit Michaeli**, B’Tselem, Jerusalem
- **Salwa Daibis**, Women’s Center for Legal Aid & Counselling, Ramallah

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

Index: MDE 15/027/2011

6 June 2011

Israel must investigate shooting of protesters in Golan

Amnesty International today called on the Israeli authorities to launch a full, impartial and independent investigation into the Israeli military's lethal use of live ammunition yesterday against demonstrators in Syria approaching the Israeli border.

Israeli troops opened fire on hundreds of Syrian and Palestinian protesters in the border area near Majdal Shams, a town in the Israeli-occupied Golan Heights. The protests, which also took place near Quneitra, a city in the part of the Golan still administered by Syria, were organized to mark Naksa Day, the anniversary of the start of the June 1967 war, in which Israel occupied Syria's Golan Heights, as well as the West Bank and the Gaza Strip.

Syria's state news agency, SANA, reported that 23 people – including a child, a woman and a journalist – were killed by the Israeli military on Sunday, and that over 350 people were wounded by bullets and tear gas. Syrian state media identified those killed by name and many of the names were separately reported to Amnesty International by human rights activists in the Israeli-occupied Golan Heights, who had obtained them from Syrian medical sources.

Israel Defense Forces (IDF) spokespeople have acknowledged that protesters were shot and wounded, but have disputed the Syrian casualty figures as too high. They have alleged that protesters threw rocks and Molotov cocktails, and attempted to damage border fencing, but have not claimed that demonstrators had firearms. They have also alleged that a number of casualties were caused by protesters activating land mines in the area near Quneitra.

Amnesty International spoke to a human rights activist in the Israeli-occupied Golan Heights who witnessed the IDF response to protesters at the border near Majdal Shams. With others from the town, he said he observed the events at a distance of around 10 metres from IDF troops. He told Amnesty International that over a 10-hour period, from approximately 11am to 9pm, Israeli soldiers sheltering behind multiple barbed wire fences periodically fired live ammunition at protesters some 60 metres away.

He confirmed IDF statements that troops warned protesters in Arabic before opening fire initially, however, he reported that they did not fire tear gas or sound bombs to disperse the protesters until around dusk. This contradicts IDF claims that all possible non-lethal means were used to disperse the protesters before lethal force was used.

Syrian ambulances evacuated injured protesters to the Mamdouh Abaza Hospital in Quneitra throughout the day, where the hospital director was quoted by SANA as saying that doctors had operated on more than 90 patients during the day. Although IDF spokespeople claimed that Israeli troops aimed at the lower half of protesters' bodies, Syrian health authorities reported that the majority of injuries were to the upper body.

Amnesty International is seriously concerned that Israeli troops used excessive force by firing live ammunition against protesters who were not endangering the lives of Israeli military personnel or others.

The fact that this is the second such incident in under a month, after at least 12 protesters demonstrating near Israel's borders were killed by the Israeli military on 15 May, highlights the urgency of independent investigations into both sets of events, in order to help prevent further loss of life and ensure accountability for killings that were unlawful.

Background

On 15 May 2011, Israeli troops fired on Palestinian and Arab protesters who demonstrated near Israel's borders with Lebanon, Syria and the northern Gaza Strip, as well as inside the occupied West Bank, killing at least 12 people and injuring hundreds. Palestinian refugees had organized large demonstrations at Israeli borders and checkpoints to commemorate Nakba Day, when they mark the anniversary of their displacement and dispossession in the 1948 war, which made hundreds of thousands of Palestinians refugees in neighbouring states. Amnesty International called for a full, independent and impartial investigation into the IDF response to the protests (see <http://www.amnesty.org/en/library/info/MDE15/025/2011/en>).

Although the IDF has initiated internal investigations into some of the incidents on 15 May, there are no indications that a credible, independent investigation has been launched.

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16 May 2011

Israeli military's killing of Nakba protesters must be investigated

Amnesty International today called on the Israeli government to launch a full, impartial and independent investigation into the Israeli military's use of force yesterday against Palestinian and Arab demonstrators, after at least 12 people were killed and hundreds more injured at Israel's borders with Lebanon and Syria, as well as in the West Bank and Gaza Strip.

Palestinian refugees in the Occupied Palestinian Territories and neighbouring countries had organized large demonstrations at Israeli borders and checkpoints to commemorate Nakba Day – an annual day to mark the Nakba (catastrophe), the term used by Palestinians to describe the displacement and dispossession that accompanied the creation of Israel in 1948 when hundreds of thousands became refugees – and call for implementation of their right of return.

The Israeli government and military have characterized the protests as “riots” and attempts to “infiltrate” into Israel illegally, and in several of the protests, demonstrators threw rocks towards Israeli troops. According to the Israel Defense Forces (IDF), 13 IDF personnel and three Israeli civilians were lightly injured by rocks, and protesters tried to breach the fence at the Lebanese and Syrian borders. Israeli officials have not claimed that any protesters fired on Israeli troops.

IDF troops responded by firing live ammunition, rubber-coated metal bullets, artillery shells and tear gas against the protesters. Amnesty International is seriously concerned at reports that the Israeli military used excessive force, killing and maiming individuals who were not posing a threat to the lives of the soldiers or others.

In Lebanon, thousands of Palestinian refugees and Lebanese activists marched towards the Israeli border at Maroun al-Ras. A Lebanese army statement said that 10 were killed and at least 112 were injured, some of them critically, by Israeli forces. The Israeli military has acknowledged that IDF troops opened fire towards demonstrators, but claimed that Lebanese army troops also fired on demonstrators and were responsible for some of the casualties. The United Nations Interim Force in Lebanon (UNIFIL), which patrols the Israel-Lebanon border, confirmed that live ammunition had been used at Maroun al-Ras.

Israeli authorities reportedly prevented Palestinian citizens of Israel from reaching the Israeli side of the border with Lebanon for a planned solidarity demonstration. The Israeli Knesset (parliament) signalled its growing disapproval of events commemorating the Nakba by passing the Budget Foundations Law (Amendment No. 40) 5771 - 2011 on 22 March 2011. This law allows the Minister of Finance to reduce state funding to institutions organizing any activities “commemorating Israel's Independence Day or the day of the establishment of the state as a day of mourning.” It is only one example of legislation recently passed or pending in the Knesset which together constitute a major assault on freedom of expression in Israel. Amnesty International is particularly concerned that the law targets institutions serving Israel's Palestinian Arab minority and threatens these citizens' rights to preserve their history and culture.

Palestinian and Druze protesters in the Syrian-administered part of the Golan succeeded in breaching the UN-patrolled border and entering the town of Majdal Shams in the Israeli-occupied part. Israeli forces opened fire, killing two demonstrators and injuring more than 20, some of them critically. The IDF and

Israeli police sealed off the town and conducted house-to-house searches for "infiltrators", who were forcibly returned to Syria.

In the West Bank, up to a thousand Palestinians demonstrated near the Qalandiya checkpoint, which separates Ramallah from occupied East Jerusalem. Some protesters reportedly threw rocks at Israeli troops and attempted to attack parts of the wall/fence near the checkpoint. Israeli forces responded by firing rubber-coated metal bullets, tear gas canisters, and sound bombs at the demonstrators, and there are also reports that Israeli troops used live ammunition. Dozens of civilians were injured, some of them critically, with medics reporting that the majority were injured in the upper body. Over 100 people were treated by Palestinian medics for gas inhalation, with at least 20 reportedly suffering from seizures. Israeli forces arrested at least six people, including one who was reportedly badly injured after being hit in the head by a rubber-coated bullet.

Smaller demonstrations took place across the West Bank, and met with similar Israeli responses in several cases. Israeli forces have also arrested dozens of people in East Jerusalem since 13 May 2011, following clashes on Friday afternoon in Silwan, Issawiya and the Old City. Seventeen-year-old Milad Said Ayyash was shot in the abdomen, allegedly by a private security guard at the Beit Yonatan settlement in Silwan, and subsequently died from his wounds. His father testified to the Palestinian Centre for Human Rights (PCHR) that he was walking down the road when he was shot, and that the immediate area was calm at the time.

In the Gaza Strip, hundreds of Palestinians marched from the northern town of Beit Hanoun towards the Israeli border and the Erez border crossing, which has been completely closed to Palestinians since June 2007, except for urgent medical cases receiving special Israeli permits. Israeli forces fired artillery shells, live ammunition, gas canisters, and sound bombs at protesters. PCHR reported more than 100 civilians were wounded, including 31 children, three women, and three journalists, some of them critically. Israeli forces also fired on a demonstration near 'Abasan village, east of Khan Younis in the central Gaza Strip, resulting in further injuries. Finally, in a separate incident, 17-year-old Khamis Salah Mesleh Habeeb was killed by an Israeli artillery shell in the "buffer zone" near the Nahal Oz crossing east of Gaza City.

AMNESTY INTERNATIONAL

Press Release

21 February 2012

Israeli decision to release Palestinian detainee in April ‘insufficient’

The Israeli authorities’ decision to release a Palestinian detainee by mid-April is insufficient, Amnesty International said amid reports that he has agreed to end his 66-day hunger strike.

The organization has urged Israel to release Khader Adnan immediately to allow him to receive urgent medical treatment. The 33-year-old baker – allegedly affiliated with the Islamic Jihad movement – is at immediate risk of death after more than 10 weeks on hunger strike.

“A deal which will see Khader Adnan released on 17 April unless significant new evidence emerges is insufficient when he needs urgent medical treatment to save his life now,” said Philip Luther, Amnesty International’s Interim Director for the Middle East and North Africa.

“Even if reports that Khader Adnan has agreed to end his hunger strike are true, this does not mean he is out of danger nor does it lessen the need for highly specialized medical care.

“He cannot constitute a ‘security threat’ in his current condition and should be released from custody immediately. The Israeli authorities have revealed no evidence justifying his continued detention.”

Khader Adnan was given a four-month administrative detention order on 10 January. Israeli military orders allow the Israeli authorities to detain Palestinians from the occupied West Bank without trial indefinitely if they are deemed to be a “security threat”.

The Israeli Supreme Court had been due to address Khader Adnan’s appeal on Tuesday, but the hearing was cancelled following a reported agreement between his lawyer and the Israeli authorities.

Both the Palestinian Authority and Israeli governmental spokespeople have reported that Khader Adnan has agreed to end his hunger strike, something Amnesty International has not been able to verify independently.

“Amnesty International has repeatedly called on the Israeli authorities to release Khader Adnan and other Palestinians held in administrative detention, unless they are promptly charged with internationally recognizable criminal offences and tried in accordance with international fair trial standards,” said Philip Luther.

Khader Adnan was arrested on 17 December last year at his home in the village of Arrabe near Jenin in the occupied West Bank, after Israeli security forces burst into his house in the early hours of the morning.

His prolonged hunger strike was begun in protest against his ill-treatment, the conditions of his detention, and the policy of administrative detention.

Amnesty International has called on Israel to end the practice of administrative detention because it violates the internationally recognized right to a fair trial which must be upheld for all detainees, even during states of emergency.

The baker has been hospitalized since 30 December as his health deteriorated. He is currently being held in the Ziv hospital in northern Israel under armed guard.

As of 19 February, doctors from Physicians for Human Rights - Israel reported that he was still shackled to his hospital bed, despite commitments by the Israel Prison Service that the shackles would be removed.

Some 309 Palestinians, including more than 20 members of the Palestinian Legislative Council are currently being held in administrative detention. One man has been held for over five years.

Public Document

AMNESTY INTERNATIONAL

Press Release

12 July 2011

Israel anti-boycott law an attack on freedom of expression

A law passed by the Israeli Knesset (parliament) making it an offence to call for a boycott against the state of Israel or its West Bank settlements will have a chilling effect on freedom of expression in Israel, Amnesty International said today.

The controversial law, passed on Monday night, makes it a civil offence to call for an economic, cultural, or academic boycott of people or institutions in Israel or the Occupied Palestinian Territories (OPT) for political reasons. Anyone making such calls could face a lawsuit and other financial penalties.

Sponsors of the bill, originally proposed in July 2010 by Knesset member and coalition chairman Ze'ev Elkin, have made it clear that one of the main aims of the law is to penalize those using boycott calls to campaign against Israel's illegal settlements in the OPT or highlight the ongoing violations of Palestinian rights caused by the settlements.

"Despite proponents' claims to the contrary, this law is a blatant attempt to stifle peaceful dissent and campaigning by attacking the right to freedom of expression, which all governments must uphold," said Philip Luther, Amnesty International's Deputy Director for the Middle East and North Africa.

"The broad definition of boycott could apply to anyone seeking to use this non-violent means of dissent to criticize any individual or institution involved in human rights violations or violations of international law in Israel or the Occupied Palestinian Territories."

Promoted and supported by the Netanyahu government, the law was passed by 47 votes to 36, even though top legal advisers to the Knesset and Israel's Attorney General said it was "borderline illegal". Several Israeli human rights NGOs have indicated that they plan to challenge the law in Israel's High Court of Justice.

Parties filing lawsuits would not have to prove that a call to boycott has resulted in actual damages, as courts can order people or organizations calling for a boycott to pay compensation independently of the damages caused.

The law also allows the Minister of Finance to revoke the tax-exempt status of NGOs calling for a boycott, which threatens the funding on which many Israeli human rights NGOs rely. Companies or organizations participating in a boycott could also be disqualified from applying for government contracts.

This is only one of many laws recently passed or being considered by the Knesset which have been criticized by Israeli human rights NGOs for restricting freedom of expression, the work of Israeli civil society organizations, or the rights of Palestinian citizens and their political representatives.

Israel's policy of establishing settlements in the occupied West Bank, including East Jerusalem, violates the Fourth Geneva Convention and is considered a war crime, according to the statute of the International Criminal Court.

Amnesty International has repeatedly called on the Israeli authorities to end settlement construction as a first step towards completely removing unlawful Israeli settlements from the Occupied Palestinian Territories.

Amnesty International has taken no position on boycotts anywhere in the world, but fears that this law will lead to violations of the right to freedom of expression of those calling for boycotts.

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

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23 December 2011

Israel: Knesset should reject draft law imposing prolonged detention on asylum-seekers

Amnesty International urges Israeli legislators to reject a draft law that imposes lengthy detention periods on asylum-seekers and irregular migrants, disregarding their reasons for entering the country. The Knesset (parliament) is expected to vote on the bill in the coming days.

The draft law provides for the automatic detention of anyone who enters the country via the Egyptian border, described as “infiltrators”, and gives the Israeli government the legal authority to imprison migrants and asylum-seekers for three or more years. Individuals coming from countries considered by the government to be “hostile” to Israel, including those from Darfur in Sudan, would face detention without time limits. Currently, most asylum-seekers and irregular migrants crossing from Egypt are detained upon entry but released within a few weeks.

Amnesty International acknowledges that states, including Israel, have the right to secure their borders and regulate the entry of foreigners into their territory, but stresses that this right is limited by international law. Any law, policy or measure relating to border control or the regulation of entry and stay that results in violations of international law or human rights goes well beyond the legitimate application of state sovereignty. In particular, individuals seeking asylum should never be rejected at the border, denied entry, or returned to a country where they would be at risk of serious human rights violations, or a country where they would not be protected against such return.

Amnesty International is further concerned about the potential impact of the proposed law on the right to liberty of asylum-seekers and migrants. Any measures restricting this right should only be used when necessary and proportionate to achieving a legitimate objective under international law. Any decision to detain should always comply with international standards pertaining to the lawfulness of detention, and should be based on a detailed individualized assessment, including the individual’s personal history and the risk of absconding. International law makes clear that state authorities must demonstrate in each individual case that detention is necessary and proportionate to the objective to be achieved. Automatic and prolonged detention as envisaged in the draft bill clearly violates international law and standards.

Where detention is used as a punitive measure, it is a disproportionate and inappropriate response to irregular migration. It only serves to stigmatize and criminalize migrants, driving many underground.

Furthermore, Amnesty International considers the use of the term “infiltrators” to be inappropriate as it carries connotations of threat and criminality; its use by officials and in the public sphere fuels xenophobia and discrimination against asylum-seekers and migrants. Migrants in irregular situations should not be considered criminals under the law, and should not be treated as criminals. The bill will also criminalize any sort of help or assistance to infiltrators and thus may subject rights groups and aid organizations to harsh penalties.

Amnesty International believes the draft law falls far short of Israel's international legal obligations as a state party to the International Covenant on Civil and Political Rights, the International Convention on the Elimination of all Forms of Racial Discrimination, and the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, among others.

Additionally, while the bill calls for the release of unaccompanied minors, children coming with relatives are subjected to the same prolonged detention as adults. Amnesty International believes that the detention of children solely for immigration purposes, whether they are unaccompanied, separated or held together with their family members, can never be justified and represents an abject failure of the obligation to respect, care for, and protect children's human rights. Where strictly necessary to limit the freedom of movement of families with children, alternatives to detention do exist. Israel should invest in open reception facilities for families with children.

Amnesty International urges Knesset members to ensure that any immigration or national security provisions fully respect Israel's international human rights obligations, including ensuring the protection of all individuals within its jurisdiction, regardless of their immigration status, and ensuring that individuals are not returned to states where they would be at risk of serious human rights abuses.

Background

The proposed Prevention of Infiltration Law – 2011 is intended to amend the 1954 Infiltration Law enacted under Israel's emergency legislation. The draft law passed its preliminary reading on 28 March 2011 and was then submitted to the Knesset's Internal Affairs and Environment Committee for discussions. On 19 December, the Committee voted in favour of the legislation. The bill is now pending second and third readings, which are likely to take place on the same day. Laws are enacted on passing the third reading.

Since 2005, approximately 45,000 Eritreans, Sudanese and other nationals have entered Israel via the Egyptian border to seek asylum. According to statistics published earlier in December by the Population and Immigration Authority of the Israeli Ministry of Interior, more than 13,600 people entered from Egypt during 2011, the vast majority of them Eritreans and Sudanese. Had the proposed law been in force, all these individuals would have been considered to be "infiltrators" and would have been subjected to prolonged imprisonment, irrespective of whether they had come to Israel to seek asylum. Historically, Israeli asylum procedures have not been fair, consistent or transparent. In the last several years, Israel has categorically denied Eritreans and Sudanese access to refugee status determination procedures, in clear violation of its obligations under the 1951 Refugee Convention. With respect to asylum-seekers from other countries, only a handful have been granted refugee status out of thousands of applications over the last several years.

The Prevention of Infiltration Law is part of a larger Israeli plan to deter the arrival of migrants and asylum-seekers. The government is currently building new sections in Saharonim prison, a migrant detention centre in the Negev desert in southern Israel, in order to expand its capacity to 5,400 places. Meanwhile, the National Planning and Building Council has published plans for an additional prison to hold thousands more individuals, and is currently discussing building permits for this facility. As an additional means of deterrence, the Israeli government has committed to levying heavy fines on employers hiring "infiltrators". Furthermore, earlier in December 2011, the Prime Minister's Office announced that Benjamin Netanyahu will travel to several African countries during 2012 with the aim of "formulating a plan" for the deportation of asylum-seekers to third countries.

AMNESTY INTERNATIONAL

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10 April 2012

Israeli government should reverse decision to deport South Sudanese

Amnesty International urges the Israeli government to reverse its decision to deport all individuals of South Sudanese origin living in Israel to South Sudan and to extend the temporary collective protection previously offered to this community.

The South Sudanese community in Israel estimates that about 700 individuals currently living in the country, the majority of them children, will be subjected to deportation orders. Amnesty International is concerned for the lives and safety of wrongly returned individuals.

International refugee law requires countries to carry out individual assessments of each person's need for international protection following any decision to cease group protection. Amnesty International, however, has longstanding concerns about the lack of fairness, consistency and transparency of the Refugee Status Determination (RSD) system in Israel. As a result of these failures, since the establishment of Israel in 1948, and despite the fact that there are over 50,000 asylum-seekers in the country today, less than 200 individuals have been granted refugee status, which is less than 1 per cent of all applicants.

Amnesty International is thus concerned that even if the Israeli government adheres to pledges to conduct individual assessments of South Sudanese asylum-seekers, the procedures used for these assessments will fail to meet international law and standards. The organization fears that these systemic failures of the Israeli asylum system will put South Sudanese individuals deserving of international protection at risk of being deported to South Sudan, in breach of Israel's international obligations, including those under the 1951 Refugee Convention and its 1967 Protocol.

Amnesty International is particularly concerned that on a regular basis, the Israeli Ministry of Interior summarily rejects, detains, and deports asylum applicants when they go to the Ministry of Interior to submit asylum applications. Article 4 of the *Procedure for Handling Political Asylum Seekers in Israel* allows the Ministry of Interior Registration Unit to summarily reject asylum applicants after a basic interview if the interviewer finds that the individual's asylum claims "do not constitute any of the elements set out in the refugee convention". Such a finding leads to immediate detention and deportation 72 hours later, making it nearly impossible for applicants rejected in this fashion to access the appeals process. Applying such a practice to South Sudanese could lead to summary deportations of individuals otherwise deserving of protection.

Background

On 1 February 2012, the Israeli Ministry of Interior announced the pending end of collective protection for all South Sudanese, and stated that South Sudanese individuals would be subject to deportation procedures if they did not leave "voluntarily" by 1 April 2012. Prior to this decision, South Sudanese in Israel were granted renewable staying documents as part of the collective protection afforded to them, but these documents did not allow them to access public health and welfare services or obtain work permits.

On 4 March 2012, the Research and Information Center of the Israeli parliament (Knesset) published a report describing the deteriorating situation in South Sudan and questioning the timing of the government's decision to end collective protection for South Sudanese.

On 29 March 2012, it was reported that the Israeli Ministry of Foreign Affairs recommended that collective protection for South Sudanese be extended for an additional six months, but the government has yet to act on this recommendation. In addition, on 29 March, following a request by Israeli human rights groups, the Jerusalem District Court issued an interim order to prevent deportations of South Sudanese until the court rules on the petition. The government has requested a deadline of 6 May 2012 to respond to this decision, and a court date is expected to be assigned following the government's submission.

Despite these two developments, the government has yet to reverse the deportation decision, and South Sudanese have not received renewed staying documents covering the period after 1 April 2012.

From July 2009, when the Ministry of Interior took control of assessing asylum claims from the UNHCR, to the end of 2010, not a single new applicant was granted refugee status in Israel. During this time, the Ministry of Interior did grant refugee status to 8 individuals, all of whom had received positive recommendations from UNHCR prior to July 2009. No official statistics have been released for 2011.

The planned deportation of South Sudanese is part of a larger Israeli plan to deter the arrival of migrants and asylum-seekers. In December 2011, the Prime Minister's Office announced its ongoing efforts to "formulate a plan" for the deportation of Israel's asylum-seekers to third countries. In February 2012, the Israeli government began enforcing deportation orders against individuals from the Ivory Coast. Many are believed to have been subjected to arrest and deportation following unsatisfactory RSD procedures, although it is hard to determine exact numbers in the absence of official statistics.

On 10 January 2012, the Israeli parliament passed the "Prevention of Infiltration Law", which mandates the automatic detention of anyone, including asylum-seekers, who enters Israel without permission (all such people are labeled "infiltrators" under the law). The law allows for all such detainees to be held without charge or trial for three or more years. People from countries considered "hostile" to Israel, including asylum-seekers from Darfur in Sudan, could be detained indefinitely. Amnesty International urged Israeli legislators to reject the draft law (see Amnesty International, *Israel: Knesset should reject draft law imposing prolonged detention on asylum-seekers*, Index MDE 15/043/2011, 23 December 2011, <http://www.amnesty.org/en/library/info/MDE15/043/2011/en>).

In addition, the Israeli government is currently expanding its detention capacity for migrants and asylum-seekers to over 12,000 places, and the government has committed to levying heavy fines on employers hiring "infiltrators".