

RESTRICTED HOPES

Report of Euro-Mediterranean Observatory
for Human Rights (Euro-Mid)

On the Breach of West Bank Palestinians' Right to Travel by Israeli Authorities

December 2011



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Board of Directors of the Euro-Mediterranean Observatory for Human Rights (EURO-MID) expresses its profound thanks to all who contributed to this report, in particular the EURO-MID officers, Amani Senwar, Zarka Sahnona, Wasef Qadah, Ramadan Rizk, Majdoline Hassouna, Tarek Abdel Razik and Muath Mishaal .

Chairman
Dr. Ramy Abdu

Executive Summary



The Euro-Mid documents the Israeli abuses of the freedom of movement and travel of the Palestinians through Palestine - Jordan Al Karama Border Crossing, the only land-passage for the population of the West Bank. It is controlled by Israel since December 1967.

By reference to the International Law, and the human rights charters and covenants observed by the international community and signed by Israel, every person has the right to leave any country including their own country and also has the right to return back thereto. This right may not be restricted, except under limited and specific circumstances and legal requirements specified by a time ceiling, to ensure that there are no unjustified restrictions or abuse.

According to the special testimonies and human cases recorded by the Euro-Mid or documented by well-known human rights organizations at the local or international levels, it is obviously demonstrated that the Israeli authorities deliberately prevented thousands

of Palestinians from travelling every year through Al Karama Border Crossing under the Israeli control. This prevention is very often accompanied by practices categorized as “degrading treatment” by frisking and searching by stripping off the clothes in some cases, investigation, waiting for long hours under difficult conditions, lack of clarification or answer to the inquires of those prevented from traveling about the cause of enforcing them to return back. The only answer was “security reasons”. Also the statistics indicate that the prevention is sometimes accompanied by cases of arrest against many of the travelers before transferring them into illegal administrative detentions in Israel where they are being interrogated and intimidated by the Israeli intelligence.



It is worthy to emphasize that the violations of the right of travel and freedom of movement lead to a range of violations that are directly in detriment to the fundamental civil rights of the Palestinians such as denying their access to treatment and education barring them from traveling for work, performance of religious rituals associated with particular shrines and meeting with the families.

The Israeli intelligence also was detected exploiting the urgent need for those wishing to travel by blackmailing them to cooperate with the intelligence service, to sign documents whereby they waive their right to return back to their towns and villages inside the Palestinian territories.

Furthermore, many prevention cases for the purpose of mass punishment have been recorded.

The prevention also included elected representatives in the Legislative Council, journalists,

academicians, and personnel in international and UN agencies.

The report mentions that the selected samples are only examples that represent hundreds of other prevention cases. The Euro-Mid estimates that Israel, since early 2011 to the report date, has prevented 4 thousand Palestinian citizens from traveling through Al Karama Border Crossing, at a rate of 83 citizens a week. Whereas, the Jewish residents are allowed to move, freely and without any restrictions, in the areas allocated for the Palestinians.

This clearly points out a policy of flagrant discrimination on a national backdrop adopted by Israel against the Palestinians in particular.

This constitutes a violation of the equality principle laid down in the Human Rights Conventions, Charters and Covenants.

The Euro-Mid's report

concludes with a recommendation to the international community and UN Human Rights Agencies to undertake their roles to protect the right of human being to travel and move to and from the Palestinian territories, including the legal accountability for the violation of this right, direct pressure on the Israeli authorities to implement its commitments under the international law, to facilitate the movement of Palestinians under Israel's control, and put an end to the policy of separation and abuse against them.

Amani Hamed Senwar

MENA Regional Director

A handwritten signature in black ink that reads "Senwar" with a long horizontal line extending to the right.

מסוף גשר המלך חוק
border crossing (Allenby)
معبّر جسر الملك

Introduction

The right to travel and freedom of movement become one of the inherent rights for human beings enshrined in the international law since first stipulated under Article 2/13 of the Universal Declaration of Human Rights of 1948 “Everyone has the right to leave any country, including his own, and to return to his country.”

These rights have been confirmed by a number of subsequent international conventions and covenants, notably Article 12 of the International Covenant on Civil and Political Rights, issued in 1966.

However, through close and constant monitoring of the field, statements of Palestinian citizens, reviewing the reports of the relevant local and international human rights organizations, it is proven that the successive Israeli governments do not pay the due attention to these international principles, resolutions and conventions. Rather, they abuse their power by controlling the crossings and borders allocated for the movement and travel of the Palestinians.

This abuse is evidenced clearly in the suffering of Palestinian citizens during their movement across the borders with Jordan through King Hussein Bridge Crossing (Al Karama crossing according to the Palestinian naming or Allenby Crossing according Israeli naming). This is due to the difficulty of movement, the rigid routine, frisking, humiliating the dignity of the passengers, and degrading them through obstructing their passage and deliberately delaying their crossing from and to the West Bank. Also some of them are prevented from travelling by forcing them to return back without justification or any obvious reasons. This has been the policy since the occupation of the West Bank and Gaza Strip and the control





of the Israeli authorities over the borders and crossings in 1967 A.D.

Despite the agreements signed between the Palestine Liberation Organization (PLO) and Israel since 1993, there has been no significant change in relation to the freedom of movement and travel of Palestinian citizens through the crossing. Still, the suffering of the Palestinians increased sharply and significantly since the outbreak of the second intifada on 29/09/2000, and such suffering reached its height in the summer of 2002, by reducing working hours at the crossing.

Furthermore, the problem also has been exacerbated after Israeli occupation authorities resort to precluding the Palestinians from the West Bank (excluding Jerusalem) to travel through Israeli Airports, after they had been allowed to do so under narrow restrictions and with special permits obtained after a long time of waiting and strict

administrative and security procedures.

This report, prepared by EURO-MID, highlights the right of movement and travel through international laws and conventions that protected such right. It includes real testimonies of the violations of such right by the Israeli authorities, especially by preventing citizens in the West Bank from traveling abroad, whether for treatment, study, work, meeting with families or for the performance of religious rituals.



Everyone has the right to
leave any country, including his own,
and to return to his country.”

Article 2/13 of the Universal Declaration of Human Rights of 1948



First: Al Karama Crossing History

Al Karama Crossing, or “King Hussein Bridge” according to the Jordanian naming, is the main outlet for the Palestinians in the West Bank to the outside world through the Jordanian border. Since the West Bank was controlled by the Jordan rule after the Arab-Israeli war in 1948, while Gaza Strip was controlled by the Egyptian administration, and after 1967 war, all Palestinian territories (West Bank and Gaza Strip) have been under the direct control of the Israeli occupation which, since then, considered that all the occupied territories are closed zones and might be crossed in or out only by obtaining special prior authorization from the Israeli authorities.

About six months after the occupation, the crossing was opened on 11/12/1967, under the Military Order No. “175”, which entitled “An order concerning transition station”, which stated the following:

“The Ministry of the Interior and the Israel Police may establish a station near the Allenby Bridge located on the Jordan River in order to handle permits and carry out inspection for everyone willing to move from the East Bank of the Jordan River for access to the State

of Israel or the transition from the state of Israel to the East Bank of the Jordan River”.

Later on, the Order No. “466” was issued, which added crossing “Damia” to Allenby Bridge only as a commercial crossing through which the goods were exported towards Jordan, while importing was banned for security reasons.

In order to facilitate the movement of Palestinians in the West Bank to the other



countries, Jordan after 1967 issued Jordanian passports to Palestinians residing in the West Bank, including residents of East Jerusalem. Such passports are still valid.

In 1993, the Palestinian National Authority, in accordance with “Oslo Agreement”, signed between PLO and the Israeli government, has received the partial supervision on both Rafah Crossing in the Gaza Strip and Al Karama Crossing in the West Bank. The Palestinian Authority was entitled to issue passports of Palestinians in the West Bank and Gaza Strip. However, Israel remained ultimately responsible for the management of, and supervision over, the crossings. It controlled the freedom of travel and movement of Palestinian citizens and their return from abroad. The agreements maintained the validity of security and control over anyone entering or leaving the country through the crossings by the Israeli authorities. While these agreements granted

the Palestinians a symbolic presence, as Article (1) of the Agreement concerning the Crossing has stated that:

- Israel shall be responsible for security in all parts of the Crossing, including the pavement.
- The Israeli Director General shall be responsible for the management and security of the pavement.
- Israel shall have full responsibility for the management of the Israeli section.
- The Director of the Palestinian section shall be the Deputy for the Israeli Director General.

Israel also, in accordance with the Agreement, has the right to inspect luggage of the passengers and the validity of investigation with the passengers without coordination with the Palestinian side. Israel can prevent anyone from



getting in or out through the crossings. Also the Director of the Palestinian section has the right to appoint the Palestinians, subject to the prior Israeli security approval to the appointment. The Palestinian Director shall submit a list of the persons nominated for appointment to the Israeli side that decides whether to accept or refuse their appointment. In addition, the Israeli Director General is entitled to exempt any Palestinian employee from working in the Palestinian section for security reasons.

Based on all the above, travelers through Al Karama Crossing at present can be classified according to the travel document they hold as follows:

1. Persons holding temporary Jordanian passports and bridges green card, or persons holding passports issued by the Palestinian National Authority and bridges green card. They are the population of the West Bank and Al Karama Crossing is the only outlet for them to travel.



2. Persons holding the Jordanian passport and bridges yellow card. They are Jordanian.
3. Persons holding Jerusalem ID and do not pass through Jericho rest (the place through which West Bank Palestinians pass on their way by Al Karama Crossing and administered by the Palestinian Authority), but they go directly to Al Karama Crossing.
4. Persons holding an Israeli passport. They can enter into Jordan by land through Al Karama Crossing “Sheikh Hussein”, or by airplane through the Israeli airport
5. Persons holding a temporary travel document (Lycée Basé), issued by the Israeli Ministry of Interior and granted to the Palestinians of East Jerusalem. It allows them to travel through Israeli Airports.
6. Residents of Gaza Strip who can leave through

Al Karama Crossing after obtaining an entry permit to Al Karama Crossing in the event they were able to reach the West Bank, which became impossible. The residents of the Strip, with rare exceptions and with the security coordination by the Palestinian side with the Israeli side via the joint military commitment - can enter or leave only through Rafah Crossing by using passports issued by the Palestinian National Authority.





Second:

The Right of Movement and Travel Under the International Law And Human Rights Conventions

The freedom of movement and travel right have been enshrined in many international charters, convention and resolutions on human rights. For instance, “the Universal Declaration of Human Rights”, adopted by the United Nations’ General Assembly on December 10th, 1948 was the first international document to clearly establish the right of individuals to move freely. Article 13 of the Declaration provides that:

- Everyone has the right to freedom of movement and residence within the borders of each state.
- Everyone has the right to leave any country, including his own, and to return to his country.

Then came the Convention on the Status of Refugees issued by the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons on July 28th, 1951, to stipulate under Article twenty-sixth, entitled Freedom of Movement, that



all contracting states shall allow refugees who legally reside in its territory the right to choose their place of



those which are provided by law, are necessary to protect national security, public order, public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.

No one shall be arbitrarily deprived of the right to enter his own country.

The application of this Article is restricted to only one condition, namely, the legality of presence within the territory of a State. So that the State has the right to take the necessary measures against illegally existing individuals, such as infiltrators, or entering without a visa issued by the competent authorities. Moreover, the restrictions mentioned under Article 12, Para. 3, of the Covenant is applicable only to limited circumstance such as emergencies, when the State is being under real and immediate risks, such as natural disasters. In addition, the security authorities may

residence and to move freely within its territories, subject any regulations generally applicable to foreigners under the same circumstances.

At the International Convention on the Elimination of All Forms of Racial Discrimination, dated 1965, Article 5/d stated the right of the human being to freedom of movement and to reside within the borders of the state, and the right to leave any country, including his own country and to return to his country.

Most importantly, it was concluded in 1966. Article (12) thereof stated that:

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.
2. Everyone shall be free to leave any country, including his own.
3. The above-mentioned rights shall not be subject to any restrictions except



declare any area as a closed military zone if needed for security reasonable purposes, provided that such restrictions are as limited as possible and consistent with the desired results towards risk prevention. Such restrictions shall also be applied for a limited period within a legal framework, not to take exceptional conditions as an excuse to limit the civilian's movements where it never ends.

These principles were asserted by the General Comment No. 27 issued by Civil and Political Rights Committee in 1999, the agency assigned to supervise the international Convention of Civil and political Rights, states:” No restrictions on movement shall turn the relation between right and restriction or between what is basic and what is exceptional.”

We would also like to point out that the right of human to freely move and travel is also derived through Israel's obligations as an occupation force, in accordance with the

International Humanitarian Law. Such law requires Israel to consider the safety and welfare of occupied territories populations and to maintain their normal life, as practical as possible.

The importance of the right to freely move and travel stems from being a vital condition for the application and exercise of other Human Rights supported by the International Convention on Economic, Social and cultural Rights of 1956 .

Such Rights include: the right of work (item No. 6), the right of descent living (item No. 11), and the right of health (item No. 12), the right of education (item No. 13), and the right of family life protection (item No. 10).

The violation of free travel an movement results in many violations to other rights, such as depriving students from continuing their education in their universities abroad, denying patients to receive treatment in hospitals abroad,

depriving and hindering social and family communication and exercising religious rituals through special shrines for faithful people.

Yet, we must point out that the right of freedom and movement is an equal right for both man and woman, without discriminations between them. This has been confirmed by a number of International Conventions, mainly the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). It has stipulated in Article No 15/4 that State Parties shall grant both man and woman the same rights concerning Law of freedom of individuals' movement and the freedom to choose their residence.

Therefore, based on law, the right of movement and travel is a legal right in the International Law. It is one of the inherent rights and freedom of human being. it shall not be affected except under emergency and limited conditions under Law.

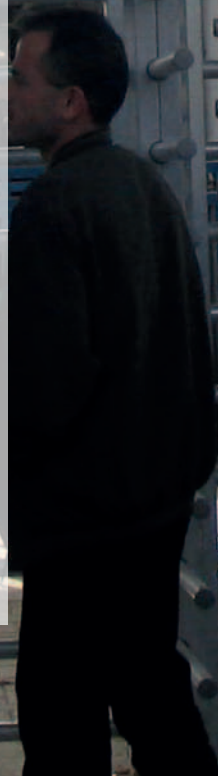
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المركز الأوروبي لحقوق الإنسان



دخول
כניסה
ENTRANCE

الرجاء خلى بالصبر
לא הזתן בסבלנות
ENTRY IS ONE BY ONE - PLEASE



Third: Violations of Right to Travel

Facts and Testimonies:

a. Facts & Figures

The Israeli authorities violate the right of West Bank Palestinians to travel by barring them from passing Al-Karama Border Crossing between the West Bank and Jordan controlled by the Israeli occupation authorities. It is the only crossing through which the population of the West Bank can travel.

Israel always informs the traveler when he reaches the Crossing and presents his passport that he is banned from travelling, without any justification for such banning. In many cases when the traveler is informed of such banning, he asks to meet the Israeli Intelligence to know why he is banned. Yet, he's rejected, or asked to go to the nearest center of Israeli Intelligence in his city, according to the a number of people who have been prevented.



It is obvious that these restrictions on movement “imply the Israeli treatment with the Palestinians’ fundamental rights as privileges that Israel



has the right to give or prevent as it wishes. They seriously prejudice the people's right of movement and, in consequence, other fundamental rights, such as the right of receiving the suitable medical treatment, the right of education, the right

prevent more than 4000 persons of the west bank from travelling. In addition, the authenticated statements of Euro-Mid, reveal that the returning process is always accompanied with delay and retention for many hours,



of work, the economic and religious rights and family and social links”.

before informing the person that he is prevented by the Israeli security services.

The Euro-Mid statistics pointed out that the people who were prevented from travelling and forced to return back from the Crossing reached 83 cases a week, since the beginning of 2011 and till the date of this report. This means that the Israeli authorities annually

In many cases, the Israeli authorities intend to carry out detentions against the travellers directly on the crossing. According to a report issued by institution of international solidarity for human rights, the Israeli occupation authorities on Al-Karama Crossing has



arrested, since the beginning of 2011 till the date of this report, (14) Palestinians while trying to cross the bridge from Palestinian territories to Jordan and back. This was affirmed by the Israeli Institution “Hamoked”, concerned with rights of Palestinian citizens under occupation in the West Bank and Gaza. Hamoked mentions in a report that sometimes it is not only prevention. But it may be followed by illegal administrative detention in the occupation jails. Such detention is renewed every 6 months according to the Israeli Intelligence request, without accusing the detained person of any charges.

It should be noted that the citizens’ suffering while trying to cross through the Israel-controlled Crossing is not only limited to detention and returning, but it may go so far as to many harassments, such as frisking , which sometimes turns to undressed humiliating search, in addition to imposing a long list of goods which are forbidden to enter the Palestinian territories. Such

goods are either confiscated or destroyed when they are possessed by the Palestinian traveler. This may also be accompanied with deliberately



closing the Crossing under different pretexts, such as staff strike or computers breakdown, which impels thousands of Palestinians to wait for long hours the buses in tight spaces, hot in summer and cold in winter.

All this clearly demonstrates violation of Article (3), paragraph (c) of Fourth Geneva Convention, which obligated the signing parties, Israel included, to fully commit not to assault personal dignity, especially the degrading or humiliating treatment.

The Palestinians who are



prevented from travelling mostly appeal against the banning decision before the Supreme Court of Israel. Yet, their appeals are often dismissed, subject to the decisions and justifications of the Israeli Intelligence.

Through close monitoring of case banned from travelling, and hearing to some of them, it is found that the Israeli authorities aims, by banning them, to preclude the Palestinians from communicating with the outside world, restrict them, give them the feeling of being occupied,, trying to persuade them into cooperating with their security services and giving information for the Israeli Intelligence in exchange of permitting their travelling, or even as a kind of punishment for Palestinian activists and journalists or their relatives who have been previously detained Israel. The banning decisions include former prisoners in the Israeli jails, their relatives such as their wives, sons and first-degree relatives, or even sons of people killed by the

Occupation forces, as a kind of mass punishment for these families. Should anyone is permitted to travel; he/she encounters complex security procedures. In addition, the Israeli authorities do not exclude women, elderly or even children from prevention.

The Israeli authorities deliberately close the Crossing in a unilateral fashion and with many pretexts. This



significantly delays and harms the travelers' interests. However, the convention signed between the PNA and Israel concerning the working days of Al-karama Crossing stipulates that it may be closed only for two days around the year: the first day of Al-Adha Eid (Great Bairam) and the Atonement Day.

Although the working hours of



the crossing mutually agreed between Israel and Palestine states that the crossing starts at 8 AM and ends at 9 PM for the departure movement, while starts at 8 AM and ends at 12 pm. However, the Israeli authorities often operates the crossing in partial and deficient way.

The EURO-MID recorded an instance in this regard that on 28/09/2011 the crossing operated from 8 AM to 3 PM. However, on the next day, it started operating from 8 AM



to 8 PM. On Friday, 07/10/2011, the crossing operated for only one hour out of thirteen hours, between 8 and 9 AM.

In a statement to undersecretary of the Palestinian Civil Affairs Ma'rof Zahir on 28/09/2011, he accused the Israeli authorities

of exploiting any event to impose facts on grounds, in addition to ignoring Articles in the Protocols signed by Palestinian side. He added that the actions of the occupation in the crossing aim at making the National Authority appear as if disable and that it is the occupation that manages the people's life and movement.

Euro-Mid's authenticated information indicate that the operations of returning and preventing Palestinians from travelling through the crossing reached the climax on Friday 04/11/2011. The occupation forces barred some 86 citizens who once were prisoners in the Israeli cells and who were released in the Exchange Deal executed by Israel and Hamas Movement. The Israeli Military Forces circled the buses departing from Ramallah city transporting 86 former prisoners before they reached

Al-Karama Bridge to Jordan. The Israeli forces blocked their way to the crossing.



Meanwhile, the statistics issued by the Palestinian Police Department of Crossings and Borders indicate that the number of those who were forced to return and prevented from travelling within only one week trespasses very often one hundred citizens. In 09-15/07/2011 week, the Israeli Authorities prevented 148 Palestinians from passing across Al-Karama Crossing on the pretext of “Security Reasons”. The Israeli authorities enforced them to return back to their homes in the West Bank. In the second week of November of that year (from 05 to 11 November) those who were forced to return and prevented from travelling numbered about 104 persons.

⋮ B. Facts and Testimonies

Due to the fact that the breach of Palestinians’ right to travel prejudices other related human rights, the EURO-MID documented abuses of Palestinians’ rights in various aspects:

Treatment: the Israeli authorities prevented citizen Rahma Hamed, Ramallah, from accompanying her young child girl for treatment in Jordan



in July 2011. “I headed to Al-Karama Border Crossing with the purpose of travelling. The occupation authorities detained my child and me for two hours. Then they enforced us to return back without explaining why they hindered us”, said Rahma to EURO-MID.

“An Israeli woman private gave me my passport and hindered me from travelling, then she brought me back to the crossing Palestinian side”, she added.



“I felt so disappointed. My child girl suffers a disease in the acoustic nerve, which affects her sight capability. She needs a specialist physician who does not exist in the West Bank, but in Jordan. We spoke to him. He required us to travel for treatment”, Hamed described how desperate she was.

Hamed points out that her husband was arrested by the Israeli authorities for more than 8 years. Further, her son was arrested for three and a half years. There is likely some sort of restrictions on her family.

“They prevented my husband from travelling in 1999, and he is still banned. My son, further, was prevented in 2008 and is still banned.” Hamed said in proof of restrictions.

Moreover, Amal Gomaa, former prisoner in the occupation prisons, was prevented on 14/11/2011 from travelling to receive treatment in Jordan. She suffers cancer along with other diseases of life-threatening implications.

Gomaa’s brother said that the

occupation forces prevented her although the official



medical reports demonstrated her deteriorating medical condition. “She suffers severe stomach bleeding and chronic pneumotitis, which exceeds the pulmonary crisis. The findings of the radiograms indicate that her condition may develop into a lung fibrosis. This in addition to her suffering of cartilage in the left foot.” he added.

Gomaa’s brother stated to EURO-MID that the PA tried to “coordinate with the Israeli authorities in terms of security to permit Gomaa to travel. Yet, the request was rejected without explanation”.

He pointed out also that “the International Red Cross



intervened with the Israeli authorities, but it could not persuade Israel into permitting his sister to travel”.

Gomaa who was released from the Israeli prisons on October 14th, was reportedly suffering Metrocarcinoma in the Israeli prisons, which caused her severe bleeding and, consequently, panhysterectomy. She has stayed a Hospital of Nablus since she was released, where the physicians recommended her to travel as soon as possible because of her deteriorating condition and inefficient medical capacities in Palestine.

In the field of education: student Mo'taz el Tahir, 27 years of age, Faculty of Engineering, Al-Najah University, said to EURO-MID that he tried to travel early 2011 to pursue his studies abroad due to the political worsening conditions in the West Bank, but the occupation barred him.

“ I tried to travel to pursue my studies in the Jordanian

University, but the occupation barred me several times, the latest on 23/10/2010” said El-Tahir.

“ The occupation has already



smashed my dream. The Israeli security services tried to blackmail by persuading me into colluding with their Intelligence in exchange for travelling. Yet, I categorically rejected, which impelled them to take upon themselves not to permit my travel at all.” he added.

He pointed out that he went to the Israeli Supreme Court of Justice to permit him to travel. However, the attorney delegated by the Israeli Human Rights Organization,



“HaMoked” on the case procedures, advised him not proceed in his case, especially that the chance of obtaining a permit to travel is almost zero. Consequently, El-Tahir withdrew the case file before the rendering of a negative decision which may affect any future attempt to travel.

“Now I am going to try again upon the attorney’s advice one year after the first prohibition decision. Will there be another prohibition by the occupation?” wondered Tahir.

In another statement, student Hamza El-Amoudi, (30 years



of age), Nablus, said that the

Israeli occupation barred him in August 2011 from travelling to Saudi Arabia to pursue the post-graduate studies in the field of engineering. “ I was not prohibited from travelling in the past. However, after I completed the procedures of enrollment in, and accepted by, the British University and after paying the sear reservation fees and receiving the study visa, I booked an air ticket to Jordan. I went to Al-Karama crossing where the Israeli authorities forced me to return and did not permit me to travel, although my visa is printed on the my passport.” He pointed out that in a statement to EURO-MID.

“I filed a legal complaint for being barred from travelling. At the end of the day, I successfully obtained my right to travel through a power of attorney granted to a special lawyer”. He concluded his statement to EURO-MID.

Furthermore, student M.M. stated to EURO-MID that he was prevented from travelling outside Palestine to pursue his



university studies because he refused to deal with the Israeli Intelligence Service. The Israeli forces blackmailed him and made the permission for his travelling conditional on his consent to cooperate with the Israeli Intelligence when he tried to cross Al-Karama Crossing to the United Kingdom three years ago.

Such prohibition incidents were recorded in November



“After my first attempt, I tried once again but the Israeli soldier re-presented the same offer. When I re-affirmed my earlier stance of rejecting the cooperation with them, he reiterated that he would permit my crossing only after acquiescing. He offered to give me his personal phone number to contact him once I agree to his conditions. I refused the number and decided to postpone my studying plan”. He added.

2011, notably the prevention of six wives to former prisoners. Aiman Qafisha, Alaa Qafisha, Ali Saeed Belal, Gaber Albargothy, Abdullah Arar, Abdelhakim Hanini, and the elderly parents of the former prisoners:

Within the framework of mass punishment, the UFree detected that the Israeli authorities prevented the relatives of 20 former prisoners, released in the Prisoner Exchange Deal.

Mahmud Alqwasema, Ali Alqadi, Saeed Shalalda, as well as the mother of the former prisoner Saeed Bilal.

The prevented relatives included children of former prisoners:

Zakareya Lotfy Naguib, Rateb Abdullah Alagrab, Shoaib Abu Sneena. The Israeli Crossings Authorities informed them that they are banned for “security



reasons” which they didn’t clarify. The prevented relatives have issued all the required legal documents needed for travelling and they were never prevented from travelling previously.

A report by the International Solidarity Foundation for Human Rights issued on 19/10/2011 states that the wife of Abdel Aziz Hanini, Beit Dajan to the east of Nablus, who was released in the Prisoner Exchange Deal and exiled to Qatar, tried to travel to Jordan then to Qatar to meet her husband who has been detained since 28/4/1993. But the occupation prevented.

The facts indicate that Israel, under the pretext of security, even prevents the children from travelling for security reasons as always justified by the Israeli Occupation authorities. For instance, the child Banan Obaid, under eight years of age, was prevented from travelling to Jordan on the ground that she posed “a threat to the State’s security”.

The prevention is not limited to the mentioned cases. Israel also prevents journalists, representatives and academicians. The Israeli authorities stop them at the Crossing and enforce them to return back under various pretexts, including the security grounds or inconformity of ID with the passport, in addition to pretending small issues to increase the hardship and harassment of passengers.

The Israeli authorities prevented Qais Abdel Karim (Abu Leila), the member of Legislative Council and Political Bureau of Democratic Front, from travelling through “Al-Karama Crossing” on 29/11/2011 to Banma Capital heading a parliamentary Palestinian





delegation participating in inaugurating the twenty seventh session of Latin America Parliament.

Abdel Karim, in statements published in Al-Quds Newspaper on 30/11/2011, said that an Israeli security soldier asked him about his destination and the content of the speech he would deliver in the conference in Latin America. He answered that he would appeal the parliaments to support the calls of Palestinians to end the occupation, under the International Law. The soldier left for a while and return to



inform him of his banning decision.

In the same context, the occupation authorities prevented journalist Mustafa Sabri from passing through “Al-Karama Border Crossing “ on 8/7/2011 to visit his sick sister staying in Jordan.

Sabri pointed out that when he went to the “Al-Karama” border checkpoint with his mother and sisters, he was notified of being banned from travelling for “security reasons”. When he asked to inquire the Israeli intelligence soldier in charge about the matter, he was denied to speak to him. He waited to know the causes of being banned for three hours, but to no avail.

The Palestinian authorities still prevent Academician Farid Abu Dehier, a lecturer at the Nagah National University, from travelling since 23/6/2006. He was prevented from travelling to Qatar to participate in an international conference organized by “UNESCO” on the



scientific journalism in Qatar. He was supposed to present a sheet about the Palestinian scientific media.

In a statement to the EURO-MID, he said that such measure ran contrary to the freedoms and rights of person to freely move and live. He point out that the occupation forces has banned him from travelling for five years, which precluded him from participating in several international conferences and from communicating with his relatives.

At the level of UN agencies personnel, Amnesty

International, Human Rights Watch and Israeli Human Rights B'Tselem organization documented that the Israeli Authorities prevented Shawan Gabarim, the GM of Al-Haq Palestinian Organization. He was heading for Denmark to receive a prize awarded by Paul Ortizn foundation to his organization that participated in the EU Human Rights Forum, and attended the meeting of “Human Rights Watch” in New York.



These organizations, in a joint statement, called to cease the travel ban which imposed upon Shawan Jabarin, the human rights advocate, since 2006. These organizations said that “The Israeli authorities had



violated the valid litigation Procedures without providing any evidence to justify the continued imposition of prevention upon him from traveling. As the Israeli army claimed in the court that Shaawan Jabarin is an activist in the Popular Front for the Liberation of Palestine, which Israel considers as a terrorist organization. In addition, his travel abroad, even for a short period, would endanger Israel's security. But Israeli authorities did not accuse Jabarin of committing crimes, nor gave him the opportunity to defend himself regarding the allegations against him. The Supreme Court of Israel imposed a travel ban upon Jabarin for security reasons, relying on intelligence information which Shaawan Jabarin and his lawyer did not allowed to read or challenge", according to the statement.

Further, the Israeli authorities prevented Ghassan Khidr, UN employee and vice president of Jaffa Club for Education, Science and Culture of the

UNESCO from traveling through "Al-Karama Border Crossing" on 03/12/2011 to attend the Regional Meeting of "UNESCO", held annually in Amman, the Jordanian capital.

Besides, Khidr stated in a press release that he went after the fulfillment of his legal documents to Al Karama Crossing, where the Israeli authorities detained him for four (4) hours, during which he was questioned by Israeli intelligence Services officer. After that he was informed of being prevented from traveling.

Consequently, Khidr said that he was prevented, most likely, as a means to practice pressure on him after Palestine became a full member state in "UNESCO". He is Hossam Khidr's brother, a prisoner in the prisons of the occupation who has been detained since last June and his administrative detention was renewed during November for 6 months. Moreover, the occupation forces



prevented “Fouad Khuffash”, the researcher concerned with prisoners’ affairs and director of Ahrar Center for



Prisoners, from traveling to Algeria to participate in the “Arab International Forum for Captives in Prisons of the Occupation”. This is what reported by National Senior Committee for Supporting Detainees (NSCSD), the organizer of the Forum, in a statement on 3/12/2010.

In other forms of violations of the right to worship and movement to work, one student stated, in the Faculty of Civil Engineering at An-Nagah National University Islamboli Bedeir (25 years old) from Tulkarem city in the north of the West Bank, to the EURO-MID that the Israeli authorities prevented him from traveling as a form of punishment

practiced by the occupation forces against his family. The occupation forces prevented his older brother from traveling for many years before allowing him to do so recently.

Bedeir stated that he tried to travel in 2004, but the occupation authorities prevented him



from travelling without giving reasons. “I have tried to travel to perform Umrah at Ramadan 2011, but I was prevented from travelling and

was returned back. Then I tried once again a week later from the date of the first attempt, but again I was banned from traveling” He added.

Furthermore, Bedeir said: “I have discovered that the occupation has put a red mark on my name and that I was prevented from traveling since 2004 without being informed formally with the travel banning decision by the occupation”.



In another domain, a report issued by the International Solidarity Foundation lay down that a Palestinian tried to travel through Al Karama Crossing to work in Saudi Arabia, but he was surprised that an Israeli officer let him pass only after signing the paper stated to return to the West Bank only after 5 consecutive years.

The Citizen added, “when I explained to the officer that my elderly mother suffers from various diseases and I cannot get away from her all this time. In addition, it is necessary to come to visit her and follow up her conditions. However, the Israeli officer replied that it was my problem, and he repeated his attitude that: If you want to travel you should sign this paper, then I refused to sign and went back to my village”.

It suffices to mention that the aforementioned cases are only documented examples which represent hundreds of other prevention cases from travelling through the only outlet for the movement of people in the



West Bank. We point out here that what was documented from the testimonies indicate that Israel’s policy is based on the exaggerated discrimination of the national background. As the restrictions imposed on freedom of movement in the occupied territories shall apply only to Palestinians, Jewish population are allowed to move in the areas specified to the Palestinian movement with full freedom. Thus, Israel violates the right of equality which laid down in all international agreements and conventions of human rights that it had been signed and committed itself to abide by before the international community and the United Nations.



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المرصد الأورومتوسطي لحقوق الإنسان



Conclusion

The freedom of movement, travel and residence is a fundamental right for human being. It is one of the personal liberties that man in no means be confiscated or restricted without legal justification. It means the right of the individual to move from one place to another and get out of the country and return to it at any time. As well as, this right and other civil rights associated with the man become at the forefront of the rights that the state should secure in every case. No State may carry out any practice that may restrict the personal liberty of citizens, especially the freedom of movement, except in accordance with fair legal proceedings, through justice and within the narrow bounds.

Moreover, this clearly highlights that the Israeli occupation authorities continue to violate the right of Palestinians of the West Bank to travel abroad, without considering legal action and without giving reasons of prevention, which may continue for many years. Nevertheless, the Israeli authorities consider the right to defend itself in various ways, including imposing restrictions on the movement of Palestinians that lead to ensure its security. These restrictions are stipulated to be necessary for real and objective security needs,

and shall be determined by a period of time within the legal framework, far from pretending and abuse. However, it has been proven through field follow-up and witness testimonies that the nature of the unfair and continuing procedures to the restrictions imposed by Israel, and the grave harm caused to all life matters, shall make these restrictions a flagrant violation of all legal obligations.

On this basis, the EURO-MID stresses that it is imperative for the international community and human rights institutions





and international organizations to be aware of the risks of not enabling Palestinian citizens to enjoy the right to movement and travel, which requires hard work by the United Nations and relevant institutions to put pressure on Israel to comply with the provisions of International Humanitarian Law and International Human Rights Law.

As well as, to facilitate the travel of Palestinian citizens and not to prevent them from traveling without legal justification and fair procedures, including the prosecution of cases where violation of this right has committed, hold accountable the perpetrators of such violations, to ensure freedom of movement for people and goods, to stop isolation policy against the Palestinians and to facilitate freedom of their movement from and to the West Bank.







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المركز الأوروبي لدراسات حقوق الإنسان

" Everyone has the right to leave any country, including his own, and to return to his country "

Article 2/13 of the Universal Declaration of Human Rights of 1948.

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EURO-MID OBSERVER FOR HUMAN RIGHTS

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