



# General Assembly

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## Human Rights Council

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Agenda item 7

Human rights situation in Palestine and other  
occupied Arab territories

**Joint written statement\* submitted by the International Youth and Student Movement for the United Nations, the Women's International Democratic Federation, non-governmental organizations in general consultative status, the International Organization for the Elimination of all Forms of Racial Discrimination, the Union of Arab Jurists, the Arab Lawyers Union, the General Arab Women Federation, the International Association of Democratic Lawyers, North-South XXI, the United Towns Agency for North-South Cooperation, the Indian Movement “*Tupaj Amaru*”, the Asian Women Human Rights Council, the Organisation pour la Communication en Afrique et de Promotion de la Coopération Economique Internationale - OCAPROCE International, non-governmental organizations in special consultative status, the International Educational Development, Inc., a non-governmental organization on the roster**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[17 February 2012]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

## The breach of the West Bank Palestinians' right to travel by the Israeli authorities\*\*

\*\* The BRussels Tribunal, Arab Lawyers Association- UK, Geneva International Centre for Justice (GICJ), Association of Humanitarian Lawyers (AHL), The International League of Iraqi Academics (ILIA), Right for All (Droit Pour Tous), The Iraqi Commission on Human Rights (ICHR), Women Will Association (WWA), Organization for Widows and Orphans (OWO), Ikraam Center for Human Rights, Belgian Peace Movement, Ligue camerounaise des droits de l'homme, Monitoring Net of Human Rights in Iraq (MHRI), Women Solidarity for an Independent and Unified Iraq, Geneva Global Media Centre, International Coalition against War Criminals (ICAWC), Medical Aid for the Third World, Association of Iraqi Diplomats (AID), The African Association of Human Rights (AAHR), Protection of Human Rights Defenders in the Arab World, Moroccan Association for the Right to a Fair Trial, Americans Against the War (France), General Federation of Iraqi Women (GFIW), The International Action Center (IAC), American Worker, Association of Iraqi Intellectuals and Academics, The International Network of Arab Human Rights NGOs, America In Solidarity, Federacion De Mujeres Cubanas, Association of Victims of American Occupation Prisons, International Anti-Occupation Network (IAON), International Lawyers.org, International Society of Iraqi Scientists, The Perdana Global Peace Foundation, Kuala Lumpur Foundation to Criminalise War, Spanish Campaign against the Occupation and for Iraq Sovereignty- CEOSI, Arab Cause Solidarity Committee, Iraq Solidarity Association in Stockholm, El Taller International, World Courts of Women, Center for Development Studies- India, Wariscrime.org, Action Center for Justice, 1% A Peace Army.org, A Bigger Tent.org, Agir contre la guerre (France), American Voices Abroad (Berlin, Germany), American Voices Abroad Military Project (Europe), Anti War Fair, Arizona Christian Peacemakers, Armbands for Peace, Arms Against War, Artists Against the War, Backbone Campaign, Be the Change, Become Active, Bike for Peace (Germany), Bill of Rights Defense Committee, Bird Dogger Org., Children of Iraq Association (UK),Bloomington Peace Action Coalition (IN), Blue State News Only, Boston Mobilization, Bring Democracy Back, Bring Them Home,Butterfly Gardeners Association, Citizens for Accountability on Iraq, California for Democracy, Camp Casey Blog, Camp U.S. Strike for Peace Campaign, Campaign Against Sanctions and Military Intervention in Iran, Canada Watch, Carolina Peace Resource Center (SC), Cartoon Free America, Catalysts of Hope, Central Colorado Coalition on the Iraq War, Chester County Peace Movement (PA), Cindy Sheehan Org., Cities for Peace, Citizens for Legitimate Government, Citizens for Peace & Justice, Human Rights for all-Morocco, Christian Clergy For Impeachment.com, Clothing of the American Mind, Coalition Against Election Fraud, Coalition for Impeachment Now (COIN), Code Pink, the Iraqi Association for Human Rights (IAHR), Al-Basa'er Media Association, Consumers for Peace.org, Dhafir Trial.org, DC Anti-War Network.org, Democracy Action, Democracy for America Meetup (Birmingham, AL), The Democratic Activist, Democracy Rising.org, Democratic Underground, Human Resources (Tbilisi, Georgia), Democratic Renewal, Democrats.com, Earth Day.org, Earth Island Institute, East Cobb Democratic Alliance (Cobb County, GA), Eastern Long Island Democracy for America (NY), ECU Peace and Justice NC, Election Solar Bus, Environmentalists Against War, Envision a New America, Foundation for the Development of Fox Valley Citizens for Peace and Justice (IL), Global Exchange.org, Global Network Against Weapons & Nuclear Power in Space, Global Resistance Network, Gold Star Families for Peace, Grandmothers Against the War, Grandmothers for Peace, Grass Roots Impeachment, Grass Roots Impeachment Movement, Grassroots North shoreWI, Green Delaware, Hawaii CD-01 Impeachment Action Coalition, Historians Against the War, Honk to Impeach, Idriss Stelley Foundation, Impeach Bush Cheney, Independent Progressive Politics Network, Impeach Bush Coalition, Impeach Bush TV.org, Impeachbush-cheney.com, Impeach Central, Impeach for Peace - Marshall, TX, Impeachable Treason, Impeach Duh, Impeachment Sunday, Inform Progressive Virginia, International Socialist Organization, Impeach Bush Cheney Net, Iraq Veterans Against the War, Iraq Veterans Against the War - Kansas City, Justice Through Music, Lake Merritt Neighbours Organized for Peace (Oakland, CA), Latinos for America, Leader of the Free Word - a great screen saver, Liberal Democracy Alliance, Liberal Kids, LIBERTY TREE Foundation for the Democratic Revolution, Los Angeles National Impeachment Centre, Louisiana Activist Network, Marijuana Policy Project, Massachusetts

## Introduction

The right to travel and freedom of movement is 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.

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Impeachment Coalition, Men's Project for Peace, Michael Moore Online.org, Michigan Peace Works, Military Families Against the War (UK), Military Free Zone, Stop the War Coalition (Bedford, UK), Million Musicians March, Mission Not Accomplished, Montgomery County Progressive Alliance (MD), Musicians and Fine Artists for World Peace, Muslims for Peace (Australia), National Lawyers Guild - Chicago chapter, National Lawyers Guild - Detroit & Michigan chapter, Northeast Impeachment Coalition, North Jersey Impeach Group (NJ), Northeast Georgia Peace Corner Group (Helen, GA), Northwest Ohio Peace Coalition, Northwest Progressive Institute (Pacific Northwest US), Not in Our Name.org, Not in Our Name (Aotearoa, New Zealand), Nyack Impeachment Initiative (NJ), Ohio Progressive Action Coalition, One Global Community, Olympia Citizens' Movement to Impeach Bush/Cheney (WA), One Million Reasons, Operation Cease Fire, Operation Impeachment, Orange County Grassroots (CA), Out of Iraq, Out of Iraq Bloggers Caucus, Patrick Henry Democratic Club, Patriotic Pulse, Patriots for Gore, Peace Action, Peace Action Wisconsin, Peace and Accountability, Peace Drum, Peace Majority, Peace Movement Aotearoa (New Zealand), Peace Reso.org, Peninsula Peace and Justice Center (Palo Alto, CA), People's Campaign for the Constitution, People Powered Impeachment, People's Email Network, People's Glorious Five Year Plan, Picnic to Impeach, Pixel4Peace.org, Playing in Traffic, PledgeToImpeach.org, Political Cooperative, Politics and Art, Progressive Action Alliance, Progressive Action Center, Progressive Avenues, Progressive Democrats of America, Progressive Democrats of Hawaii Project Filibuster, Project for the OLD American Century, Refusing to Kill.org, Rescue Our Democracy, Sacramento for Democracy (CA), St Pete for Peace (FL), Sampsonia Way, San Diego for Democracy, School of the Americas Watch, Sheehan for Congress, South Florida Impeachment Coalition, South Mountain Peace Action (Maplewood & South Orange, NJ), Springs Action Alliance (CO), Stop the War Coalition (UK), Students for Impeachment, Students Towards a New Direction (STAND), Summit County Progressive Democrats (OH), The Known UnKnowns, The Politically Incorrect Cabaret, The Rational Response Squad, Think Blue Dems, Time for Accountability, Toronto Coalition to Stop the War (Canada), Torture Abolition and Survivors Support Coalition International, True Blue Liberal.org, Trumansburg Impeachment (NY), Truth Empowered, Truthtelling Project, UC Nuclear, Underground Action Alliance, Unitarian Universalist Peace and Justice Group (Nantucket, MA), United Blue USA, United for Veterans (Wayne, MI), United Progressives, Upbeat Defiance, US Peace Memorial, US Tour of Duty: Iraq Veterans and Military Families Demand the Truth, Velvet Revolution, Vet Gulf March, Veteran Intelligence Professionals for Sanity, Veterans for Peace, Chapter 27, Virginia Grassroots Coalition, Voters for Peace, We the People for Peace, We the People Network, We the People Now, We The People United Bangladesh.org, Peace Surge, Peace and Justice Action League of Spokane (WA), Stop the War (UK), U.S. Peace Council, World Can't Wait.org, World Prout Assembly, Komite Internazionalista- Basque, Asociación Paz, Igualdad y Solidaridad Internacional, Arab Cause Solidarity Committee, Iraq Solidarity Association in Stockholm, Málaga, Spain, Stop Fascism Action Network, The Asian Jurists Centre, Association of Human Rights Defenders in Iraq (AHRDI), The African Center for Human Rights (ACHR), Veterans for Peace, Your Declaration of Independence.org, Arab Lawyers Network-UK, Conservative Centre of Environmental & Reserves in Fallujah (CCERF), Willie Nelson Peace Research Institute, Studies Centre for Human Rights and Democracy, The Iraqi Centre for Human Rights, Association internationale des droits de l'homme, NGOs without consultative status, also share the views expressed in this statement.

However, through close monitoring of the field, statements of Palestinian citizens, and 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 to the 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 has 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 resorted 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 statement, prepared by a number of NGOs, 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.

#### **First: Al Karama crossing**

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.

In order to facilitate the movement of Palestinians in the West Bank to the other countries, after 1967, Jordan 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.

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.

### **Second: The right of movement and travel under the international law and human rights conventions**

The right of human to freely move and travel is not only guaranteed by international laws; it 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.

Moreover, 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.

### **Third: Violations of right to travel**

Facts and testimonies:

- Facts & figures

The Israeli authorities constantly 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.

Statistics made by Euro-Mid Human Rights Organization (Euro-Mid) pointed out that the people, who were prevented from travelling and forced to return back from the Crossing, has reached 83 cases a week, since the beginning of 2011 and till the date of the end of the year. This means that the Israeli authorities annually prevent more than 4000 persons of the west bank from travelling.

In many cases, the Israeli authorities intend to carry out detentions against the travelers 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 mentioned 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.

Moreover, the Palestinian travellers may encounter harassments, such as frisking, which sometimes turn 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.

Through close monitoring of case banned from travelling, it is found that the Israeli authorities aims to preclude the Palestinians from communicating with the outside world, or 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.

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 authority often operates the crossing in partial and deficient way.

Meanwhile, the statistics issued by the Palestinian Police Department of Crossings and Borders indicated that the number of those who were forced to return and prevented from travelling within only one week trespasses very often 100 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.

- Facts and testimonies

A group of NGOs documented abuses of Palestinians' rights in various aspects. Some of these examples are as follow:

A report by the International Solidarity Foundation for Human Rights issued on 19/10/2011 states that the wife of Abdel Aziz Hanini, BeitDajan 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 she was prevented from crossing.

Israel also prevents from travelling journalists, representatives and academicians, and were forced to return back under various pretexts.

Amnesty International, Human Rights Watch and Israeli Human Rights B'Tselem organization documented that the Israeli Authorities prevented ShawanGabarim, the GM of Al-Haq Palestinian Organization, while heading for Denmark to receive a prize awarded by PaulOrtiznfoundation to his organization that participated in the EU Human Rights Forum, and attended the meeting of "Human Rights Watch" in New York.

**Conclusion**

The freedom of movement, travel and residence is a fundamental right for human being. Yet, 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 it 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 NGOs signatory of this report stress 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. Also, 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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