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Israel: Knesset should reject draft law which would put asylum-seekers at grave risk

In a [Memorandum](#) sent to the Internal Affairs and Environment Committee of the Israeli Knesset (parliament) Amnesty International urged legislators to reject a proposed law that imposes lengthy prison sentences on asylum-seekers and irregular migrants, disregarding their reasons for entering the country, and allowing for their immediate deportation, without regard for their possible ill-treatment or persecution to which they may be subject upon their return. The Committee is meeting on 24 June to discuss the draft “Prevention of Infiltration Law – 2008”.

The proposed law provides for the automatic detention pending deportation within 72 hours of anyone who enters the country at any point other than an authorized border crossing, and individuals who cannot be immediately deported would be sentenced to five years’ imprisonment “without distinction as to their identity or their intention when infiltrating.” Residents and citizens of ten listed states or territories, including refugee-producing countries such as Sudan and Iraq, would face up to seven years of imprisonment. The bill makes no provision for asylum-seekers fleeing from violence or persecution.

Amnesty International recognizes Israel’s right to secure its borders and regulate the entry of foreigners into its territory, but it is concerned about the potential impact of the proposed law on the rights of asylum seekers and other non-nationals. The criminalization of irregular entry, without taking into account the reasons for entry or the risk of removal, effectively bars individuals coming into Israel from seeking asylum. The proposed law would potentially criminalize those who seek protection from persecution.

The detention and removal process set out in the draft law, especially the high level of discretion granted to officers to remove individuals within 72 hours, are inconsistent with Israel’s obligations under international treaties, including the Refugee Convention, to prevent the return of individuals to countries where they may be at risk of serious human rights violations.

The draft law fails to take into account the particularly vulnerable situation of asylum seekers and refugees. Such procedures would effectively deny individuals fleeing persecution access to refugee status determination procedures, and fall far short of Israel’s international legal obligations as a state party to the 1951 Refugee Convention and its 1967 Protocol.

Amnesty International urged the 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 – 2008 is intended to replace a 1954 law enacted under Israel's emergency legislation. The draft law was submitted to the Knesset by Deputy Defense Minister Matan Vilnai on behalf of the government and passed its preliminary reading on 19 May 2008. It was then submitted on 3 June 2008 to the Knesset's Internal Affairs and Environment Committee, to be prepared for second and third readings. Laws are enacted on passing the third reading.

Since 2005, up to 8,000 Eritreans, Sudanese, and other nationals who have entered Israel via the Egyptian border have subsequently sought asylum. Under the proposed law, if it had been in force, all such individuals would have been considered to be "infiltrators" and would have been liable to immediate deportation back to Egypt, irrespective of whether they would be at risk of persecution there.

In August 2007, 48 nationals of African countries, most of them Sudanese, were forcibly returned to Egypt by Israeli forces shortly after they had crossed from Egypt into Israel through the Sinai border. They were detained incommunicado for months in Egypt and some 20 of them were forcibly returned to Sudan, including seven or eight who had refugee status in Egypt. The fate and whereabouts of the 28 others remain unknown. In June 2008 the Egyptian authorities forcibly returned up to 1,000 asylum seekers to Eritrea, despite guidelines issued by the UNHCR opposing the return of rejected Eritrean asylum-seekers on the grounds of the record of serious human rights violations in Eritrea, and further deportation are expected at the time of writing. Those deported were not given access to the UN High Commissioner for Refugees (UNHCR) in Egypt to assess their protection needs. Since January 2008, some 14 nationals of African countries, including potential asylum seekers from Sudan and Eritrea were reportedly shot dead by Egyptian border forces while attempting to cross from Egypt into Israel via the Sinai border. Those reportedly killed while trying to cross into Israel include two men believed to be from Côte d'Ivoire, a Sudanese man and an Eritrean woman who were shot dead by Egyptian security forces in March 2008, Amnesty International, Two more migrants killed at Egypt/Israel border (News, 28 March 2008) <http://www.amnesty.org/en/news-and-updates/news/two-more-migrants-killed-egypt-israel-border-20080328> and six African migrants, some of them from Sudan, were shot dead in similar circumstances in February 2008.

Since 2006 an increasing number of Sudanese and other asylum seekers have been detained for long periods after they crossed into Israel from Egypt and those – including children - held at the Ketziot detention centre, in the southern Israeli desert, have often been held in inadequate conditions.