



## Press Release

### Israel: Refugees and Asylum seekers in danger!

#### The new "Prevention of Infiltration Law" adopted in violation of refugees' basic rights

**Paris- Jerusalem- Haifa, June 3, 2008** - The International Federation for Human Rights (FIDH) and its member and partner organizations in Israel, the Association for Civil Rights in Israel (ACRI), the Public Committee Against Torture in Israel (PCATI) and Mosawa, are deeply concerned by a draft bill concerning refugees and asylum seekers which passed its preliminary reading in the Israeli Parliament by 21 votes to 1 last week.

According to the new bill, the Prevention of Infiltration Law, a sentence of up to five years in prison will be imposed on people who cross the border into Israel illegally, including refugees. Residents and citizens of states defined as "enemy states," including refugees from Darfur, will face up to seven years' imprisonment. While the Israeli government has the right to use legislative action to secure its borders and limit illegal entry into its territory, the bill represents a flagrant violation of refugees' basic rights. Not only does the law contravene international codes of conduct concerning refugee and forced migrants, but it also lacks any humanitarian or humane understanding. The provisions of the law which effectively criminalize and punish asylum seekers simply for fleeing a situation which risks their lives is both illogical and inhumane, particularly when taking into account that these individuals may be victims of torture or organized violence. Israel should amend this draft in alignment with the 1951 Refugee Convention and its 1967 Optional Protocol both of which have been signed and ratified by the Israeli government.

In addition, the bill also anchors into law the "Hot Return Procedure," according to which people caught crossing the Egyptian border into Israel will be immediately deported back to Egypt, without having their requests for asylum considered or meeting with UNHCR representatives. The "Hot Return Procedure" endangers the lives of the refugees and is in explicit violation of the non-refoulement principle which forbids the forced returning of refugees to situations which might threaten their lives. The non-refoulement principle was declared by the Supreme Court to be part of Israeli domestic law and should be respected as such<sup>1</sup>. FIDH and its member organizations demand that the government reconsiders labeling refugees and asylum seekers "infiltrators" and takes into account the hardship and suffering that refugees endured and which ultimately caused them to seek refuge inside Israel. Israel should also take into account article 1 of its Basic Law: Human Dignity and Liberty which applies to all persons per se including refugees and affirms the sanctity and value of human life.

FIDH and its member and partner organizations are concerned by the new law's provision allowing the detention of suspects for 96 hours without a court order and for 18 days without arraignment. Further cause for concern is the fact that officers can effectively deport suspects based solely on reports written by soldiers, without even meeting them. The law also allows the detention of children and families, which is in direct contravention of the best interests of the child, and stipulates that people coming from "enemy states" can be detained for an indefinite period of time.

FIDH and its member and partner organizations urge the Israeli government to respect the fundamental rights of refugees and asylum seekers, and to refrain from justifying such severe and unlawful measures in the name of security.

#### Our organizations call upon the Israeli government to:

- 1- Abide by its legal obligations as a Party to the **1951 Refugee Convention** and the 1967 **Refugee Protocol**.
- 2- Revise the draft bill taking into account the humanitarian and humane responsibilities all states have towards refugees who have fled their countries in order to survive.
- 3- Refer the draft bill to panel of experts in international human rights law in order to assist the Knesset Foreign Affairs and Defense Committee in the formulation of appropriate legislation which reflects comprehensive refugee and asylum policy based on the principles outlined in international law.

**Press Contact : Gaël Grilhot : +33-1 43 55 90 19**

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