



Selected Updates – January 2016

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Publications and Updates

- Pnina Sharvit Baruch and Kobi Michael's article '[The Delegitimization of Israel: Trends and Responses](#)' has been published by the INSS in a new book titled [Strategic Survey for Israel 2015-2016](#).
- On the 17th-19th January the INSS held its **9th Annual International Conference** "Changing Rules of the Game?" at the Eretz Israel Museum in Tel Aviv. The conference can be watched through the Youtube channel of the INSS: [The 9th Annual International Conference](#).

Minister of Justice, MK Ayelet Shaked, [spoke](#) at the conference on the legal front in the fight against terror, including the need to face cyber threats, which led to the creation of a new cyber department within the Ministry of Justice.

During the conference a series of interviews were conducted by INSS researchers in the '[transparent studio](#)' on a variety of topics from the conference. Among them was a panel hosted by **Pnina Sharvit Baruch** with Michele Flournoy and Jane Harman on [Women and International Decision-Making Processes](#).

- The INSS has published a new book, [*The Islamic State: How Viable Is It?*](#) The articles compiled in this volume analyze ways of dealing with the challenges presented by the Islamic State. It includes an article written by **Keren Aviram: [Fighting against the Islamic State: The Legal Challenges](#)**.
- **Assaf Orion** surveys the changes the **UNDOF troops in the Golan** have faced over the last few years and outlines recommendations for the future which are reflective of Israel's security concerns ([INSS Insight](#), January 21).
- **Ran Yosef**, an intern with the Program on Law and National Security, examines the **normative framework of cyber warfare** with reference to international humanitarian law and the challenges presented by the attack on the Ukrainian power grid which occurred in late December 2015 ([ALMA](#), January 15 [In Hebrew]).
- On January 28, a **seminar** was held at the INSS on the subject of "Israeli POWs in Egypt and the implementation of the Third Geneva Convention", as part of the series of meetings "Following Captivity", in which **Dr. Ravit Gur-Lindenberg** presented her research on the conditions in captivity of Israeli soldiers in Egypt. The seminar was held by the INSS program "Terrorism and Low Intensity Conflict" in cooperation with "Erim Balayla" (Awake at Night).

90 Words on...

Use of force in life-threatening situations (non-combat)

The [Israeli police rules of engagement](#) [in Hebrew] permit the opening of fire in situations where there is **an imminent and substantial threat of death or serious bodily harm** and there is no other way to prevent the harm occurring. **The use of fire must be reasonable and proportionate to the threat involved.** These guidelines will also apply to civilians and to other security personnel. As the Israeli Attorney General recently [clarified](#) [in Hebrew], **the opening of fire after the threat has been prevented constitutes a violation of the law.**

Inside Israel

Government Resolutions

Appointment of the Israeli Attorney General

On January 3, the Israeli government [approved](#) the nomination of **Maj. Gen. (Res.) Avichai Mandelblit as the next Attorney General**. The appointment is for six years, starting on 1 February 2016. Two petitions against the nomination were submitted to the Supreme Court on behalf of the Ometz movement and the Movement for Quality Government in Israel. The petitions were unanimously rejected by a five judge panel (HCJ [43/16](#) and [46/13](#), January 17). The judgment stated that the reasons for rejecting the petitions will be given at a later date.

Bills

Memo of Citizenship Law amendment

The **Israeli Ministry of Interior** has issued the [memo draft legislation of Citizenship Law \(Amendment ...\) 2016](#) [in Hebrew], allowing the court to revoke *in absentia* the citizenship of an Israeli citizen involved in serious acts of terrorism where it is not reasonably possible to trace him/her, or if the person permanently resides abroad and his/her return to Israel might endanger state security or public safety. Revoking citizenship is not possible if the person will be left stateless (published January 13).

Judgements

Appeal on IDF decision to confiscate property

The **High Court of Justice (HCJ)** delivered a decision on the petitions filed against a military legislative order issued by an IDF commander in the West Bank in December 2013, which canceled the **option to appeal to the military courts on decisions to seize, forfeit or confiscate property**. The HCJ determined that although the legislation itself was not illegal, the IDF must establish a suitable administrative review mechanism to enable the review of objections to confiscations, for reasons of both fairness and efficiency and to avoid disputes which can be resolved within suitable forums in the West Bank from reaching the HCJ. The hearing in the petitions was postponed for four months to allow for the establishment of the new mechanism ([HCJ 1292/14 Dr. Tahani Tzrawoi v. Commander of IDF in the Judea and Samaria et al](#), January 6)

Punishment for attempts to join ISIS

The **Be'er Sheva District Court** handed down a precedential punishment for an Israeli citizen who attempted to join ISIS. Elementary school teacher Mohamad Abu Alkian attempted, along with his friends, to **travel to Syria and join ISIS**. He was sentenced to four years in prison after establishing a secret cell and serving as its 'spiritual leader'. He propagated material related to ISIS, preached in a mosque praising its actions, and decided to join the organisation along with his accomplices. Their plan was discovered and they were arrested. Mohamad was charged with conspiracy to commit a crime and for acting within an unlawful association (**Criminal Case Beer-Sheva District Court 58803-06-15**).

Foreign state immunity

The **Israeli National Labor Court** accepted an appeal by the United States of a decision by the Jerusalem Regional Labor Court, which rejected the **US claim of sovereign immunity in the suit filed against the USA by a senior employee of the American Consulate in**

Jerusalem, who was fired for security reasons after it was claimed that he was a member of a terrorist organization. The National Labor Court ruled that these security reasons, combined with the fact that the employee engaged in 'semi-governmental' activities, establish foreign state immunity for the USA. Judge Sigal Davidov-Motola wrote the leading opinion (**WA. 1127-10-14 United State States v Andria Bachbach**, January 8).

Stiffening of sentences for arsonists of bilingual school

The **Israeli Supreme Court accepted the State's appeal to stiffen the prison sentences of the Tuito brothers, who were convicted of setting fire to a bilingual school in Jerusalem and of incitement to violence**, adding eight months to their sentences. Judge Zilbertal ruled that the verdict of the District Court (24 months in prison for Solomon Tuito and 30 months for Nachman Tuito) was not compatible with the seriousness of their actions and does not send a message of deterrence to those who wish to use force, intimidation and threats to harm the fabric of life of persons who have different views or ways of living, and who therefore will not even baulk at setting a school on fire. Judge Rubinstein added that people who consider carrying out violent acts such as arson combined with incitement should know that a heavy hand awaits them. The State of Israel is a Jewish and democratic state, and anyone who 'sets fire' to those seeking coexistence between Jews and Arabs, even if he disagrees with their ways, harms not only the democratic values of the State of Israel but also its Jewish values, instead of promoting peace and harmony he instigates hate. This Court and the Courts in general have a duty to fight this ([Criminal Appeal 5794/15 state of Israel v Solomon Tuito](#), January 31 [in Hebrew]).

Articles

Interview with the retiring Chief Military Advocate General, Maj. Gen. (Res.) Danny Efroni

Major General (Res.) Danny Efroni spoke in his **first interview since retiring from the position of IDF Military Advocate General**. In the interview, Efroni referred to various initiatives of the military advocate's office during his tenure, among them the establishment and implementation of an operational legal counsel faction and the creation of a permanent Fact Finding Assessment Mechanism. Efroni also spoke on a range of considerations including rules of engagement, investigations in wartime, and Israel's international legal front. In addition, he responded to claims regarding the over legalization of IDF activity ([The Lawyer](#), Issue No. 30, January 2016 [in Hebrew]).

The legal situation in the West Bank

In his [speech](#) at the annual conference of the Institute for National Security Studies the **US Ambassador to Israel, Dan Shapiro**, criticized **Israel's policy of law enforcement in the West Bank**, stating, "Sometimes it seems that Israel holds double standards of law enforcement in the West Bank, one for Israelis and a different one for Palestinians."

Former Israeli Ambassador, Alan Baker, rejected this statement, claiming that it stems from a lack of understanding of the legal situation in the West Bank. According to Baker there are in fact two systems of law applicable to different populations in the region: the Palestinian population is managed in accordance with the rules of international humanitarian law, which permit the imposition of certain restrictions in order to manage captured territory; and the Israeli civilians in the West Bank are covered by Israeli domestic law. The framework of both legal systems must maintain a form of compliance with the rule of law. Every offence committed should be investigated and the perpetrator must be prosecuted ([Jerusalem Center for Public Affairs](#), January 21).

House demolitions

Prof. Amichai Cohen and Adv. Tal Mimran have published a new study which looks at **Israel's house demolition policies**. The study examines in three parts how the IDF reached its conclusion that house demolitions were an effective policy and why they employed the policy for so long without ever conducting an empirical study. The writers also consider why decision-makers decided to revive the policy only three years after they abandoned it. The writers claim that **the utilitarian approach underlying the demolitions is controversial** and that in order to properly examine the effectiveness of house demolitions empirical data must be used to assist the decision-making process. The writers claim that in light of the data gathered the IDF could rationally justify the cessation of its house demolition policy but it persists in implementing the policy because of cognitive bias in its decision-making. Cohen and Mimran claim that it is necessary to establish a mechanism that can deal with this cognitive bias ([Cost Without Benefit](#), The Israel Democracy Institute, 2016).

International criminal law

Prof. Amichai Cohen discusses in his article the **possibility of international criminal proceedings against Israeli soldiers and officers**. Cohen examines two possible tracks - universal jurisdiction, and proceedings before the International Criminal Court (ICC). Cohen concludes that the most effective barrier to proceedings against Israelis in both tracks is effective, independent, and fair investigations by Israeli authorities. Only such investigations, based on generally acceptable principles of international law, will protect Israeli citizens from prosecution in foreign courts over suspicion of violations of international humanitarian law ([The Israel Democracy Institute](#), January 2016).

International Developments Concerning Israel

Israel and 1967 Territories

Decisions of the European Union regarding the content of agreements in the territories

On January 18, the **EU Council** reached a [resolution](#) regarding the Middle East peace process, in which the EU expressed its ‘commitment to ensure that - in line with international law - **all agreements between the State of Israel and the EU must unequivocally and explicitly indicate their inapplicability to the territories occupied by Israel in 1967**’. It was also noted that the decision ‘does not constitute a boycott of Israel, which the EU strongly opposes’. As for the settlements, the resolution stated that they are illegal under international law, constitute an obstacle to peace, and threaten to make a two state solution impossible. It was also noted that settlement activity in East Jerusalem seriously jeopardizes the possibility of Jerusalem serving as the future capital of both states. The EU resolution expressed its commitment to a two-state solution, based on the parameters in the EU [resolution](#) of 22 July 2014. The EU also states it ‘remains ready to engage with the parties and relevant stakeholders towards resolving the situation and calls on the international community to swiftly honour its pledges’ with regard to the Gaza Strip.

[The Israeli Ministry of Foreign Affairs](#) addressed the resolution, stating that ‘the EU continues to treat Israel with a double standard, while ignoring the responsibility of Palestinian political deadlock and incitement that fuels Palestinian terrorism. Of 200 border disputes around the world, the EU chooses to discriminate only against Israel. This approach prevents the Union from being a fair player in the resolution of the conflict.

United Nations Special Rapporteur on the situation of human rights in the territories

The UN News Centre reports that the **United Nations Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967**, [Makarim Wibison](#) (from Indonesia), is resigning due to Israel's failure to grant him access to the areas he is tasked with monitoring ([OHCHR](#), January 4). The role of Special Rapporteur was established in a 1993 [Resolution](#) by the UN Commission on Human Rights. Israel cooperated with the first rapporteur, but has since stopped cooperating as it believes that the mandate is biased and focuses only on Israel. The rapporteurs were prevented from entering Israel and the territories during the term of the fifth rapporteur, Richard Falk, who was outspokenly anti-Israel.

Report on the contribution of settlement businesses to violations of Palestinian rights

Human Rights Watch has published a report titled “Occupation Inc. - How Settlement Businesses Contribute to Israel’s Violations of Palestinian Rights”. According to the report, businesses in the West Bank are causing and contributing to violations of the human rights of Palestinians in four aspects: discrimination, land confiscations and restrictions, supporting settlement infrastructure, and labor abuses. The report ends with several recommendations, including a **recommendation for businesses to stop their activities in the settlements until Israeli policy changes** and to undertake human rights due diligence before trading. It also calls on states to assess trade with settlements and to adopt policies to ensure such trade is consistent with the duty not to recognize Israeli sovereignty over the occupied Palestinian territories. The organization clarifies that it is not calling for a consumer boycott of settlement companies, but rather for businesses to comply with their own human rights responsibilities by ceasing settlement-related activities ([HRW](#), January 19).

The legal status of the Golan Heights

Shane Reeves discusses the **legal status of the Golan Heights**. He explains that in legal terms, the Golan Heights are currently considered under Israeli belligerent occupation. Regarding the future, Reeves suggests that if Syria emerges from its civil war intact, then negotiations can resume with Israel to end the occupation. However, if Syria disintegrates into a variety of new states then the right to self-determination of the people of the Golan Heights must be considered. In this case, the international community must undertake efforts to ensure that the people of the Golan Heights are allowed to fairly and objectively determine their own status ([Lawfare](#), January 27).

Civil suit in the case of the Gaza Flotilla

Three Americans and a Belgian who **were injured** in the Gaza Flotilla in 2010 **are suing the state of Israel in the Federal Court in Washington for compensation**. **Julian Ku** is sceptical regarding the lawsuit’s chances of success due to the lack of American jurisdiction over the case. He believes American courts have no jurisdiction because of the Foreign Sovereign Immunities Act and the Statute of Limitations. The plaintiffs’ lawyer, Steven M. Schneebaum, argues that, “No statute of limitations does or should protect persons guilty of war crimes, or those who command and control such perpetrators” ([Opinio Juris](#), January 12).

International Developments

Core developments in international law during 2015

Merel Alstein reviews the **top ten developments in international law in 2015** which are likely to change the shape and scope of the international legal order for years to come: the adoption of the Paris Agreement on Climate Change; the (further) internationalization of the war in Syria; the refugee crisis in Europe; the negotiation and adoption of big regional trade deals; mounting tension in the South China Sea; Palestine becoming a member of the International Criminal Court; state surveillance and the right to privacy; continuing controversy surrounding investment arbitration; key European Court of Human Rights judgments on the Nagorno-Karabakh conflict; and the Croatia v Slovenia arbitration wiretap scandal ([OUPblog](#), January 11).

The fight against terror and the ISIS front

Establishment of a European counter-terrorism centre in Europol

Europol (the European Union's law enforcement agency) announced the **establishment of the European Counter-Terrorism Centre (ECTC)**. The launch of the ECTC in January 2016 follows a [decision](#) by the EU Justice and Home Affairs Ministers last November, a week after the terror attacks in Paris. The ECTC will be an enhanced central information hub through which Member States can increase information sharing and operational coordination. The centre will focus on tackling foreign fighters, sharing intelligence and expertise on terrorism financing, online terrorist propaganda and extremism, illegal arms trafficking, and international cooperation to increase effectiveness and prevention of terrorist attacks ([EUROPOL](#), January 25).

New legislation to revoke citizenship in France

Following the November Paris attacks, a raft of new laws is poised to permanently concentrate more power in the hands of the French Ministry of Interior. Among them, the most controversial is **a law to strip citizenship from French-born dual nationals convicted of terrorism**. Even though this proposal is backed by the right wing, it has provoked furious debate within the Socialist Party and the left in general. While the **French Prime Minister, Manuel Valls**, describes the measure as “highly symbolic”, critics fear that it could deepen fissures in French society by creating two classes of citizens ([New York Times](#), January 8). Strongly opposed to these proposals, the **French Justice Minister, Ms. Christiane Taubira**, quit the government ([The Guardian](#), January 27).

Senior ISIS member targeted by US forces in Libya

Jake Rylatt discusses the possible **legal justifications** within international law for Western states who are targeting ISIS within other states. More specifically, the possible legal justifications for the **assassination of Abu Nabil by the United States in the territory of Libya on November 13, 2015**. Among the justifications: self-defense (including anticipatory self-defense), the approval of the use of force by the Security Council, and the consent of Libya to the attack. Rylatt reaches the conclusion that consent by Libya provides the strongest legal basis, while the other justifications in this case are controversial ([EJIL: Talk!](#), January 6).

Laws of War

Basic introduction to IHL

The British House of Commons Library published a Briefing Paper that presents a **basic introduction to international humanitarian law (IHL)**. The paper explains what international humanitarian law is, when and where it applies, its basic principles, its origins, and the current challenges it is facing (the complex nature of armed conflicts in our time, applying the law to new technologies, sexual violence during conflicts, the relationship between IHL and human rights, and the issue of enforcement) ([Briefing Paper 7429](#), January 8).

The influence of law during military operations

Chris Jenks and Geoffrey S. Corn discuss the **importance of legal advisors during military operations** and the relationship between the law and an effective military. They argue that the law should not be seen as hampering military operations, but that compliance with the law increases the chances of success for military operations, contributes to the effectiveness of the task and resource efficiency, and is an essential foundation for a disciplined army. They conclude that the nature of contemporary military operations requires commanders who understand the vital connection between law and the success of a military mission, and the contribution of military legal advisors to this process ([OUPblog](#), January 25).

The international law regarding targeting of child soldiers

[René Provost](#) criticizes the existing legal literature for not saying much about targeting child soldiers, even though the phenomenon of child soldiers remains widespread and their activities include direct participation in hostilities. He calls for IHL to provide guidance as to what opposing forces can do if they are confronted with child soldiers and suggests adopting

a child-specific approach to targeting. “Under this approach, the fact that a potential target is a child should prima facie raise a doubt as to whether he or she is targetable. Although the doubt may be dissipated in light of available facts, overcoming the presumption of civilian status might require more than would be the case for an adult. In addition, even if a child is deemed targetable, the allowable means and methods must nevertheless reflect the protected status of children in international law” ([EJIL: Talk!](#), January 12).

Report on the actions of Kurdish officials in northern Iraq

Amnesty International has released a new report on the actions of the Kurdistan Regional Government (KRG) and Kurdish militias in Iraq. In it, Amnesty claims to have identified a pattern of forced displacement and destruction of civilian homes and property by Kurdish officials in the disputed areas of northern Iraq. While the KRG claims their actions are justified by security concerns, Amnesty suspects that these abuses are in several cases being committed in order to punish families for their perceived sympathies towards the Islamic State (IS) and are therefore violations of international humanitarian law ([Amnesty International](#), January 20).

International Criminal Law

Roundup of international criminal justice stories

Alex Whiting ([part 1](#)) and **Beth Van Shaack** ([part 2](#)) cover the **top international criminal justice stories of 2015** and predict the issues to watch during 2016. Whiting and Van Shaack mention that the International Criminal Court opened its first investigation outside Africa. They argue that the preliminary examinations regarding Afghanistan, Palestine and Ukraine should be paid attention. In addition, Whiting and Van Shaack lay out the predicted difficulties for 2016: lack of cooperation with the ICC, undercutting of the Court’s independence, the lack of support from the UNSC, and the fact that the situation in Syria and Iraq isn’t being referred. The two conclude with suggestions for ways of dealing with the 2016 issues and highlight the importance of ad-hoc hybrid tribunals (**Just Security**, January 19).

The crime of aggression within the Rome Statute

John Bellinger explains the US government’s legal concerns regarding the **crime of aggression within the Rome Statute**, following the ratification of 26 out of the requisite 30 states for the entry into force (after 1 January 2017) of the amendments adopted during the review conference in Kampala in 2010. The crime was included in the Rome Statute in 1998 but was only defined during the Kampala Conference. Bellinger explains that one of the concerns was that the adopted definition would apply to non-member parties. However after a diplomatic effort by the US, it was agreed that the crime would apply only to nationals of

states party to the Statute or in territory that is under the jurisdiction of the ICC. Bellinger argues that despite this refinement, the adopted amendments create legal uncertainty ([Lawfare](#), January 5).

Criminal investigations by the UK into suspected war crimes

David Bosco reflects on the status of the United Kingdom's investigations into allegations that its forces committed war crimes in Iraq, including unlawfully killing Iraqi civilians. **Cases regarding more than 50 deaths have been referred to prosecutors for further examination.** The British investigations are being conducted in the shadow of the International Criminal Court (ICC), which in May 2014 reopened a preliminary examination into British conduct in Iraq. This decision was taken after the Court received substantial new information, but also reflects increased institutional confidence and a new willingness to discomfit major powers ([Lawfare](#), January 11).

The closure of the International Criminal Tribunal for Rwanda (ICTR)

December 31, 2015 marked **the formal closure of the International Criminal Tribunal for Rwanda (ICTR)**, which began its work in 1994. The tribunal was set up by the [United Nations Security Council](#) in order to judge those responsible for the genocide of over 800,000 people within the African country during the year 1994. During its two decades of work in Arusha, Tanzania, the ICTR sentenced 61 people to terms of up to life imprisonment for their roles in the massacres which took place over the course of three months of bloodletting by Hutu extremists. Fourteen accused were acquitted and 10 others referred to national courts ([UN News Center](#), 31 December).

The establishment of a special court for war crimes during the Kosovo War

The **government of the Netherlands** announced the establishment of a **special court** in The Hague to try cases regarding **crimes perpetrated during and after the Kosovo War** (1999 - 2000) by “The Kosovo Liberation Army” against ethnic and political minorities. The Netherlands Cabinet was asked by the EU to host the court. The court’s judges will be international judges, but the court will be established under Kosovoian law ([Government of the Netherlands, Ministry of Foreign Affairs](#), January 15).

Cyber and Internet

National security and the right to privacy in the use of surveillance methods on citizens

The issue of the use of surveillance and inspection measures on citizens by states, while changing the balance between the **right to privacy and national security**, has recently received attention by several legislative authorities and Courts around the world. We have collected a few examples from the last month:

- Last June a new statutory arrangement was adopted in the U.S which amends the previous arrangement established under the Patriot Act and aims to deal with terrorist elements who threaten the US. **Glenn Gerstell**, the general counsel to the NSA, argues that the new arrangement increases privacy safeguards while also providing the government with more efficient ways to deal with terrorism ([Lawfare](#), January 7).
- **The European Court of Human Rights** was recently required to address the issue of the proper balance in two cases: Zakharov v. Russia, and Szabo v. Hungary. Both cases discussed statutes aimed to increase surveillance over citizens by the authorities. The Court ruled that under Article 8 of the European Convention on Human Rights, states are limited when conducting mass surveillance. In particular, they emphasized the need for individualized suspicion, arguing for a strict necessity test and for requiring independent supervision over executive actions in this field ([Just Security](#), January 22).
- The **UK** is currently in the process of formulating controversial new legislation aimed at consolidating existing legislation and ensuring the powers of the state are fit for the digital age, while also allowing for state surveillance of internet activity. **Andrew Murray** outlines the background to the legislation and examines the proportionality of the provisions ([OUPblog](#), January 17).

Lawsuit filed against Twitter for making its platform available to ISIS

Earlier this year it was announced that the widow of an ISIS terror attack victim is [suing](#) the social network “Twitter” for knowingly providing the terror organization with a platform for recruiting and spreading incitement, and for its lack of supervision. **Benjamin Wittes** and **Zoe Bedell** frame the legal discussion and test the case’s feasibility. They argue that although it would be hard to prove that the social platform had sufficient *mens rea*, Twitter would face serious obstacles since in previous judgments Federal Courts have regarded the term ‘terrorism’ as not just committing acts of terror, but also materially supporting those who conducted them (in most cases the issues were civil funds and banks providing money to Hamas) ([Lawfare](#), January 14).

The Crisis in the South China Sea

US Secretary of Defense's letter on freedom of navigation in the South China Sea

US Secretary of Defense **Ash Carter** has published a [letter](#) in which he provides a **detailed explanation of the recent freedom of navigation operation (FONOP) conducted by the US in the South China Sea**. On 31st Oct. 2015 a US Navy destroyer sailed within 12 nautical miles of the Spratly Islands, which are at the centre of a territorial dispute between China, Taiwan, Vietnam and the Philippines. Carter clarifies that the purpose of the operation was to strengthen the right to 'innocent passage', which is protected by maritime law, without attempting to take any position in the territorial dispute ([Lawfare](#), January 7).

Refugee Law

The principle of *non-refoulement* in the European Convention on Human Rights

In light of the recent mass influx of refugees into Europe, **Jaya Ramji-Nogales** addresses **the concept of *non-refoulement* and the legal gap which exists regarding the process of its application**. She examines the case law of the European Court of Human Rights (ECHR) with regards to Article 4 of Protocol 4 of the European Convention on Human Rights which prohibits the collective expulsion of aliens. She focuses on the decision of the Court in *Khlaifia v. Italy*, filed by three Tunisians who were returned to Tunisia by Italy, which held that a simple identification procedure was insufficient to overcome the prohibition on collective expulsion. A minority dissenting opinion argued that the identification procedure was sufficient and noted that the applicants were returned to a safe country and were not asylum seekers ([ASIL](#), January 4).

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