

Defending Human Rights Defenders Conference

Paper prepared by Palestinian Delegates

Since The Israeli occupation of Palestinian territory in 1967, thousands of Palestinian activists and participants in nonviolent activities have been harassed by the Israeli forces and participants in nonviolence protests

- An estimated 700,000 Palestinians have been detained under Israeli military orders and laws, which constitutes approximately 20% of the total Palestinian population in the OPT, and as much as 40% of the total male Palestinian population.
- Today, more than 1,650 wide-ranging military Order govern the West Bank.
- The legality of demonstrations in the West Bank are regulated by the "Order regarding Prohibition of incitement and hostile Propaganda Action"(Order 101).

According to the order, any assembly, vigil, or procession of ten or more persons requires a permit from the commander of the military forces in the area. **(If the gathering is related to any political work what so ever, the commander may order the closure of the area.)**

Israeli Repression against Human Rights Defenders in the OPT

During the last decade the Israeli occupation forces and police have escalated their oppressive policies against Palestinian human rights defenders. They have increased the use of arrest, detention, house arrest, restriction of movement, deportation and banning of travelling.

Since the construction of the Wall began in 2002, and the escalation in land annexation and home demolitions, Palestinians living in the affected villages, Jerusalem and Area C, along with international and Israeli activists, have sought to challenge this clear affront to their basic rights and freedoms.

Palestinians in the Occupied territories including Jerusalem affected by the Israeli land confiscation for settlements and the construction of the separation wall, have adopted three key strategies to oppose the construction of the Wall and Israeli land annexation:

- Popular Committees were formed to mobilize a local community and international solidarity movement.
- Challenges to the construction of the wall through legal avenues.
- International advocacy, through speaking tours and media outreach.

These strategies all demonstrate a new and important phase in Palestinian resistance, aimed at realizing the right to self-determination through peaceful and legal means.

METHODS OF PEACEFUL RESISTANCE

- The Popular Resistance: Forming a Peaceful Social Movement against the Wall. And land annexation.
- Peaceful resistance against home demolition and evictions
- Demonstrations and protests, rallies, workshops and conferences.
- Challenging the Construction through Legal Means.
- International Advocacy.

Between 2008 and 2009, Boycott Divestment and Sanctions (BDS) actions by Palestinian activists as well as solidarity groups in Europe were followed by a number of divestments from companies implicated in Israel's settlement construction and annexation policies.

Recent years have witnessed a change in strategy among Palestinians seeking to resist Israel's illegal policies and practices. Palestinians have been forced to identify new avenues to challenge the new 'facts on the ground' being created by Israel.

Israel's response has been to escalate its campaign of arrest and detention of human rights defenders, along with other repressive and violent measures.

ISRAELI ACTIONS AGAINST HUMAN RIGHTS DEFENDERS:

During the last few years a number of Palestinian activists have been recognized as human rights defenders by the United Nations and EU.

The EU Guidelines on human rights defenders, adopted in 2004, were built on the 1999 UN declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human right defenders.

Palestinians and other activists who support them in peaceful actions against the land annexation and the construction of the separation Wall regularly experience violence, physical pressure, harassment, curfews, blockades, and shooting, leading to deaths or serious injury.

- **Arrest and harassment of Palestinian human rights field workers and Journalists:**

Israeli Occupation Forces (IOF) commit numerous violations against human right field workers, particularly while they are documenting human right violations by the army and Israeli special forces, as well as the harassment of protesters and political activists. Their actions include:

- 1) Confiscation or denial of permits to access land on the other side of the Wall, harassment at checkpoints and even, in some cases, in their homes, are also commonplace.
- 2) Israeli forces also regularly enforce closed military zones around the villages, particularly on Fridays when the demonstrations take place.
- 3) **Night Raids:** Night raids are used to target entire families, and as such often take place at their homes, involving destruction and confiscation of property as well as harassment and arrest of family members. **(the case of Abedallah Abu Rahma, Coordinator for Popular Committee against the Wall).**
- 4) **Arrest of Human right defenders:** Arbitrary, or targeted, detention and arrests are regular and consistent facets of all these measures against the activists, and are also used against others attending the demonstrations, such as local cameramen and photographers. **(Including Administrative detention)**
- 5) **Restrictions on residency, social and economic rights in the case of Jerusalemites.** (Muhmoued Jedeh, human right activists denied family unification for his wife more the 20 years).

6) Banning from travelling.(**the case of Shawan Jabareen, the General Director of AL Haq human right center**).

7) House arrests and deportation from homes or city such as Jerusalem.

Between June and August 2009, Addameer Human right Association carried out research in 16 villages affected by the path of the separation Wall built by Israel.

Addameer documented at least 292 confirmed cases of Palestinian human rights defenders who were detained and arrested between 2003 and August 2009, including many children as young as twelve. Since then, the number has continued to increase.

At least 233 arrests of activists were documented, 114 of whom were arrested in only the space of three months, from April to July. By the end of 2011, Addameer had documented at least 227 arrests for that year, approximately 123 of whom were under the age of 18. At least 6 of whom were as young as 14.

From 2009, a number of arrests reported to Addameer related to activists who had been returning from overseas advocacy trips, often leading to a travel ban following their release from detention.

Children aged 12 and above are amongst the main targets for the Israeli forces when it comes to arrests. Until September 2011, the military order established the criminal age of responsibility for Palestinians as 12, and sets their age of majority at 16. In September 2011 it was changed to 18.

Repression against human right activists in East Jerusalem

Since the Israeli occupation of East Jerusalem in 1967, the Israeli authorities implemented systematic policies which violated the Rights of the Palestinians in general and the right to freedom of Opinion and Expression in particular the freedom of human right activists. Palestinian activists and Palestinian NGOs and committees were victims of repression and harassment.

These violations were reflected in various actions.

- **Closure of Palestinian human rights institutions:**

Since 1967, Palestinian institutions in Jerusalem have been the main provider of services for all Palestinians in the OPT. The closure of institutions is a clear socio-cultural repression in East Jerusalem. Since August 2001, the Israeli authorities closed approximately 32 organizations, at least half of them are addressing human rights issues in a way or another and other institutions working with the Palestinian community in Jerusalem. The closure of these and other Palestinian institutions are part of a broader policy through which the Israeli authorities seek to stifle Palestinian presence in Jerusalem and increase the strength of Israel's occupation over East Jerusalem. These closures are not isolated incidents from the overarching policy that includes violations of Palestinians rights in Jerusalem. Housing rights, revocation of residency, and ultimately results in the forced displacement of Palestinians from Jerusalem.

- **Banning of Palestinian Activities:**

Part of the Israeli repression against human right activists, the Israeli Authorities have has been to restrict the Palestinians right to speak publicly about human right violations. It restricted the Palestinians rights to organize meetings, workshops and conferences on human right violations. Several times they prevented human rights activists from speaking about human right violations. In many occasions they were harassed and arrested. And activities were banned.

- **Expulsion and Revoking the residency of Jerusalem PLC members:**

The Israeli Interior Ministry revoked the residency status and issued a deportation¹ order for three elected members of the Palestinian Legislative Council (PLC), namely Mr. Mohammed Abu-Teir, Mr. Ahmad Attoun and Mr. Mohammed Totah, as well as for the former Palestinian Minister of Jerusalem Affairs, Mr Khaled Abu Arafah from Jerusalem. In June 2006, in accordance with Article 11(a)(2) of the Entry into Israel Law 1952, the Israeli Minister of Interior revoked their permanent residency status on

¹ Deportation presumes transfer of individuals beyond state borders. The *Prosecutor v M Stakić*, (Appeal Chamber, Judgment) (22 March 2006) ICTY-97-24-T, para.300.

the grounds of 'breach of trust'. They were arrested and denied their residency rights due to their activities in exposing Israeli human right violations and to their nonviolent struggle against the occupation.

- **Limiting the rights of the Arabs in Israel to express their identity**, both as equal citizens, and moreover as a homeland minority: Actions include the prohibition of teaching about the *Nakba*, the deliberate disappearance of the Arabic language from public spaces, the repeated repression and violation of Arab citizens' right to demonstrate, and the efforts to de-legitimize the elected representatives of the Arab public.

Legislative initiatives seeking to restrict the freedom of speech, including: Broadening the prohibition on incitement, prohibition of imposing boycotts, and conditioning the receipt of public funding for movies on the filmmaker's "declaring allegiance" to the state.

- **Israel anti-boycott law an attack on freedom of expression**

On 11.07.2011 The Israeli Knesset approved a new draft law prohibiting the Boycott, Divestment and Sanctions (BDS) movement. The legislation makes any calls for the academic, cultural or economic boycott of Israel a civil offence, and is applicable to the occupied Palestinian territories of East Jerusalem, the West Bank and Gaza as well as Israel proper. This new law further limits freedom of expression, opinion and assembly in the region and stands in direct contravention to articles 19 and 20 of the Universal Declaration of Human Rights (UDHR).

What can be done

- **The Palestinian Civil Society**, calls upon the international Community, the United Nations to take responsibility to uphold their obligations towards protected persons living under occupation in Jerusalem.
- We demand the International community to oblige the Israeli government to refrain from the suppression and the taking of harsh measures against Palestinian human right activists and human right institutions.
- The International Community, grassroots activists, progressive forces to lobby for the human right defenders to campaign against Israeli violations of human right defenders.
- Call upon international community civil society organizations, parties and social movements to boycott Israel and to put pressure on the government to take action against the Israeli occupation policies.

Case One

Human rights organisations call on Israel to lift travel ban on Shawan Jabarin

The following press release was issued by Human Rights Watch, Amnesty International, and B'Tselem.

(Jerusalem, November 29, 2011) – Israeli authorities in the West Bank should lift the travel ban imposed since 2006 on West Bank resident Shawan Jabarin, the director of the Palestinian human rights group Al-Haq, Amnesty International, Human Rights Watch, and B'Tselem said today.

Israeli authorities violated Jabarin's due process rights in imposing the ban and have not produced any evidence that would justify continuing to restrict him from travel, the groups said.

The ban has prevented Jabarin from leaving the West Bank to receive a prestigious human rights prize from the Danish PL Foundation, participate in a European Union forum on human rights, and attend a Human Rights Watch advisory committee meeting in New York City. Jabarin attempted to travel yesterday, but told the rights groups that Israeli authorities turned him back at the Allenby Bridge crossing with Jordan, citing the travel ban.

“The ban preventing Shawan Jabarin from traveling abroad to receive an award is emblematic of the arbitrary restrictions placed on Palestinian human rights defenders and civil society activists,” said Philip Luther, Amnesty International's interim MENA Programme Director. “It must be lifted, and the Israeli authorities must stop using unspecified security concerns to obstruct the work of Palestinian human rights activists.”

Israel, which controls all border crossings between the West Bank and Israel as well as Jordan, has prohibited Jabarin from traveling outside the West Bank since 2006, when he became director of Al-Haq, a leading human rights organization in the West Bank. Israel had allowed Jabarin to travel abroad eight times in the previous seven years.

The Israeli military previously claimed in court that Jabarin was an activist in the Popular Front for the Liberation of Palestine, which Israel

considers a terrorist organization, and that his travel abroad for even a limited period would endanger Israel's security. However, Israeli authorities have not charged Jabarin with any crime or given him an opportunity to confront the allegations against him. The Israeli High Court of Justice has upheld Jabarin's travel ban on security grounds, but did so based on secret information that Jabarin and his lawyer were not allowed to see or challenge.

"It is hard to believe any claim that Jabarin's travel to Denmark to receive a human rights award would harm Israeli security, the more so when any evidence is kept secret," said Sarah Leah Whitson, Middle East director at Human Rights Watch. "While civil society groups recognize Jabarin's courageous work, Israel is punishing him with a travel ban."

Under Jabarin's leadership, Al-Haq has frequently criticized rights violations by Israel and the Palestinian Authority (PA). Jabarin, for instance, last year confronted PA officials over allegations of torture on an Al Jazeera broadcast.

The Danish PL Foundation awarded its 2011 Prize for Freedom jointly to Al-Haq and the Israeli rights group B'Tselem. The Foundation was established in 1984 by Poul Lauritzen, a Danish businessman and member of the Danish resistance during World War II. Previous recipients of the foundation's annual prize include a Turkish playwright, Polish Solidarity members, and human rights activist Moncef Marzouki, currently the interim president of Tunisia.

"I deeply regret that at this important occasion, held in appreciation of the struggle for human rights, I will stand without Shawan at my side," said Jessica Montell, executive director of B'Tselem. "Shawan's absence is an example of the ongoing severe violation of the freedom of movement of hundreds of thousands of Palestinians."

In 2010, Al-Haq and B'Tselem were also jointly awarded the Geuzen Medal, an annual human rights prize given by a Dutch group that had resisted the Nazi occupation in World War II. Israel barred Jabarin from traveling to the Netherlands to receive the award.

The PL Foundation prize ceremony will be held in Copenhagen on November 29. Nina Atallah, the head of Al-Haq's monitoring and documentation department, will try to travel to the prize ceremony.

Human Rights Watch will host a meeting of its Middle East and North Africa Division's advisory committee, of which Jabarin is a member, in New York City on December 6 to discuss the organization's work in the region. The advisory committee is comprised of independent human rights activists, legal scholars, journalists, and others from around the region.

On December 8 the EU-NGO Forum on Human Rights will convene EU states, institutions, and nongovernmental groups in Brussels. According to the invitation Jabarin received, the forum, organized by the European Commission and the European External Action Service, will discuss the implementation of the EU's guidelines on international humanitarian law and its human rights strategy.

Article 12 of the International Convention on Civil and Political Rights, which the International Court of Justice and other legal bodies have determined applies to the occupied Palestinian territories, states that everyone shall be free to leave any country, including his or her own.

Case Two

Palestinian Council of Human Rights Condemns Attack on Human Rights Defender

As organisations dedicated to the promotion and protection of human rights in the Occupied Palestinian Territory (OPT), the Palestinian Council of Human Rights Organisations (PCHRO) condemn in the strongest possible terms the recent assault on Mahmoud Abu Rahma, who was attacked and stabbed multiple times by unknown assailants on Friday 13 January in Gaza city.

This was the second such attack suffered by Mr. Abu Rahma this year. On 3 January he escaped unharmed when he was attacked by masked men near his home. Both attacks have been linked to an article published on 31 December 2011 by Mr. Abu Rahma, who is Al Mezan's International Relations Director.

Mr. Abu Rahma has received numerous hostile messages and emails which threaten his life unless he retracts the article, entitled 'The gap between resistance and governance,' which criticises Palestinian

resistance groups and governments in the Gaza Strip and the West Bank for the political violence, negligence and legal violations of the rights of Palestinians in recent years.

Commenting on the assault, Shawan Jabarin, General Director of Al-Haq, has called for the authorities in the Gaza Strip to carry out an objective and transparent investigation into the stabbing. "This is a cowardly attempt to silence Mahmoud Abu Rahma and intimidate any human rights defenders who dare to objectively criticise the resistance movement and Palestinian leadership. Freedom of expression is a fundamental right and a cornerstone of a democratic society. It is enshrined in both international law and Palestinian Basic Law and it must be guaranteed to all, without exception."

PCHRO demands that an urgent investigation be launched, the results of which must be made available to the public, and the perpetrators held accountable. All political parties in the Occupied Palestinian Territory must adopt a clear position against this attack and guarantee the protection of certain basic inalienable rights and freedoms such as freedom of expression and the right to life. Furthermore, PCHRO calls for new legislation giving special protections to human rights defenders so that they can work without fear of attacks and criticise without fear of retribution. In the meantime, Mr. Abu Rahma must be provided the suitable protection for as long as is necessary.

PCHRO also supports the sentiments of Mr. Abu Rahma's forceful article, and call for reparation and redress for the victims of violations committed by Palestinian authorities and the resistance groups.

Finally, the thoughts of PCHRO are with Mr. Abu Rahma and his family at this time. We wish him a timely recovery and look forward to welcoming him back into the field.

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Case Study 3

Arrest and Detention of Human Rights Defender from Nabi Saleh

BETHLEHEM (Ma'an) 21.02.12 -- Non-violence activist Bassem Tamimi appeared before an Israeli military court on Sunday to deny charges of incitement and organizing "illegal protests" in the West Bank village of Nabi Saleh.

Tamimi told Israel's Ofer court that the accusation he organized 500 villagers into "battalions" during protests was "ridiculous and makes no sense," the Popular Struggle Committee said.

Recognized by the EU as a human rights defender, Tamimi, 44, was detained by Israeli forces from his home on March 24.

His village, Nabi Saleh, holds weekly protests against the seizure of their land by nearby Israeli settlement Halamish.

Based on the interrogations of two children from the village -- which an Israeli court ruled was admissible evidence despite violating minor's rights -- the Israeli authorities accuse him of soliciting youth to throw stones at Israeli forces during protests.

Tamimi questioned on Sunday why Israel had failed to follow up on this charge. "No one continued to look into this issue to try and dismantle this 'army' of mine," he remarked to the court.

In his testimony, he challenged the Israeli regulations that deem any gathering of more than 10 people an illegal demonstration.

"International law gives us the right to peaceful protest, to demonstrate our refusal of the policies that hurt us, our daily life and the future of our children," Tamimi said.

"I do not know and do not care if (the protests) are permitted by your law, as it was enacted by an authority I do not recognize."

"True justice would not have me stand here before this court at all, let alone while I am imprisoned and shackled. This case is baseless and made up with the sole goal of putting me behind bars," he added.

Since protests began in Nabi Saleh in December 2009, Israeli forces have detained more than 80 residents, around 10 percent of the entire village, according to the Popular Struggle Committee.

Two of Tamimi's sons have been injured by Israeli soldiers at protests, and his wife has been detained twice. Israeli's Civil Administration has ordered the demolition of Tamimi's home, which was built in 1965.