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Human rights situation in Palestine and other occupied Arab territories

Joint written statement* submitted by the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), Indian Movement "Tupaj Amaru", International-Lawyers.Org, Kayan - Feminist Organization, Union of Arab Jurists, non-governmental organizations in special consultative status, International Educational Development, Inc., World Peace Council, non-governmental organizations 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.

[03 June 2019]

* Issued as received, in the language(s) of submission only.



Israel's treatment of Human Rights Defenders

Introduction

The treatment of Human Rights Defenders (HRD) by Israel has deteriorated steadily over the years and has now reached an alarmingly serious point. Individuals, groups, and organisations that act to promote and protect human rights in Israel and in the Occupied Palestinian Territories (OPT) are constantly under attack by the Israeli Government.

The alarming treatment of Human Rights Defenders has already been described during the previous session of the UN Human Rights Council, among other issues, by the UN Special Rapporteur on the situation of human rights defenders who expressed his serious concern over the “arbitrary and abusive behaviour of judicial harassment, smear campaigns, arrests, and detention targeting human rights defenders in Israel” and asked Israel to provide more information on these allegations. The grave situation faced by Human Rights Defenders is also described by a report released in February 2019 by the Israeli NGO Human Rights Defenders Fund (HRDF).

This statement will focus on the specific situation of the treatment of human rights defenders with the aim of showing the overall impact of illegal actions that Israel is perpetrating against them, with complete disregard to the Declaration on Human Rights Defenders. Human rights defenders are subjected to arrest, arbitrary detention, harassment, smear campaigns, criminalization of their peaceful exercise of freedom of expression, and indirect administrative sanctions, such as the denial of entry permit, in order to prevent them performing their work.

Beyond the most popular cases that receive the attention of the international community like the case of the Director at Human Rights Watch in Israel/Palestine, who was threatened with deportation, there are numerous other cases aimed at silencing criticism and preventing Human Rights Defenders from performing their work. This is why we maintain that this is a systematic policy adopted and perpetrated by Israel and not a series of isolated cases. This policy is aimed at designating as “public enemies” those that oppose the occupation and associated human rights violations.

The prevention of access to the territory as a mean of hampering Human Rights Defenders

Israel, as the Occupying Power, has reserved for itself the exclusive power of civil registration and issuing IDs for Palestinians, visitors' visas and work permits for non-ID holders to the Occupied Palestinian Territories, in its exercise of effective control over the area. Therefore, anyone who wishes to go to the West Bank can only do so with Israeli permission.

Israel has constantly implemented practises aimed at keeping foreign nationals out of the West Bank. The situation has worsened in the last few years. Denying a permit in order to prevent entry or re-entry to the Occupied Palestinian Territories is a policy targeting people with or without Arab origins and those professionals and visitors that appear to be Human Rights Defenders, activists, journalists, researchers or simple individuals standing for the protection of the human rights of Palestinians.¹

¹ Indeed, since the Government of Israel do not issue entry permits for those who aim to be engaged in working, volunteering or other activities with Palestinian NGOs, companies or institutions, those people do not have any other choice than obtaining an Israeli visit (tourist) visa at the border. Visit visas have to be periodically renewed since they are usually released for a period of three months (the individual has to ask for an extension of the visa, usually denied, or has to leave Israel and return in order to obtain a new permit) and are frequently arbitrarily denied.

During border crossing operations at the Tel-Aviv airport, at the Jordan River Crossing, at Wadi Araba Crossing and at Allenby Border Terminal, Human Rights Defenders are subjected to very scrupulous security controls by Israeli authorities, involving the confiscation of their passport and their detainment in security rooms for several hours while waiting for a formal interrogation.

During the interrogation, people are coerced to provide the authorities with personal and private information and, most times, have their phone confiscated. They are interrogated about the purpose of the planned visit,² which often end up with the delivery of a document by the Border Control Administration titled “Decision Concerning Denial of Entry According to the Entry into Israel Law, 5712-1952”. This document solely mentions general reasons such as: “prevention of illegal immigration considerations” or “public security/public safety/public order considerations”. Any more detailed information regarding the reasoning of the denial is withheld.

The person is subsequently sent into a detention center by border police, where all their belongings are confiscated, and the person is usually held in a cell under deplorable conditions for several hours. For example, one HRD interviewed described the cell: “The dirty room with barred windows had two loft bunks with hard mattresses and neither sheets nor pillows, a table with sink, a toilet, and a shower”. They are treated as criminals “pushed into the cell with the door violently shut behind them and the lights shut off”. Before being allowed to leave the country post-denial, the person must again undergo a special security control with a disproportionate number of border control officers searching his/her body and belongings.

The procedures adopted against Human Rights Defenders during border controls clearly show that they are aimed at preventing access to the Occupied Palestinian Territories as well as at frightening, deterring and dissuading individuals and groups from defending and promoting human rights in the Occupied Palestinian Territories. This is perpetrated against fundamental rights such as freedom of expression and against the core principles of the Declaration on Human Rights Defenders.

Criminalization of Human Rights Defenders

Human Rights Defenders in Israel and Palestine are subjected to a criminalization policy, which is taking place through the prohibition of peaceful protests in the Occupied Palestinian Territories and arbitrary arrests often based on false criminal charges. Furthermore, criminalization results in heavy legal costs for individuals and organizations that are targeted.

An example can be found in the case of Issa Amro, a Palestinian human right defender in Hebron who has been facing 18 security-related charges in Israeli Military Court due to his peaceful human rights-related activity. Among those charges are: assault, obstruction, incitement, participating in an illegal march, obstructing and insulting soldiers, entering a

² Testimony from one HRD, a volunteer for an Italian NGO based in East Jerusalem, while crossing the Allenby Bridge Border after he spent a few days in Jordan: “After a few brief questions from the first Border Officer, another came along and started asking me several more detailed questions: what I did in Jerusalem, which were the schools I was working with and what kind of activities we were running, why I chose Jerusalem as a place to volunteer, which places I visited in Israel and Palestine, the reason why I left my previous job, if I enjoyed the volunteering period and information about my girlfriend. I had to show the email to prove my return ticket to Italy and they searched me and my luggage in depth. They kept asking the same questions again and again for several hours. Finally a third border officer came, with a very aggressive attitude and started threatening me to send me back to Jordan, maintaining that I was lying to her. She started asking the same questions plus others such as: have you attended any demonstration? Are you a terrorist? She wanted me to admit that the children I was volunteering with were Arabs (with Israeli citizenship), as if it was a prohibited and negative thing. She had a very threatening way, but since everything I said was in line with what was written on my reference paper, after more than two hours of waiting and another interrogation from a fourth border officer, they issued an entry permit for only four days.”

closed military zone, incitement during a demonstration calling to open Al-Shuhada Street in Hebron, and others.

The last hearing, held on 7 April 2019, was another demonstration of how the charges are based on distortion and manipulation of reality, exclusively to discredit and silence legitimate advocacy work, and fully lacking any legal basis. The prosecution failed to produce witnesses on its list, despite being summoned several times. The Court, therefore, acquitted Amro of the assault and property damage charges in connection to the alleged incident involving the so called witness. During the cross-examination by the prosecution, he was asked about the content of his social media posts (later disqualified by the court) and about his political position on what he defines as 'legal' or 'illegal' settlements, and whether or not he advocates disobeying laws he finds unjust. Amro was able to clarify his positions in each question, even providing evidence.

In addition to the situation that Issa is currently facing in front of the Israeli Military Court, he was summoned again by the Israeli police and presented with a new charge, for allegedly having insulted an Israeli army commander on Facebook. Issa says that he had just published his version of one incident.

Conclusion and recommendations

Human Right Defenders are painted by Israel as lawbreakers and subjected to a policy aimed at limiting their action, neutralising their impact and criminalizing their activities. As a result, Human Rights Defenders are facing threats to their existence. The situation is having a strong impact over Human Rights Defenders' ability to access the occupied territory with consequential repercussions over their vital and mandatory role inside a society where human rights violations occur on an ongoing and daily basis.

When hampering human rights defenders, Israel is indirectly harming the beneficiaries of humanitarian activities, some of whom rely on Human Rights Defenders for their education, health, housing, food and survival. Deflecting the attacks against Human Rights Defenders is a challenge to the international community that requires reorientation from civil society organizations and everyone concerned with safeguarding human rights in Israel and in the Occupied Palestinian Territories.

Therefore:

- We urge the Human Rights Council to take all necessary measures to protect and support the legitimate work of Human Right Defenders in the Occupied Palestinian Territories.
- We urge the Council to take urgent action against the criminalization policy adopted by Israel against Human Rights Defenders, which violates the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.
- We urge States to advocate against the denial of entry into Israel and Palestine applied to their citizens, or consider applying similar sanctions to Israeli citizens.

Geneva International Centre for Justice (GICJ), The Arab Lawyers Association-UK, Human Rights Defenders (HRD), The Brussels Tribunal, The Iraqi Commission for Human Rights (ICHR), Association of Humanitarian Lawyers (AHL), Association of Human Rights Defenders in Iraq (AHRD), General Federation of Iraqi Women (GFIW), Organisation for Justice & Democracy in Iraq (OJDI), The Iraqi Centre for Human Rights, NGO(s) without consultative status, also share the views expressed in this statement.