

Submission by: Front Line Defenders – The International Foundation for the Protection of Human Rights Defenders

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Introduction

1. The following submission has been prepared based on information received from independent human rights defenders (HRDs). Given Israel's control over the Occupied Palestinian Territories, (OPT), this submission covers the situation of human rights defenders in both Israel and the OPT.

2. Front Line Defenders is an International NGO based in Ireland with Special Consultative Status with the Economic and Social Council of the United Nations. We have particular expertise on the issue of the security and protection of human rights defenders and we work to promote the implementation of the UN Declaration of the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (UN Declaration on Human Rights Defenders) adopted by General Assembly resolution 53/144 of 9 December 1998.

3. Front Line is extremely concerned regarding the dangerous conditions under which human rights defenders are forced to operate. The broader human rights situation has severely deteriorated in Israel and OPT in the last four years and more particularly in the years 2010 and 2011, following operation “Cast Lead” in Gaza in 2008/2009. Issues of particular concern include the continuing use of administrative detention of HRDs that denounce the occupation, the settlements and the construction of the wall; increased restrictions on the movement of Palestinian HRDs in the form of travel bans, visa restrictions for international NGO humanitarian workers; hostility towards NGOs that carry out human rights work; restrictive laws as well as bills that are due to be passed; curtailment of freedom of association, expression and assembly in Israel and OPT alike.

Legislative restrictions on freedom of association and the right to access funding

4. Following the publication of the Goldstone Report in 2009, the Israeli government introduced several bills and laws that target human rights NGOs that work to protect the rights of Palestinians in Israel and OPT.

5. Throughout the years 2010 and 2011, the Knesset passed several bills that restrict the work of NGOs. On 13 November 2011, the Knesset approved two bills including the “The NGO Funding Bill” that restrict funding by foreign governments and entities of human rights NGOs in Israel. The first one introduced a cap of 4,000 euros on international funding contributions to NGOs. The second one imposed a 45% tax on all international donations. These two laws could force NGOs to reduce in size and possibly eventually close down due to reduced funding. The laws severely restrict the right of NGOs to access funding as per Articles 13 of the 1998 UN Declaration on Human Rights Defenders: “Everyone has the right, individually or in association with others, to solicit, receive and utilize

resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means”.

6. The NGO Funding Bill requires NGOs to state whether they receive international funding and requires them to publish annual financial reports detailing their expenditures as well as a list of their donors. If they fail to do so, fines and imprisonment for up to a year may apply. Under previous legislation, NGOs were already required to disclose donors and other financial information and to submit periodic reports. The new law has introduced harsher penalties.

7. A new Bill on Prohibition of Imposing a Boycott, adopted by the Knesset on 11 July 2011, restricts freedom of expression as it particularly punishes non-violent means of protest against Israeli occupation and the expansion of settlements in the OPT. This law prohibits call for boycotts by providing that a “public call for a boycott against the State of Israel will be considered a civil wrong to which the civil tort law applies”. The initial text targeted Israelis, the Palestinian Authority, Palestinians and foreign governments and individuals, seeking to impose fines, economic sanctions and a ban on participation in boycotts. However, the Knesset voted to exclude foreign citizens and foreign political entities, applying it only to Israeli citizens and residents. Individuals or organisations who call for boycotts may be sued for damages by the boycotted party, even if no actual damages were incurred. This law also gives the Israeli authorities the right to revoke all tax exemptions and privileges of any organisation or individual that may support a boycott.

8. The Knesset reviewed other bills that also restrict freedom of association and expression and discriminate against non-Jewish NGOs. The Duty of Disclosure for Recipients of Support from a Foreign Political Entity Law (2011) has serious implications for NGOs receiving funding from abroad. The law, passed by the Knesset on 21 February 2011, requires NGOs to provide comprehensive and detailed quarterly reports on agreements made with foreign funders including those made verbally. After the law was passed, proposals were made to expand the scope of the law and require NGOs to also report on their advocacy activities abroad, and to exclude from tax exemptions NGOs that may “act against state policies”. The text does not apply to funding received from Israeli organisations.

9. Furthermore on 5 January 2011, a proposal was tabled in the Knesset to establish a parliamentary commission, whose task is to investigate NGOs campaigning for the prosecution of Israeli soldiers involved in human rights violations.

Repression of HRDs campaigning against the construction of the wall

10. Activists and human rights defenders who are peacefully working to halt the construction and extension of the wall have been exposed to relentless repression, including arbitrary arrest and detention. Mr **Mohammad Othman**, who works with the “Stop the Wall” grassroots campaign, was arrested at the Allenby Bridge Border Crossing on 22 September 2009 while returning to Ramallah in the West Bank from Jordan. He was subsequently transferred to northern Israel and placed in solitary confinement. Despite the fact that no reason was provided for his arrest during the court hearing on 29 September, the military judge prolonged his administrative detention by 10 days based on secret information presented by the Israeli Security Agency (ISA), which was not made available to the defense lawyer. He was eventually released in January 2010 after repeated extensions of his detention.

11. Similarly, human rights defender Mr **Jamal Juma** was arrested on 15 December 2009, after which he was held in detention and was not allowed to speak to a lawyer or his family; no explanation was given for his arrest. Jamal Juma is a well known human rights defender and founding member of a number of Palestinian civil society organisations. He has been the Coordinator of the Palestinian Grassroots Anti-Apartheid Wall Campaign since 2002. On 21 December 2009, a military court extended the detention period based on secret information made available to the judge by the ISA, to

which the defense lawyer had no access. According to the defense lawyer, the military court had no jurisdiction as Jamal Juma was a resident of East Jerusalem. He was eventually released in January 2010, after repeated extensions of the administrative detention.

12. Mr **Abdallah Abu Rahma** was arrested on 10 December 2009 and held in detention. He is the head of the Bil'in Popular Committee against the Wall, which carries out activities in protest against the wall constructed by the Israeli authorities. He was sentenced to 12 months in prison on 11 October 2010 for incitement to violence, for his role in organising demonstrations against the Wall and distributing Palestinian flags to demonstrators. Under a charge of arms possession, Abdallah Abu Rahma has been accused of collecting used M16 bullets and empty sound canisters and gas grenades used by Israeli soldiers to disperse the crowds at demonstrations, and exhibiting them in a museum in Bil'in. He was released on 14 March 2011.

13. Other HRDs detained include Mr Sabti Khawaja and Mr Mahmoud Nafa', who were arrested by Israeli security forces on 2 February 2010 and accused of being involved in demonstrations in Ni'llin in protest against the construction of a wall. They were subsequently released on bail.

14. On 13 July 2010, the Israeli Judge Advocate General (JAG), Maj.-Gen Avichai Mandelblit, ordered a military police investigation into the circumstances surrounding the killing of Palestinian human rights defender Mr **Bassem Abu-Rahmeh** on 17 April 2009. Bassem Abu-Rahmeh was a human rights defender who also attended weekly peaceful protests in the West Bank village of Bil'in against the construction of a wall through Palestinian lands. Over three years later, the investigation has brought no tangible results. In January 2012, the military prosecution informed Bassem Abu Rahma's lawyers that it had sent the case back to the Military Police Criminal Investigation Division for additional investigation. The file has been returned to the prosecution in July 2012.

Restrictions on freedom of movement and travel bans

15. The Israeli authorities adopted a new visa policy in late 2009. The issuing of "B1" visas – which permit INGO humanitarian workers to work in Israel, the OPT and East Jerusalem – was halted and only "B2" visas were issued, which restrict the movement of NGO staff. The new visa policy affected dozens of INGOs that assist the Palestinian population especially in the Gaza Strip. Some of the consequences of these measures are that NGOs have reduced staff working in Gaza Strip and moved programmes from Gaza despite its urgent needs, to areas where it is easier to get entry visas.

16. Travel restrictions have also been imposed on HRDs due to their human rights related work. Mr **Shawan Jabarin**, leading Palestinian human rights defender and director of *Al Haq*, has been unable to travel outside the West Bank since October 2006. No formal order were issued at the start of the ban, nor have the authorities explained why the travel restrictions were imposed. The Israeli High Court of Justice rejected a petition to overturn the travel ban on the basis of secret evidence, which was not disclosed to Shawan Jabarin or his legal counsels. Before becoming director of *Al Haq*, between 1999 and 2006 he was allowed to leave the West Bank on eight separate occasions. The Israeli authorities claim that allowing Shawan Jabarin to travel abroad would pose a threat to Israel's security and refer to an Israeli court ruling which found him guilty of belonging to the Popular Front for the Liberation of Palestine (PFLP), considered a terrorist organisation. The court ruling was based on secret materials provided by the Israeli intelligence which were not disclosed in the courtroom, nor shown to the defence.

Arbitrary detention, torture, and trials

17. As some of the cases mentioned above show, arbitrary detention continues to be utilised against human rights defenders. In some cases, torture was employed during detention by Israeli and authorities.

18. Human rights defender Mr **Omar Alaaeddin** was arbitrarily arrested by Israeli soldiers on 14 March 2010 and later subjected to torture while in detention. He is a Palestinian human rights defender who organises and participates in demonstrations in the West Bank village of Al Ma'asara in protest against human rights violations allegedly committed by the Israeli armed forces. He was beaten by Israeli soldiers at the time of his arrest and in detention, which continued for eight days. He was reportedly kicked, punched and subjected to electro-shocks with a taser. He received a serious leg injury from the beatings. Despite repeatedly asking to see a doctor, he did not receive any medical attention during his detention. He was accused of assaulting the soldier who arrested him, while according to many eyewitnesses who were at the checkpoint he did not assault anyone at the time of his arrest. A week later, on 21 March 2010, Omar Alaaeddin was eventually brought before a judge who found there was no evidence and ordered his release.

19. Human rights defender Mr **Mohanad Salahat** was detained from 28 March to 11 April 2010 by Palestinian intelligence officers in Ariha city (Jericho) and subjected to ill treatment. Mohanad Salahat is a representative of the Palestinian Human Rights Foundation (Monitor) in Jordan. Mohanad Salahat was subjected to daily interrogation and held in solitary confinement. He was reportedly threatened a number of times during his detention and forced to give access to his email account.

20. In January 2011, human rights defender Mr **Ameer Makhoul** was sentenced by the Haifa District Court to nine years in prison and a year's suspended sentence after having been convicted of assisting the enemy in time of war and espionage. A number of procedural irregularities affected the trial, which did not respect to fair trial guarantees. His detention was extended a number of times prior to the trial. Ameer Makhoul serves as the General Director of Ittijah (The Union of Arab Community-Based Associations), an NGO which holds consultative status with the UN.

21. Front Line Defenders calls on the UN to urge the authorities in Israel to prioritise the protection of human rights, and in particular to:

- (a) Conduct an independent, impartial and thorough inquiry into the source of threats, ill treatment, torture, and all forms of intimidation and harassment as well as unfair trial and initial arbitrary detention directed towards all those human rights defenders mentioned in this report;
- (b) Immediately halt all restrictions on freedom of movement and lift all travel bans imposed upon HRDs, including Shawan Jabarin;
- (c) Ensure that human rights defenders arrested have prompt access to a lawyer;
- (d) Halt the use of administrative detention against human rights defenders;
- (e) Amend all the aforementioned laws and reject all the proposed bills that curtail the work of NGOs and HRDs. This includes amending the "Anti-Boycotting Law" and ensuring that freedom of expression and assembly are upheld and guaranteed.
- (f) Review all terrorism-related legislation and ensure its full compliance with international human rights standards; in particular, fully recognise the legitimate role of human rights defenders and exclude them explicitly from the scope of such legislation;
- (g) Ensure all human rights defenders in Israel and OPT are free to carry out their human rights activities free from persecution.