

**ATTN:**

**Michael Lynk, UN Special Rapporteur on the Human Rights Situation in the Palestinian Territories Occupied Since 1967**

**Re: Situation of Human Rights Defenders in the OPT**

**7<sup>th</sup> November 2016**

*Introduction*

1. The Palestinian Human Rights Organizations Council (PHROC) welcomes the opportunity to provide input into the upcoming report to the Human Rights Council. The following submission highlights the repressive environment within which human rights defenders (HRDs) work in the Occupied Palestinian Territory (OPT), including East Jerusalem, and follows with information about specific instances of attacks on human rights defenders that have escalated and continued since 2015. In the OPT, HRDs carrying out their day-to-day work are subjected to highly oppressive measures imposed by Israel's illegal regime of occupation<sup>1</sup> and the closure/blockade of Gaza, including severe restrictions on freedom of movement, association and assembly, travel bans, concerted efforts to discredit and criminalize their work, an escalation of verbal threats and physical violence, incarceration under military and administrative orders, and a lack of access to any channels for effective remedy.

2. In several European countries and in North America, there has been coordinated intimidation of HRDs working for an end to the Israeli occupation and the realization of the Palestinian peoples' rights to justice, equality and self-determination. Such acts particularly - but not exclusively - target advocates supportive of the Boycott, Divestment and Sanctions (BDS)<sup>2</sup> campaign. The Boycott, Divestment and Sanctions National Committee (BNC), which guides BDS advocacy efforts inside Palestine and globally, includes Palestinian human rights defenders from the OPT, Israel and exile. A detailed update from the BNC on the intimidation and repression faced by HRDs advocating for BDS (October 2016) is appended to this submission. Repressive measures taken against BDS and Palestinian solidarity initiatives include the introduction of legislation<sup>3</sup>, policy statements and verbal

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<sup>1</sup> The International Court of Justice in its Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory as well as the resolutions of the UN Security Council and General Assembly all recognize Israel as responsible for serious breaches of its obligations under IHL in the OPT.

<sup>2</sup> Boycott, Divestment and Sanctions (BDS) campaigners advocate on the basis of adherence to international law and non-violence in their calls on Israel to respect the human rights of Palestinian people as affirmed by the UN, including the rights to self-determination, non-discrimination and the return of refugees.

<sup>3</sup> Though EU, Swedish, Dutch and Irish official statements have been issued affirming respect for the freedom of association and expression of people advocating for BDS, government officials in the UK, the USA, France and Canada continue to wrongly accuse BDS activists of anti-Semitism, hate speech and discrimination. In the USA, for example, bills have been proposed - and in some cases approved - imposing economic sanctions that punish companies and institutions seeking to avoid complicity in Israel's violations of international law and human rights. Similarly, in the UK, the Department for Communities and Local Government published a guidance note for local authorities in September 2016 claiming that "using pension policies to pursue boycott, divestment and sanctions against foreign nations and UK defence industries are inappropriate" (Barnard, R. in Middle East Eye, "Thatcherism returns: UK councils banned from divesting from occupation," 4 Oct. 2016:

threats issued by state authorities as well as lawsuits and arbitrary closures of bank accounts<sup>4</sup> held by Palestinian diaspora and solidarity groups abroad. These targeted measures undermine the rights of civil society actors in these countries to freedom of expression, assembly and association, while also contributing to constraints on HRDs in the OPT. This effort can be largely attributed to actions taken by the Israeli Ministry of Strategic Affairs along with the Israeli Ministry of Foreign Affairs and its affiliated embassies and consulates. These institutions work within the jurisdictions of third-party states to finance and operate taskforces and organizations registered as charities, intimidating HRDs who explicitly advocate support for Palestinian peoples' popular demands.

*Palestinian Human Rights Defenders and the Discriminatory Administration of Justice in the OPT (not including East Jerusalem)*

3. As noted by the UNHRC Independent International Fact-Finding Mission on the Israeli Settlements in 2013, "Palestinians in the Occupied Palestinian Territory endure a discriminatory application of a military court system that does not comply with international standards of fair trial and administration of justice"<sup>5</sup>. The manner in which Israel has defined and imposed the jurisdiction of its military courts upon the rest of the OPT since 1967, including in areas that are supposed to be fully administered by the Palestinian Authority as per the Oslo Accords is in direct contravention of the Hague Conventions and Geneva Conventions.<sup>6</sup> Some of the main barriers to accessing justice introduced in recent years by the occupation forces in the OPT that are relevant to human rights defenders and the people with whom they work include the following:

- (a) Amendment No. 8 to the Israeli Torts (State Liability) law: Passed into law in 2012, this amendment gives courts the power to dismiss civil cases at the preliminary stage, without hearing witnesses or considering evidence, if the damage (injury, death or property damage) for which the claim was submitted occurred as a result of Israeli military 'combat action' (widely defined);
- (b) Onerous guarantees required: In order to open a case in the Israeli court system, Palestinians are required to pay heavy fees (for example, estimated on average in Gaza to be US \$5000 per

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<[www.middleeasteye.net/columns/thatcherism-returns-uk-government-s-ban-divestment-758302181](http://www.middleeasteye.net/columns/thatcherism-returns-uk-government-s-ban-divestment-758302181)>.) For more details see appended: BDS National Committee, Update (Summer – Autumn 2016): *Intimidation and Repression of the Right to Boycott and of Human Rights Defenders Advocating for BDS*, October 2016.

<sup>4</sup> Groups supportive of Palestinian human rights and the BDS campaign in Austria, France, Germany, the UK and elsewhere in Europe, including BDS Austria, BDS France, the Irish Palestine Solidarity Committee, and the UK Palestine Solidarity Campaign have all been subject to bank closures over the past six months. For more details: BDS National Committee, Update (Summer – Autumn 2016): *Intimidation and Repression of the Right to Boycott and of Human Rights Defenders Advocating for BDS*, October 2016.

<sup>5</sup> UN Human Rights Council, "Report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem, UNHRC 22<sup>nd</sup> Session, Agenda Item 7 (7 February 2013). Online: <[http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-63\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-63_en.pdf)>.

<sup>6</sup> Al Haq, *Legitimising the Illegitimate*, 2010. Online: <http://www.alhaq.org/publications/publications-index/item/legitimising-the-illegitimate>>.

case, as documented by Al Mezan Center for Human Rights in 2015) to ‘off-set’ defense charges for the Israeli state;<sup>7</sup>

(c) Tightening restrictions on freedom of movement: Israeli lawyers hired by Palestinians (especially in cases from Gaza), cannot meet their clients in person, verify relevant evidence or collect witness statements, while Palestinians (most particularly, those living in Gaza) have no opportunity to attend their court hearings in Israel;

(d) Denial of the opening of criminal investigations into the killing, injury or damages suffered by Palestinian civilians in Gaza: Due to restrictive policies imposed by the Military Advocate General (since 2000), Palestinians in Gaza, whose family members are killed, injured, or have had their property damaged or destroyed through Israeli military actions, are not granted the right to seek a criminal investigation to hold responsible actors and appropriate authorities accountable.

4. Israeli settlers are not subject to the military laws applied to Palestinians, instead being governed by Israeli civil law. Palestinians are consequently not only subjected to discriminatory indictments and legal proceedings, but also under this system, are effectively denied access to due process and fair trials. Examples of differential treatment under Israeli law include the following:

(a) Imposition of detention without charge and administrative detention terms for longer time periods;

(b) Extended time-lines for drawing out trial hearings; and

(c) Imposition of heavier minimum and maximum sentences, for example in cases of stone throwing. Setting minimum sentences (one-fifth of a maximum sentence) has specific impacts on Palestinian youth because judges systematically use discretion in cases concerning Palestinian children as young as 12 years old, asserting that in such cases, the court is not bound by provisions of the Israeli Youth Law (which is explicitly meant to protect minors from customary sentencing and uphold provisions in the UN Convention on the Rights of the Child and does apply to Israeli youth and children).<sup>8</sup>

#### *Charges Imposed on Palestinian Human Rights Defenders in the OPT, including East Jerusalem*

5. Palestinian rights advocates find themselves accused by the occupying forces of violating military orders which criminalize a broad range of activities, including organizing and participating in gatherings - such as protests, assemblies or vigils - waving flags and other political symbols, printing and/ or distributing of material considered political, ‘influencing public opinion’ (considered by the

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<sup>7</sup> Al Mezan Center for Human Rights, “Update: No Reparations in Israel for Palestinians: How Israel’s Amendment No. 8 Leaves No Room for Recourse” (December 2015). Online: <<http://mezan.org/en/uploads/files/1456314749526.pdf>>.

<sup>8</sup> See for example, Defense for Children International Palestine: “East Jerusalem teens hit with harsh sentences for throwing stones” (20 July 2016). Online: <[http://www.dci-palestine.org/east\\_jerusalem\\_teens\\_hit\\_with\\_harsh\\_sentences\\_for\\_throwing\\_stones](http://www.dci-palestine.org/east_jerusalem_teens_hit_with_harsh_sentences_for_throwing_stones)>.

occupying forces as “political incitement”), and demonstrating ‘sympathy’ for any organization that is deemed illegal under Israel’s military orders.<sup>9</sup>

6. In July 2016, the Israeli parliament adopted the NGO Transparency Law, which imposes intrusive public reporting requirements on NGOs (including in occupied East Jerusalem) receiving foreign funds and strict sanctions for non-compliance. Notably, organizations affiliated with the World Zionist Organization and Jewish Agency are exempted from these restrictive regulations. The law is expected to have severe repercussions on NGOs in Israel and occupied East Jerusalem that are critical of government policies that violate IHL and Palestinian human rights.<sup>10</sup> As a result, in June 2016 (prior to the law being passed) three UN Special Rapporteurs (on the situation of human rights defenders, the rights to freedom of peaceful assembly and of association, and on the promotion and protection of the right to freedom of opinion and expression) issued a joint statement to the Israeli parliament, calling on it to refrain from adopting the law.<sup>11</sup>

7. Field researchers and staff of civil society groups, legal advocates, staff of international aid organizations, BDS campaigners, and members of the media have been subjected to harassment, intimidation, verbal threats, threatening emails and phone calls, arbitrary arrest and detention, imprisonment, injury and torture. While undertaking their day-to-day work, they are defending the human rights of the Palestinian people, as per the recognition provided in the *UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*.

#### *Restrictions on Freedom of Association and Movement*

8. In direct contravention of the *UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms* Articles 5, 6 and 11, Palestinian human rights defenders - especially in Gaza due to the closure/blockade - experience specific constraints in carrying out their work due to the particular nature of restrictions on freedom of movement and on their activities to know, seek, obtain, receive, publish as well as disseminate information about human rights violations.

9. Freedom of movement is hindered by physical barriers, including checkpoints, roadblocks and the Annexation Wall, and bureaucratic barriers imposed by Israeli authorities through restrictive residency permits as well as the lack of independent international borders. This situation is most severe in Gaza, where Israel imposes a land, sea and air blockade. As a result, Palestinians living in Gaza, including

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<sup>9</sup> For specific details, see for example, Addameer’s online resource on “Military Courts”:  
<[http://www.addameer.org/israeli\\_military\\_judicial\\_system/military\\_courts](http://www.addameer.org/israeli_military_judicial_system/military_courts)>.

<sup>10</sup> This law cannot be read in isolation, but must be seen in the context of other legislation adopted that restricts the work of organizations within Israel that are supportive of the defense of Palestinian human rights and an end to the occupation, including the Defense (Emergency) Regulations (1945), the Nakba Law (2011) and the Anti-Boycott Law (2011).

<sup>11</sup> UN Office of the High Commissioner of Human Rights, “Israel: UN experts urge Knesset not to adopt pending legislation that could target critical NGOs” (24 June 2016). Online:  
<<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20177&LangID=E>>.

human rights defenders, are required to apply for a permit to be allowed to exit, either to go abroad or to travel to the West Bank. Correspondingly, West Bank residents need permits to enter Gaza. In practice, such permits are rarely granted, with travel restrictions frequently applied by the occupying forces specifically on human rights advocates and staff working with civil society organizations (see below for specific examples of individuals subjected to such travel restrictions). This means that spokespeople and staff of human rights organizations are prohibited from freely moving between Gaza, Jerusalem and the West Bank, or going to UN and other international fora, substantively obstructing their work both inside and outside the country. In effect, these punitive restrictions amount to not only violations of internationally recognized rights enshrined in the International Covenant on Civil and Political Rights (Article 12), but also act as a form of collective punishment that violates rights to access and communicate in an unhindered way with international bodies (as per the *UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms* as well as the Optional Protocols to the *Convention on the Elimination of All Forms of Discrimination against Women*, the *Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment* and the *International Covenant on Economic, Social and Cultural Rights*).

10. In addition, freedom of association and peaceful assembly is constrained by the presence of the Israeli Occupation Forces (IOF) throughout the West Bank (including East Jerusalem). As documented by international organizations such as Amnesty International, as well as local human rights monitors and researchers, the IOF systematically uses arbitrary and excessive force against Palestinians who organize and participate in protests against the Annexation Wall and settlements. Organizers, lawyers, leaders of locally-formed Popular Committees, members of the media and prominent community members experience harassment, intimidation and physical violence from the IOF - and settlers, often in the presence of IOF - prior, during and after the events, as well as arrest. For example, Independent Commission for Human Rights chairperson and lawyer Farid Al-Atrash was arrested at a non-violent protest in Hebron in February 2016. On March 1<sup>st</sup>, he was released on bail after being detained for 5 days, and charged with participating in an illegal demonstration and attacking soldiers.<sup>12</sup>

#### *Specific Cases of Human Rights Violations of Palestinian NGO Staff and Field Researchers, BDS Activists and Media Workers*

11. Specific violations of the rights of staff working for Al-Haq, Al Mezan Center for Human Rights (Al Mezan), Addameer - Prisoner Support and Human Rights Association (Addameer) and the Women's Centre for Legal Aid and Counselling (WCLAC) have been recorded by these organizations and are outlined below. However, these cases are not isolated, instead standing as examples of the types of harassment and intimidation to which HRDs working in the OPT are systematically subjected.

12. Since September 2015, staff members of Al-Haq have been the subject of emails, phone calls and Facebook posts that seek to discredit and undermine their work, specifically in relation to advocacy at the International Criminal Court and on calling for international pressure to be applied on companies

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<sup>12</sup> Urgent Appeal Concerning Human Rights Defenders Working on OPT and Israel (13 June 2016): <[http://alhaq.org/images/stories/PDF/2012/Letter\\_on\\_HRDs\\_pdf.pdf](http://alhaq.org/images/stories/PDF/2012/Letter_on_HRDs_pdf.pdf)>.

complicit in the illegal Israeli occupation. The messages raised questions about the administration of Al-Haq's finances, including accusations of fraudulent activities and lack of transparency. Anonymous emails to donors were followed up by emails to staff that cited non-existent fraud investigations and financial difficulties. Over the course of 2016, death threats were targeted at Al-Haq's international advocacy staff member in the Hague, Nada Kiswanson, and also at the General Director of the organization, Shawan Jabarin. The appropriate authorities in the Netherlands are currently investigating the situation.

13. Staff members of Al Mezan who work on international litigation cases, including reporting to the International Criminal Court, and undertake international advocacy calling for the Israeli military to be held accountable for serious violations of international law, have similarly been subjected to intimidation, harassment, and threats since late 2015. Email messages, Facebook posts, and telephone calls to staff, donors and friends that contain threats and false allegations about the integrity of Al Mezan have also been received by staff. Some of these messages have contained direct death threats. In addition, in August 2016, a senior staff member of Al Mezan received a death threat via email directed against him and his family, appended with recent pictures of his house taken at close range.<sup>13</sup> As a result of these threats issued against both Al Mezan and Al-Haq, international organizations, including Human Rights Watch, issued statements of concern and condemnation.<sup>14</sup>

14. In October 2016, Al-Haq, Al Mezan and Badil received notifications from the UN Department of Economic and Social Affairs (DESA) that all of their organisations' consultative status with ECOSOC could be jeopardised due to the circulation of flyers in "unauthorised" places promoting an officially sanctioned side event during the 33<sup>rd</sup> Session of the UN Human Rights Council. Notably, no individual or representative from Al-Haq was present in Geneva at the time. In addition, there was no clarity on the meaning or circumstances surrounding the claimed 'inappropriate' acts. Given that the side event (and leaflet mentioned) focused on the excessive use of force by the Israeli military in Palestine, the human rights situation in Gaza and the arbitrary detention of Palestinians, and featured Palestinian human rights defenders (spokespeople from Al Mezan, Badil and Al-Quds Human Rights Clinic were present), we remain concerned that this incident may have been the result of actions taken - or accusations made - by individuals or groups with the intent of seeking to undermine the credibility of all of our organizations within international fora, and in particular, our status and advocacy at the UN. Subsequent to receiving the notification, the three organisations communicated with DESA, raising questions and concerns, and requesting an investigation into the incident. Since then, DESA has revoked the claim.

15. On 1<sup>st</sup> May 2016, Hasan Safadi, a Palestinian journalist and human rights defender working as a media and communications officer at Addameer, and resident of East Jerusalem, was arrested by Israeli occupation forces after returning from an Arab youth conference in Tunisia. Since then, he has been held in administrative detention. At a hearing on 10<sup>th</sup> June at the Jerusalem Magistrates Court, a judge

<sup>13</sup> "Al Mezan Condemns Continued Death Threats to Staff Members and Calls on the International Community to Intervene" (11 August 2016): <<http://mezan.org/en/post/21475>>.

<sup>14</sup> See for example, "Palestinian Rights Defenders Threatened" (14 August 2016):

<<https://www.hrw.org/news/2016/08/14/israel/palestine-palestinian-rights-defenders-threatened>>.

ordered the release of Safadi on a bail of NIS 2500 (US \$650). Although his family paid the required bail, Safadi was not released. Instead, he was subjected to another six-months of administrative detention based on an order signed by the Israeli Defence Minister, Avigdor Lieberman, that was subsequently confirmed by the Jerusalem Magistrates Court on 28<sup>th</sup> June. Thereafter, Safadi was transferred to - and is still detained at - Ktziot Prison, in the Naqab, outside of the OPT. On 27<sup>th</sup> October, Safadi was sentenced to three months and one day imprisonment for visiting Lebanon. Although Israeli citizens are prohibited from traveling to Lebanon (labelled as an 'enemy state' by the Israeli government) without first obtaining a permit, Safadi is not an Israeli citizen and other Palestinians have visited the country without facing similar charges. The measures taken to extend his detention at Ktziot therefore remain punitive and have resulted in international organizations issuing an urgent alert and demand for his release.<sup>15</sup> International and Palestinian HRDs remain gravely concerned about his situation given the severe conditions at the Ktziot facility. At the time of writing, his administrative detention is set to end in December 2016.

16. Al-Haq, Al Mezan and Addameer as organizations staffed by HRDs have also been subjected to harassment, ridicule and intimidation from the Israeli Minister of Justice, Israeli newspapers, online media and Israeli organisations. For example, the Jerusalem-based NGO Monitor labels Al-Haq and Al Mezan as leaders in "lawfare" against Israel and claims that the general director of Al-Haq along with several staff and the chairperson of Addameer are linked to acts of terrorism.<sup>16</sup> In October 2016, two women staff members of Al-Haq currently traveling in the USA were also named in a Jewish Zionist blog in which it was claimed they were part of "ganging up" on Israel.<sup>17</sup>

17. Field researchers working for Palestinian civil society groups testify to facing particular challenges in their day-to-day work to document and monitor human rights violations, and accordingly try to keep a 'low-profile'. They cite constraints in their freedom of movement, underlining that their work to conduct field research is similar to that of media correspondents, and that occupation forces consistently impose obstacles, including blocking-off areas, declaring large swaths of land, especially in the Jordan Valley as "closed firing zones", issuing travel bans, and creating a sense of psychological intimidation through heavy military presence. In some areas, where Israeli settler presence is heavy and located within Palestinian urban centres, such as in Hebron, settlers are seen by field researchers to be taking direct action against human rights monitors in the presence of the Israeli military. For example, earlier this year, Wa'il Qut, a lawyer from the Jerusalem Legal Aid and Human Rights Center, who regularly follows up on cases related to demolitions of Palestinian homes and confiscation of Palestinian land by the occupying forces as well as settler violence against Palestinians, had his car torched by settlers from the outpost of Eish Kodish. The incident took place only a few hours after Qut intervened in an attack that a group of settlers were carrying out against the village and the farmers of

<sup>15</sup> Frontline Defenders Profile on Hasan Safadi: <<https://www.frontlinedefenders.org/en/profile/hasan-safadi>>,

<sup>16</sup> See for example, NGO Monitor profiles on Al-Haq <[www.ngo-monitor.org/ngos/al\\_haq/](http://www.ngo-monitor.org/ngos/al_haq/)>, Addameer <<http://www.ngo-monitor.org/ngos/addameer/>> and Al Mezan <[http://www.ngo-monitor.org/ngos/al\\_mezan\\_center\\_for\\_human\\_rights/](http://www.ngo-monitor.org/ngos/al_mezan_center_for_human_rights/)>.

<sup>17</sup> Elder of Ziyon Blog, "Amnesty, HRW, Al Haq to gang up on Israel next week at UN" (13<sup>th</sup> Oct 2016). Online: <http://elderofziyon.blogspot.com/2016/10/amnesty-hrw-al-haq-to-gang-up-on-israel.html>

Qusra. Graffiti written on a nearby wall by the settlers confirmed the act was intended as revenge for Qut's actions.

18. Field staff also have their work obstructed by prohibitions imposed on access to West Bank areas located in the vicinity of settlements. As a result, they are restricted in undertaking any form of documentation or monitoring in these areas, including, for example, speaking with Palestinian labourers employed in the settlements, or gathering samples of soil and water in places where waste is dumped from settlements into the surrounding environment. In addition, when documenting testimonies from first-hand witnesses, writing affidavits can become difficult because witnesses themselves fear for their own safety, and remain concerned that by engaging in verifying rights violations to which they are subjected, they will be at elevated risk of retaliation from the IOF or settlers.

19. Women field researchers and staff face particular security and safety concerns when undertaking documentation and monitoring work as well as a more prominent organisational role. For them, the risks of harassment and attacks by the Israeli occupying forces and settlers create greater limitations on their work than those typically faced by male colleagues. For example, on International Women's Day, 8<sup>th</sup> March 2016, at around 1:30am, between 30 and 40 soldiers raided the home of Manal Tamimi, a field researcher with the Women's Centre for Legal Aid and Counselling and a prominent human rights defender from the West Bank village of An Nabi Saleh. Tamimi is actively involved in the Popular Resistance Coordination Committee, organizing weekly protests in the community against the occupation<sup>18</sup> and hosting international delegations of journalists, politicians, religious leaders and activists. During the raid, she was physically assaulted in front of her two children and husband, told she was under arrest, and forced into a military troop carrier. Her wrists and legs were bound tightly, she was blindfolded, and driven to an isolated area. Tamimi underwent lengthy interrogations, humiliating strip searches, and unlawful transportation out of the West Bank to the Hasharon and Ramleh prison facilities, both of which are in Israel (in violation of Article 76, IV Geneva Convention). She was subsequently brought to Israel's Ofer military court inside the West Bank for a hearing, during which the judge was presented with secret evidence (to which neither she nor her legal counsel had access). After being transferred again to Hasharon on the morning of 10<sup>th</sup> March, Tamimi was brought back to the Ofer court and ordered to be released with a payment of a bond of NIS 4000 (US \$1050) (reduced following an objection filed by her legal counsel). This incident is not isolated, but rather one of many times Tamimi and her family have been attacked in a similarly punitive manner since the village weekly protests began in 2009. Earlier in the year, on 15<sup>th</sup> January, following one of the weekly demonstrations organized in An Nabi Saleh, Israeli military entered the village and a troop carrier stopped in front of Tamimi's home. Tear gas canisters were shot in several directions, shattering the

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<sup>18</sup> The nearby Israeli settlement of Hallamish, established in 1977, has continuously expanded, encroaching onto village land. In 2009, settlers from Hallamish took control over a natural spring located on the property of one of the villagers of An Nabi Saleh. Prior to that time, the entire community of An Nabi Saleh relied on the spring as an important water source and recreational area. The weekly protests began in December 2009 and are a direct response to the settler expansion. These gatherings are regularly met by deployments of large numbers of Israeli soldiers and border police to the area, who use sound grenades, skunk water, tear gas, rubber bullets and live ammunition in their attempts to disperse villagers.

windows of her house, while she along with her children and husband were inside. When she tried to exit the house with one of her children, the soldiers again threw tear gas, and though she managed to take refuge at her brothers' home nearby, she collapsed in a semi-conscious state and had to be hospitalized. Additional instances of Tamimi and her family being subjected to raids on her home, assaults and detention by the occupying forces have been recorded by WCLAC, reported in submissions to UN Special Procedures mechanisms on 29 July 2015, 4 February 2016 and 24<sup>th</sup> March, respectively.<sup>19</sup>

20. Women who work as media correspondents also report particular forms of gender-based harassment and intimidation by Israeli forces. For instance, earlier this year, filmmaker Fida' Nasr, age 28, who works with the television station Palestine Today, reported to Al-Haq being obstructed and detained by Israeli forces from entering the Ibrahimi Mosque in Hebron to conduct her work. As recorded by MADA, she has also been subjected to attacks by the Israeli military in the past.<sup>20</sup>

21. In addition, advocates of BDS have been subjected to serious verbal threats alluding to violence and deprivation of basic rights made by Israeli government ministers. For example, Omar Barghouti, a founding member of the BDS movement has been individually targeted by personal threats issued by Israeli authorities. In March 2016, Barghouti, who has had Israeli permanent residency since 1994, was informed by the Israeli Minister of Interior, Arie'el Der'i, that his travel permit would not be renewed, and that his permanent residency permit in Israel may be revoked. In September, the Israeli Ministry of Interior held a hearing on Barghouti's status to determine whether his 'center of life is in Israel'. At the time, however, an Israeli court ruled that until the Ministry provides appropriate information on why Barghouti should be banned from travelling, his travel permit should be renewed. The Ministry has yet to provide the courts with such information. As a result, Barghouti's travel document was renewed for a period of 30 days on the 10<sup>th</sup> of October.<sup>21</sup>

22. In March 2016, an escalation of intimidation against BDS campaigners came from Israel's Minister of Transport, Intelligence and Atomic Energy Yisrael Katz, who called on Israel to engage in "targeted civil eliminations" of BDS leaders with the help of Israeli intelligence, which was understood to allude to "targeted assassinations".<sup>22</sup> More recently, in September, Israeli Justice Minister Ayelet Shaked termed BDS as "the new face of terror", advocating for its elimination.<sup>23</sup>

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<sup>19</sup> Accessible online from the Women's Centre for Legal Aid and Counselling: <[www.wclac.org](http://www.wclac.org)>.

<sup>20</sup> See for example, "MADA: 35 media freedoms violations, including 7 arrests during March". Online: <http://www.madacenter.org/pdf.php?id=1547&typee=report&lang=1>

<sup>21</sup> BDS National Committee, *Israel's Attacks on the BDS Movement: A Threat to Free Speech and Democracy in the West*, June 2016; Update (Summer – Autumn 2016): *Intimidation and Repression of the Right to Boycott and of Human Rights Defenders Advocating for BDS*, October 2016.

<sup>22</sup> Amnesty International, *Public Statement: "Israeli Government must cease intimidation of human rights defenders, protect them from attacks"*, 12 April 2016.

<sup>23</sup> Arutz Sheva, "Justice Minister: BDS movement is a terror organization" (18 Sept 2016). Accessed online: <<http://www.israelnationalnews.com/News/News.aspx/217985>>.

23. As of August 2016, Israeli authorities declared that they were developing a ‘taskforce’ to identify, deport or deny entry to anyone who supports the call for BDS.<sup>24</sup> It remains to be seen how this will affect volunteers and non-profit staff coming to Palestine from abroad. Although Israeli border officials already regularly deny entry of people suspected to be pro-Palestinian, including foreign volunteers with human rights and protection groups, this is the first explicit policy aimed at limiting the freedom of movement of - and intimidating - human rights defenders from abroad and Palestinian diaspora who support the growing BDS movement.

24. Among the most recent cases of attacks on BDS activists is that of Mr. Salah Khawaja, Secretary of the BDS National Committee, who was arrested on 26<sup>th</sup> October 2016 and is now being held in Israeli custody. Khawaja, age 45, is a founding member of several Palestinian NGOs and civil society networks. He is currently a coordinator of the Popular Campaign Against the Wall and Settlements, one of the leaders of the Palestinian National Initiative (Mubadara), and is completing a masters on non-violent struggle at Beirut University. His home, located in Area A of central Ramallah, was raided at 2:00am, and members of his family as well as neighbouring families were subjected to the spraying of tear gas. His phone and computer, along with the phones of all of his family members were confiscated by the IOF. At the time of writing, Khawaja was being held under interrogation outside of the OPT, at the Petah Tikvah facility with a ban on attorney visits. There is widespread concern that Khawaja is currently being subjected to duress and/or ill-treatment given the regular and systematic use of torture in Israeli detention centres. A court hearing is scheduled for 9<sup>th</sup> of November.

25. Journalists and staff working for media outlets in the OPT report physical attacks, arrests, harassment and confiscation of recording equipment by Israeli authorities while carrying out their work. Given their role in documenting, investigating, publicising and disseminating information about human rights violations, members of the media are directly involved in proactively defending human rights in the OPT.

26. Some of the violent incidents committed against journalists recorded by Al-Haq in October 2015 alone include the following:

- 2<sup>nd</sup> October: A journalist working for several international news agencies, Ahmad Tala'at Hassan, age 22, was covering the weekly peaceful demonstration of Kufr Qaddoum, east of Qalqiliya. Ahmad was carrying his camera, wearing a helmet and a press vest. As Ahmad was documenting the demonstration, standing away from the crowd, he was shot by the IOF with a live bullet.

- 6<sup>th</sup> October: Photojournalist Salah Addin Ibrahim Ziyad, age 33, and his colleague Khaled Al-Faqeeh were reporting on a peaceful demonstration near the Qalandia checkpoint. The IOF started firing tear gas and rubber bullets, and then proceeded to shoot live ammunition. Despite the fact that Salah and several other journalists present were wearing press vests and stood away from the soldiers as well as the gathering, one of soldiers pointed his gun directly at the journalists, and shot Salah in the stomach with a live bullet.

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<sup>24</sup> See for ex: The UK Guardian Online, “Israel to crack down further on foreign pro-Palestinian activists” (8 Aug. 2016): <[www.theguardian.com/world/2016/aug/08/israel-to-crack-down-further-on-foreign-pro-palestinian-activists](http://www.theguardian.com/world/2016/aug/08/israel-to-crack-down-further-on-foreign-pro-palestinian-activists)>.

- 8<sup>th</sup> October: Ibrahim Mohammad Bidwan, age 42, a correspondent for “Watan T.V.” was reporting on a demonstrations near the settlement of Bet Eill (north of Ramallah). Although Ibrahim was wearing a press vest, one of the soldiers shot him from a distance of approximately 30 metres. Ibrahim was grazed by one of the bullets in his head. Subsequently, when a paramedic came to treat Ibrahim, the soldiers again shot at him with rubber coated bullets, this time directly hitting him in the abdomen. He was treated at the Palestine Medical Complex in Ramallah for his injuries.

- 13<sup>th</sup> October: Hussein Abd Al-Jawad Karsou', age 40, along with several journalists and photojournalists were near the Beit Hanoun Crossing covering a demonstration. The journalists wore vests, masks and carried cameras. The IOF fired tear gas canisters at Hussein and another journalist, injuring them in the arm and foot (respectively).

- 23<sup>rd</sup> October: Photojournalist Daoud Nimer Abu Al-Kas, age 23, was covering a demonstration near the buffer zone in Gaza (at Al-Shujaiyya). Israeli forces responded to the protesters with tear gas and firing live bullets. Daoud (wearing a press vest) was shot in the left thigh with a rubber-coated metal bullet while approaching a young protester who was injured and lying on the ground.

- 27<sup>th</sup> October: Samer Hisham Nazzal, age 29, a journalist with Raya Press was covering a confrontation between the Israeli occupying forces and Palestinian youth near the District Coordination Offices checkpoint near Al-Bireh. At the time, he was wearing a bulletproof press jacket. When the confrontation began to escalate, Samer sought to leave the area, running in the opposite direction. He was shot in the back and left leg by soldiers at a distance of approximately 10-15 metres, and was taken to the hospital by paramedics to be treated for severe bleeding and a shattered leg bone.

-30<sup>th</sup> October: Munther Mohammad Khatib, age 30, a cameraman with Al Ghad Al Arabi, was monitoring a youth protest in Al-Bireh with four other journalists. All were wearing visible press identification and were carrying cameras. Israeli soldiers began shooting at the youth protesters with rubber bullets and live ammunition directly into the gathering as well as canisters of tear gas. Although Munther and the other correspondents were standing away from the protest, the soldiers threw a stun grenade that landed directly beside them. A soldier then approached the group of journalists, pepper spraying them in their faces, verbally harassing and threatening them, and physically assaulting them, including forcibly pulling off Munther's press helmet. The correspondents suffered from severe burns and injuries resulting from the assault.

27. According to data compiled by the Palestinian Centre for Development and Media Freedom (MADA), attacks on citizen journalists and media outlets have escalated over the course of 2016. The documentation of incidents resulting in deaths of media workers in the OPT this year include that of Iyad Omar Sajdieh, who died after being shot in the head while monitoring actions of the IOF in the Qalandia refugee camp in February. No soldier has been held accountable.

28. Increasingly, Palestinian media are being charged with ‘inciting terror’ (including for online/social media postings) and shut down or subject to equipment confiscation by the occupying forces. For instance, in March 2016, Israeli military detained the office manager, camera personnel and technician of the television station Palestine Today (Falastin al-Yom) in Ramallah, confiscated their equipment, and ordered the shuttering of their office. Similarly, workers at another media outlet in Ramallah,

TransMedia Production Company, faced the confiscation of their equipment and raid on their office, after the Israeli Civil Administration ordered its shut-down in March 2016.<sup>25</sup> More recently, in late August, the IOF and Civil Administration charged reporters working for Al-Sanabel radio station with incitement, arresting five staff and confiscating technical equipment and transmitters. Other media outlets shut by the IOF over the course of this year include Manbar Al-Hurria, Al-Khalil, Dream and Nas Radio Station. Some journalists also face individual travel bans imposed by the Civil Administration and are subject to arrest if they try to leave to attend conferences abroad.<sup>26</sup> As of September 2016, the Palestinian prisoner rights' organization Addameer had recorded that 27 Palestinian journalists, all of whom can be considered HRDs as per the *UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*, were being held in detention by Israel.<sup>27</sup>

#### *Specific Cases of Rights Violations Against International Aid Workers, Staff and Foreign Volunteers*

29. In recent months, Israeli authorities have evidently sought to discredit the Palestinian manager of World Vision in Gaza and an engineer connected with a rubble-removal project of the United Nations Development Programme (UNDP), claiming that they have, in their respective positions, diverted funds and resources to support Hamas, and have accordingly made confessions. Such accusations from the occupying forces against Palestinians working in aid agencies have the effect of not only harassing and intimidating the targeted individuals (who are subject to lengthy interrogations and pressured under duress to give confessions), but also to a withdrawal of international community support for Gaza-in these cases, specifically leading to the closure of World Vision's office and divestment by official aid agencies from Gaza-related relief efforts.<sup>28</sup>

30. As a direct consequence of the crippling blockade/closure on Gaza imposed by Israel over the past ten years, international humanitarian aid workers and international aid money are relied upon by two-thirds of the population in Gaza for basic services and supplies. The claims of 'terrorism' levelled by Israel against international aid agencies and human rights defenders therefore have severe repercussions on the livelihoods of the Palestinian population in Gaza. In addition, there are repercussions on the work of other Palestinian HRDs in Gaza, as they could be subjected to similar forms of harassment when seeking support/solidarity from international allies.

In light of this situation, PHROC urges the Special Rapporteur on the Human Rights Situation in the OPT to:

<sup>25</sup> Middle East Eye, "Israeli forces raid Palestinian TV Station in Ramallah," 11 March 2016. Accessed online: <<http://www.middleeasteye.net/news/israeli-forces-raid-palestinian-television-station-west-bank-742783772>>

<sup>26</sup> Hattar, M., "Israel arrests Palestinian journalist en route to int'l conference," *+972 Magazine*, 25 April 2016. Accessed online: <<http://972mag.com/israel-arrests-palestinian-journalist-en-route-to-international-conference/118842>>

<sup>27</sup> Addameer, "War On Words: Targeting of Palestinian Press by Israeli Forces". Accessed online: <<http://www.addameer.org/news/war-words-targeting-palestinian-press-israeli-forces>>.

<sup>28</sup> The Guardian (UK), "Second Palestinian aid official in Gaza charged with assisting Hamas" (9 August 2016) Accessed online: <[www.theguardian.com/world/2016/aug/09/israel-second-palestinian-undp-aid-official-gaza-charged-assisting-hamas](http://www.theguardian.com/world/2016/aug/09/israel-second-palestinian-undp-aid-official-gaza-charged-assisting-hamas)>.

- a) Call on Israeli authorities to respect the rights of human rights defenders carrying out their work - in both Gaza and the West Bank (including East Jerusalem), free of intimidation, violence and harassment whether inside the OPT or abroad, and stop placing restrictions on their freedom of movement - including but not limited to traveling freely within the OPT and to fora abroad - and respect the rights of those individuals to freely conduct their work; stop applying the jurisdiction of the military courts in the OPT to civilians as per the provisions of international law; allow Palestinian media outlets shut down under Israeli military orders to be re-opened, recognizing the important role the media plays in promoting, monitoring, defending and disseminating information about human rights, and release all Palestinian detainees being held on account of their political views or activities;
- b) Call on all states to ensure that threats and attacks against Palestinian human rights defenders working in the OPT (including in East Jerusalem), Israel and abroad are investigated, and that responsible parties are held accountable;
- c) Call on diplomatic representatives of states, the EU and the office of the OHCHR in the OPT to extend effective protection to all HRDs, including those active in the BDS movement.
- d) Call on all state parties to respect and protect the right of their citizens and civil society groups to freely advocate for an end of the Israel's illegal occupation and respect of the human rights of the Palestinian people, including through advocacy for BDS.
- e) Affirm the obligation of companies, particularly those with headquarters or parent companies outside of Israel, to refrain from providing equipment that could be used to intercept or harm the work of Palestinian human rights defenders, and for social media providers to refrain from censoring individuals and organizations that defend the rights of Palestinian people; and
- f) Arrange a visit to the OPT to speak directly with HRDs at the earliest date possible.

Addameer Prisoners' Support and Human Rights Association  
 Al-Haq – Defending Human Rights  
 Defense for Children International – Palestine Section  
 Hurryyat-Center for Defense of Liberties and Civil Rights  
 Jerusalem Center for Legal Aid and Human Rights  
 BADIL Resource Center for Palestinian Residency and  
 Refugee Rights



Aldameer Association for Human Rights  
 AL-Mezan Center for Human Rights  
 Ensan Center for Human Rights and Democracy  
 Ramallah Center for Human Rights Studies  
 Women's Center for Legal Aid and Counseling  
 The Palestinian Center for Human Rights  
 Independent Commission for Human Rights (Observer)

## Palestinian Human Rights Organizations Council



**Addameer Prisoners' Support and Human Rights Association**  
 Sahar Francis  
 General Director



**Aldameer Association for Human Rights**  
 Hala Jaber  
 General Director



**Al-Haq**  
 Shawan Jabarin  
 General Director



**Al Mezan Center for Human Rights**  
 Issam Younis  
 General Director



**Badil Resource Center for Palestinian Residency and Refugee Rights**  
 Nidal Azza  
 General Director



**Defence for Children International - Palestine Section**  
 Khaled Kuzmar  
 General Director



**Ensan Center for Human Rights and Democracy**  
 Hasieb Nashashibi  
 General Director



**Hurryyat - Centre for Defense of Liberties and Civil Rights**  
 Helmi Al-Araj  
 General Director



**Jerusalem Center for Legal Aid and Human Rights**  
 Issam Aruri  
 General Director



**Ramallah Center for Human Rights Studies**  
 Suhaib Sharif  
 General Director



**Women's Centre for Legal Aid and Counselling**  
 Randa Sanyora  
 General Director



**The Palestinian Center for Human Rights**  
 Raji Sourani  
 General Director