

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967; the Special Rapporteur on extrajudicial, summary or arbitrary executions; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

REFERENCE: UA
ISR 9/2015;

8 December 2015

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967; Special Rapporteur on extrajudicial, summary or arbitrary executions; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 25/2, 24/5, 25/18, 5/1, 26/12, and 25/13.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received regarding allegations of **arbitrary detention and acts of intimidation and threats, including death threats, against members of the human rights organization Youth Against Settlements (YAS)**, during the past months of heightened tensions and increased violence in the Occupied Palestinian Territory, much of which has been centred in Hebron (also known as Al-Khalil).

The coordinator of **Youth Against Settlements**, Mr. Issa Amro, was the subject of a joint urgent appeal sent to the Government of Israel on 2 August 2013 by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, the

Special Rapporteur on extrajudicial, summary or arbitrary executions, and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (see A/HRC/25/74, case no. ISR 7/2013).

Youth Against Settlements was the subject of another joint urgent appeal sent to the Government of Israel on 28 May 2014 by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, and the Special Rapporteur on extrajudicial, summary or arbitrary executions (see A/HRC/27/72, case no. ISR 3/2014).

We regret that no response was received from Your Excellency's Government to either of these communications.

According to the information received:

During the past months, Israeli authorities reportedly carried out several retaliatory acts against the Palestinian human rights organization YAS and its members in relation to their work in documenting alleged human rights violations in Hebron.

On 22 September 2015, an 18-year-old Palestinian woman was shot and killed by Israeli security forces at a checkpoint in Hebron. YAS published video footage and photos taken immediately after the shooting, amidst allegations that it was an extrajudicial killing. The footage and photos raised questions regarding the veracity of the allegations by Israeli forces that the woman possessed a knife and posed a threat warranting use of lethal force. It is reported that in the days following the incident several members of YAS were arbitrarily detained at checkpoints. These members included Mr. **Mufeed Sharbati**, Mr. **Zidan Sharbati**, Mr. **Ahmad Amro**, Mr. **Mamdouh Amro** and Mr. **Mohammad Zoghayer**.

Mr. Mohammad Zoghayer, the spokesperson of YAS, was later detained on 28 October 2015. He was informed on 8 November 2015, which was also the first time he was able to meet with his lawyer, that he was held under suspicion of having conspired to participate in a shooting attack. Reportedly, however, in addition to this, he was also questioned on the activities of YAS. Mr. Mohammad Zoghayer reportedly complained of harsh detention conditions, including the deprivation of sleep and humiliation by security forces. He was released on 29 November 2015.

On 11 October 2015, allegedly settlers threw stones at the YAS Centre, located in the Tel Rumeida area of Hebron, and armed settlers attempted to break into the Centre, but were stopped by Israeli security forces at the last moment. Allegedly, soldiers behaved aggressively towards YAS members and threatened to shoot them next time. When a settler woman accused YAS member, Mr. Mohannad Qafesha, of threatening her with a stick he was arrested and detained for three hours at the police station in the Kiryat Arba settlement. No action was reportedly taken by Israeli security forces in response to complaints by YAS members of settlers throwing stones.

On 17 October 2015, a member of YAS, Mr. Zidan Sharbati, filmed the immediate aftermath of the alleged killing by a settler of an 18-year-old Palestinian. There were allegations of a stabbing attack against the settler, who appeared uninjured and holding a handgun in a video reportedly showing the moments after the incident, and counter allegations of Israeli soldiers placing an object, believed to be a knife, by the body of the deceased Palestinian. Following the release of the footage, YAS media coordinator, Mr. Ahmad Amro, was detained for more than three hours. Allegedly he was beaten and soldiers threatened to shoot him. They also erased video footage he had on him and warned him to stop filming or face re-arrest. Mr. Zidan Sharbati's apartment was allegedly raided, and phones, cameras and video recorders were confiscated. Reportedly, soldiers made threats of worse if he filmed such situations again. Similar threats were also reportedly made to Mr. Mufeed Sharbati after he spoke to the media about the same incident, which he also witnessed.

On 7 and 8 November 2015, Israeli soldiers raided and took control of the YAS Centre for 24 hours. On 7 November 2015, at approximately 5 a.m., soldiers arrived at the Centre and asked an international activist and an international journalist, who were staying at the Centre, where Mr. Issa Amro was. He was then called to come to the Centre. Mr. Issa Amro arrived at around 7 a.m. and was interrogated about his whereabouts before arriving at the Centre. While many activists were prevented from accessing the Centre, some YAS members did get through. During the 24 hours, the soldiers allegedly held several YAS members and international activists inside the centre incommunicado and confiscated their mobile phones. Mr. Issa Amro was asked where the group had hidden its guns. Reportedly, when he told the soldier to "Go and search, we have hundreds of 'guns' – in the form of cameras. Cameras are our weapons", the soldier threatened "Don't play with me, I will shoot you". Reportedly, another soldier told Mr. Issa Amro: "This action is because you are filming and spreading lies about Israel". The soldiers removed equipment belonging to YAS, including several cell-phones, laptops, cameras, two hard disks and 15 memory cards and damaged or destroyed much of the centre's furniture. It is estimated that the damage to the YAS organisation is around USD 15,000.

During the time the soldiers held YAS members and supporters in the Centre, a large number of Israeli settlers outside the Centre allegedly chanted "Death to the Arabs", without any interference by Israeli security forces. Israeli security forces allegedly used teargas and rubber bullets to disperse activists who had come in support of YAS and were prevented from entering the Centre. Reportedly, several private Palestinian homes were raided and taken over during the same period. The soldiers left at approximately 5 a.m. on Sunday 8 November 2015, although they indicated they would be coming back.

On 27 November 2015, a meeting in front of the YAS Centre by around 20 YAS members, was interrupted when a soldier guarding the Israeli settlement located directly behind the Centre began shouting "knife, knife". Subsequently, a 16-year-old boy, [REDACTED], was arrested by Israeli security forces. However, reportedly there was no indication that he was in possession of a knife.

[REDACTED] had been partaking in the YAS meeting as the youngest participant. When Mr. Issa Amro inquired about [REDACTED], Israeli soldiers reportedly accused Mr. Issa Amro of obstructing their work and hiding a terrorist in the YAS Centre. Mr. Issa Amro was then taken into custody. He was allegedly placed blindfolded with his hands cuffed behind his back in a foul smelling bathroom stall at the Israeli military base in Tel Rumeida for four and a half hours. During this time soldiers, apparently seeking to humiliate him, repeatedly opened and slammed the door, laughing and saying "see there is Issa". Allegedly, soldiers chanted his name outside and some made death threats. He was subsequently brought for interrogation at the Givat Avoot police station before being released. YAS members have reportedly confirmed to Israeli security forces that [REDACTED] was with them at the relevant time and did not have a knife. [REDACTED], a child, was detained in Ofer prison facility until 3 December 2015.

Following the arrests on 27 November 2015, settlers allegedly surrounded the YAS Centre shouting insults and called for the Centre to be shut down. Israeli security forces raided the Centre and confiscated the mobile phones of Palestinians present while the raid was ongoing. The settlers allegedly tried to block the path to the Centre, and, at one point, on 28 November 2015, reportedly threw stones and attempted to enter the Centre. A complaint was filed by Mr. Issa Amro and his landlord against the settlers with Israeli police. Israeli forces reportedly did not intervene against the acts of the settlers. The presence of settlers around the Centre and Israeli soldiers continued until 29 November 2015, when the area around the Centre was temporarily declared a military zone and only Mr. Issa Amro, the tenant, was allowed to stay. This was lifted later on the same day.

While we do not wish to prejudge the accuracy of these allegations, we are concerned by what appears to be deliberate obstruction of the work of human rights defenders, intimidation and retaliatory acts, including death threats, arbitrary detention, and raids on the YAS Centre. We are concerned that these alleged acts would stifle the legitimate exercise of the rights to freedom of expression and association of the YAS Centre and exert a deterrent or chilling effect on its members and on other human rights organizations to exercise their rights and perform their functions. We therefore call for the protection of an environment in which human rights defenders can undertake their work without restriction, unless where necessary and proportionate under international human rights law, and without fear of retaliatory acts.

In connection to the above alleged facts and concerns, we would like to remind your Excellency's Government of its obligations under international human rights law.

In this regard, we would like to refer to the International Covenant on Civil and Political Rights (ICCPR), ratified by Israel on 3 October 1991, which guarantees the rights to life (Art. 6), to liberty and security (Art. 9) and the right of persons deprived of their liberty to be treated with dignity (Art. 10), the right to a fair trial (Art. 14), the protection against arbitrary or unlawful interference with privacy, home and correspondence (Art. 17), the right to freedom of opinion and expression (Art. 19) and the right to a peaceful assembly (Art. 21). We also stress that these rights apply to all without distinction (Art. 2) and refer to the guarantee of equality before the law, without discrimination (Art. 26).

We further would like to draw your attention to 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, also known as the UN Declaration on Human Rights Defenders, in particular Articles 1, 2, 5, 6, 9, 12 and 17. We also refer to Human Rights Council resolution 13/13, which urges States to put an end to and take concrete steps to prevent threats, harassment, violence and attacks by States and non-State actors against all those engaged in the promotion and protection of human rights and fundamental freedoms.

Further, we would like to remind your Excellency's Government of the duty to guarantee "[e]ffective protection through judicial or other means" to "individuals and groups who are in danger of extra-legal, arbitrary or summary executions, including those who receive death threats", according to Principle No. 4 of the UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (E/1989/89).

We would also like to draw the attention of your Excellency's Government to Principle 15 of the United Nations Basic Principles on the Use of Force and Firearms by Law Officials, which provides that, law enforcement officials, in their relations with persons in custody or detention, shall not use force, except when strictly necessary, as

well as to paragraph 8a of Human Rights Council Resolution 16/23, which reminds States that intimidation and coercion, including serious and credible threats, as well as death threats, to the physical integrity of the victim or of a third person can amount to cruel, inhuman or degrading treatment or to torture. The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In the view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the Palestinian human rights defenders, in compliance with international instruments.

As it is our responsibility under the mandates provided to us by the Human Rights Council to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any information and comment you may have concerning these allegations.
2. Please provide information relative to the measures taken to ensure the physical and psychological integrity of the members of Youth Against Settlements in light of threats and intimidation by Israeli security forces and Israeli settlers.
3. Please confirm the complaints which have been lodged by or on behalf of members of Youth Against Settlements, in relation to the allegations mentioned above.
4. Please provide the details and where available the results, of any investigation, judicial or other inquiries carried out in relation to these incidents, in particular the allegations of death threats against members of YAS and the raid of the YAS Centre on 7-8 November and 27 November 2015. If no inquiries have taken place, or if they have been inconclusive, please explain why.
5. If alleged responsible persons have been identified, please provide the full details of any prosecutions which have been undertaken; have penal, disciplinary or administrative sanctions been imposed?
6. In light of the obligation to only detain children as a last resort, please indicate on what grounds 16-year-old [REDACTED], was arrested and detained.
7. Please indicate what measures have been taken to ensure that human rights defenders in the Occupied Palestinian Territory are able to carry out their legitimate human rights work in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort, both from Israeli security forces and settlers.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to halt the alleged violations against YAS and prevent their

re-occurrence, and in the event that investigations support or suggest the above allegations to be correct, to ensure accountability of any person responsible.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

We may publically express our concerns in the near future as this is a serious matter warranting immediate attention. We are of the view that the information upon which the press release would be based is sufficiently reliable. The press release would indicate that we have been in contact with your Excellency's Government to clarify the issues in question.

Please accept, Excellency, the assurances of our highest consideration.

David Kaye

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freedom of opinion and expression

Maina Kiai

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