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PROMOTION AND PROTECTION OF HUMAN RIGHTS: HUMAN RIGHTS DEFENDERS Report of the Special Representative of the Secretary-General, Hina Jilani

Addendum

Summary of cases transmitted to Governments and replies received*

* The present document is being circulated as received, in the languages of submission only, as it greatly exceeds the page limitations currently imposed by the relevant General Assembly resolutions.

Introduction

1. The present document is submitted by the Special Representative of the Secretary General on the situation of human rights defenders, Ms. Hina Jilani, to the Commission on Human Rights pursuant to Commission resolution 2003/64. The document provides summaries of the communications on specific cases addressed by the Special Representative to Governments, as well as summaries of the replies by Governments that she has received and her observations thereon.

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Israel

Communications sent

278. On 7 June 2005, the Special Representative, jointly with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, Special Rapporteur on the independence of judges and lawyers, Special Rapporteur on the question of torture and Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, sent an urgent appeal concerning Mr. **Ziyad Muhammad Shehadeh Hmeidan**, a staff member of Al Haq, an affiliate organization of the International Commission of Jurists which conducts research and advocacy works on human rights. According to the information received, on 23 May 2005, Mr. Hmeidan was arrested at around 16.30, while he was trying to cross through Qalandiya, a checkpoint between Ramallah and Jerusalem. It is reported that Israeli soldiers entered his ID number into their computer, pulled him aside and placed handcuffs on him. It is reported that Mr. Hmeidan was originally due to appear before a military court of the Moscobiyya detention center, in Jerusalem, on 31 May, 2005. However, the hearing was brought forward by the Israeli authorities to 30 May 2005 and the judge ordered that he be held for another 18 days for investigation; he was sent back to the Moscobiyya detention center (also known as the Russian Compound), where he has been detained since 27 May 2005. No charges were filed against him, but Israeli security officials reportedly indicated that there was a file on him. It was also reported that on 30 May 2005 an order was issued prohibiting him from meeting with counsel for 8 days on the basis of Military Order 378 of 1970. On 2 June 2005, a lawyer tried to visit Mr. Hmeidan in Moscobiyya, but she was denied access. Concerns were expressed that during this period Mr. Hmeidan might be at risk of ill-treatment or torture during interrogation.

279. On 1 July 2005, the Special Representative, together with the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, sent an urgent appeal concerning Mr. **Ziyad Muhammad Shehadeh Hmeidan**, human rights defender and fieldworker for Al-Haq, a Palestinian NGO. Mr. Hmeidan has already been the subject of an urgent appeal sent by the Special Representative together with the Chairperson-Rapporteur of the Working Group on Arbitrary

Detention, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the question of torture on 7 June 2005. According to new information received, on 16 June 2005, Mr. Hmeidan was placed in administrative detention for a period of six months by the Moscobiya Military Court in Jerusalem. Reportedly, no formal charges were brought against him and no evidence supporting his detention has been made available to his lawyer. Concern was expressed that Mr. Hmeidan might be held in administrative detention solely on account of his human rights work with the Palestinian NGO, Al-Haq. Mr. Hmeidan's original detention order of 18 days was issued on 30 May 2005 and was due to expire on 16 June 2005, therefore concern was also expressed that this order may be subject to indefinite renewal.

280. On 26 July 2005, the Special Representative, together with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression sent a letter of allegation concerning Mr. **Khalil Abu Shammala**, Director of the Al Dammeer Association, a Palestinian human rights NGO. According to the information received, on 23 June 2005, Mr. Khalil Abu Shammala was on his way to Cairo to provide testimony before the United Nations Special Committee to Investigate Israeli Practices when Israeli security forces prevented him from passing through the Rafah international crossing point and held him for seven hours. He was finally informed that he was not allowed to travel without being given any reasons. Concern was expressed that this restriction of Mr. Abu Shammala's movement represents a means to obstruct his human rights activities. According to the information received, it is the third time that Mr. Abu Shammala had been prevented from travelling through Rafah international crossing point, which is the only access point to leave Gaza Strip. Previously on 11 and 13 March 2005, he was prevented from attending a NGO workshop. It was reported that Mr. Abu Shammala, who works on prisoners issues, is permanently banned from leaving the Gaza Strip and has not been able to travel abroad for over a year.

281. On 30 September 2005, the Special Representative sent an urgent appeal regarding Ms. **Khalida Kanaan-Jarrar**, Director of the Palestinian NGO Addameer, Prisoner's Support and Human Rights Association, based in Ramallah in the West Bank. This is a Palestinian non-Governmental, civil institution which focuses on human rights issues, in particular offering support for Palestinian prisoners, advocating the rights of political prisoners and working to end torture through monitoring, legal procedures and solidarity campaigns. According to information received, Ms. Kanaan-Jarrar was not granted a travel permit, as requested, in order to participate in the "Third Dublin Platform for Human Rights Defenders", which would take place in Dublin, Ireland, from 13 to 15 October. The conference is organised by Frontline, the International Foundation for the Protection of Human Rights Defenders. Allegedly, Ms. Kanaan-Jarrar had been prevented from leaving the West Bank to travel abroad on six occasions since 2000, due to not receiving the necessary permits. It was reported that Ms. Kanaan-Jarrar had never been charged with any criminal offence, but was allegedly informed that she is not allowed to travel for "security-reasons". It was reported that the authorities have never disclosed any information either to Ms. Kanaan-Jarrar or to her lawyer concerning which information they are basing this decision on. It was reported that Ms. Kanaan-Jarrar has petitioned the Israeli High Court on four occasions seeking to have her travel ban lifted. Her petitions reportedly failed every time. Concern was expressed that Ms. Kanaan-Jarrar was not granted a travel permit in order to obstruct her human rights work and prevent her from participating in international human rights events.

282. On 10 November 2005, the Special Representative, together with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, sent an urgent appeal concerning Mr. **Nabil Al Mazzawi**, an Al Jazeera cameraman. According to information received, on 4 November 2005, in Bil'in, near the West Bank city of Ramallah, he was beaten by Israeli soldiers and subsequently detained for several hours for having filmed a demonstration at the Israeli-built separation barrier. An Israeli spokesman claims that Mr. Al Mazzawi had attacked a border guard. Al Jazeera footage, however, shows that this is false. This footage also shows that the Israeli soldiers surrounded the dozen peaceful Palestinian and international demonstrators at the foot of the separation barrier at Bil'in, north of Ramallah, to bring an end to their demonstration. It is reported that such peaceful weekly demonstrations have been carried out taken place in the village of Bil'in almost every Friday for the past eighteen months since February 2005 with by Palestinian, Israeli and international individuals peacefully demonstrating side by side against the construction of the separation barrier. Concern was expressed that each week, Israeli soldiers or border police bring an end to such peaceful demonstrations by arresting and detaining the demonstrators, sometimes using tear gas, stun grenades, and firing rubber coated bullets and new types of ammunition such as pepper balls and blue sponges. Media footage has shown that these demonstrations have always been carried out peacefully, but met with an excessive use of force from the Israeli soldiers or border police.

283. On 29 November 2005, the Special Representative, together with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, sent an urgent appeal concerning Mr. **Ziyad Muhammad Shehadeh Hmeidan**, human rights defender and fieldworker for Al-Haq, a Palestinian NGO. Mr. Hmeidan was the subject of an urgent appeal sent by the Special Representative together with the Special Rapporteur on the independence of judges and lawyers, and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on 1 July 2005 and an urgent appeal sent by the Special Representative together with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and the Special Rapporteur on the question of torture on 7 June 2005, to which the Government responded on 11 July 2005. According to the new information received, on 14 November 2005, Mr. Hmeidan was informed by the Israeli authorities that his administrative detention, which was due to be completed on 23 November 2005, was being renewed for another six months. It was reported that no formal charges had been brought against Mr. Hmeidan since his arrest on 23 May 2005, nor has he been informed of the reasons for his detention. Concern was again expressed that Mr. Hmeidan might be held in administrative detention solely on account of his human rights work with the Palestinian NGO, Al-Haq. Mr. Hmeidan's original detention order of 18 days was issued on 30 May 2005 and due to expire on 16 June 2005, therefore concern was also expressed that this order may be subject to indefinite renewal.

Communications received

284. On 11 July 2005 the Government of Israel replied to the communication of 7 June 2005 concerning Mr. **Ziyad Muhammad Shehadeh Hmeidan**. The Government stated that Mr. Hmeidan was arrested on suspicion of involvement in terrorist activities and that his detention and subsequent appearance before the Israeli judicial system were and would continue to be in conformity with the law. Furthermore, the Government stated, Mr. Hmeidan has had access to a lawyer since 5 June 2005.

285. On 12 January 2006 the Government of Israel responded to the communication of 30 September 2005. The Government stated that according to its information **Khalida Jarrar** was a high-ranking activist in the the terrorist organization "Popular Liberation Front Movement" and that she had filed three petitions to the Israeli Supreme Court regarding the State of Israel's refusal to grant her permission to leave Israel. Two of these permissions were denied and another was removed by the appellant.

286. On 4 January 2006 the Government of Israel responded to the communication of 10 November 2005 concerning Mr. **Nabil Al Mazzawi**. The

Government stated that it had sent the request for information to the relevant authorities in Israel.

Observations

287. The Special Representative thanks the Government of Israel for its replies to her communications of 7 June 2005, 1 July 2005, 30 September 2005 and 10 November 2005, but regrets that at the time this report was being finalized, she had not yet received responses to her communications of 26 July 2005 concerning Mr. Khalil Abu Shammala and 29 November 2005 concerning Mr. Ziyad Muhammad Shehadeh Hmeidan.

288. She takes note of the Government's position in respect of **Ziyad Muhammad Shehadeh Hmeidan in their letter of 11 July 2005**. However, she remains extremely concerned about the use by the Israeli authorities of administrative detention which appears to be being used to prevent human rights defenders from carrying out their legitimate activities in defense of human rights. With regard to the case of Ms. **Khalida Jarrar-Kanaan** she remains concerned regarding the labeling of legitimate human rights defenders as terrorists. The Special Representative refers to her findings in her mission report (E/CN.4/2006/95/Add.3) where she states there have been too many such cases for her to accept the Government's position that these individuals have not been targeted because of their human rights work but because they are threats to state security.

289. The Special Representative thanks the Government of Israel for allowing her to conduct an official mission to Israel and the Occupied Palestinian Territory from 5-11 October 2005 and welcomes continued cooperation with the Government.

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