

**The Special Representative of the Secretary-General on the situation of
Human Rights Defenders
Established by the Commission on Human Rights**

PRESS RELEASE

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<p>NATIONS UNIES HAUT COMMISSARIAT DES NATIONS UNIES AUX DROITS DE L'HOMME</p> <p>PROCEDURES SPECIALES DE LA COMMISSION DES DROITS DE L'HOMME</p>		<p>UNITED NATIONS OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS</p> <p>SPECIAL PROCEDURES OF THE COMMISSION ON HUMAN RIGHTS</p>
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The Special Representative of the Secretary-General on the situation of human rights defenders, Hina Jilani, issued the following statement today in Jerusalem:

I have just concluded my official visit to Israel and the Occupied Palestinian Territories in my capacity as the Special Representative of the United Nations (UN) Secretary-General on human rights defenders. This mandate was created in 2000 by the Commission on Human Rights, pursuant to the adoption of the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs in Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms ("the Declaration") in 1998. The Declaration provides protection to activities for the promotion and protection of human rights. The mandate requires me to report on the situation of human rights defenders and to make recommendations for the effective implementation of the Declaration for the protection of human rights defenders. I receive individual complaints and communicate my concerns to governments with regard to any actions against human rights defenders that are not in conformity with the provisions of the Declaration. I also conduct country visits in order to make a more comprehensive examination of the situation of human rights defenders in a country.

I thank the Government of Israel for its invitation to visit the country and appreciate its cooperation in this regard. I also thank the Palestinian National Authority (PNA) for extending their cooperation and allowing me the opportunity to meet with them during the course of my visit. The purpose of the mission is to assess the situation of human rights defenders in Israel and the Occupied Palestinian Territories. I also express my gratitude to the Office of the High Commissioner for Human Rights for facilitating the mission.

During my stay I have met with Israeli officials including the Minister of Public Security, the Minister of Construction and Housing, the Deputy State Attorney and members of Parliament. With regards to the Palestinian National Authority I met with the Minister for Foreign Affairs, the Minister of Justice and Minister for Women's Affairs. I also met human rights organisations and individual defenders engaged with a broad range of issues. These include non-governmental organisations (NGOs), lawyers, journalists, and health workers working both in the field of civil and political rights and economic, social and cultural rights. I deeply regret not being able to meet human rights defenders in Gaza in person, and had to rely on a video conference with some of these defenders in order to inform myself of their situation. I have also met with UN agencies working in the Occupied Palestinian Territories and thank them for giving me the benefit of their knowledge and experience.

I have visited Ramallah, Bethlehem, Nablus, Hebron and Bil'in village in the West Bank, and Nazareth and Tel Aviv in Israel - and of course, here in Jerusalem.

At the end of my mission I would like to share some preliminary findings and conclusions with the press. A detailed report of this mission will be submitted to the United Nations Commission on Human Rights at its next session in April 2006.

I will begin with my observations regarding the situation of human rights defenders and organizations in Israel. I have noted that in general there is respect for their rights and defenders have access to governmental authorities, members of the Knesset, and Knesset Sub Committees. Defenders have acknowledged that they have opportunities to look and comment on legislative drafts. I have been told by the Government of Israel that NGOs have been instrumental in the preparation and passage of some laws especially in the field of the environment. I have been advised that an NGO committee has been formed within the Knesset but it is still in the nascent stages and no concrete initiatives have been taken yet by this committee. I hope this initiative, once developed, will become a mechanism that human rights defenders can use in order to promote and protect human rights. I have been assured by the Government of Israel that there are plans to design initiatives aimed at giving a greater role to civil society and the human rights community and for improving their interaction and dialogue with the Government.

I must, however, emphasise that I have been made aware of serious constraints experienced by NGOs based in Israel working on the rights of minorities. Many aspects of the rights of these communities are perceived as sensitive issues by the Government. In these areas the major constraint for most NGOs working on such rights is the lack of response to their concerns and the inflexibility of the Government on policies that result in human rights violations of the affected population. These defenders are particularly concerned that their efforts have little or no impact on policies of government especially in relation to security measures that result in serious violations of human rights and fundamental freedoms.

I now come to the most serious part of my concerns – the practice and policies adopted as a part of the occupation of Palestinian Territories which result in conditions and an environment which place human rights defenders operating in these areas at grave risk and presents serious obstructions in every aspect of their functioning.

In stark contrast to the relative openness that the Government allows for NGOs based in Israel, the human rights defenders in the Occupied Palestinian Territories operate under conditions that are absolutely incompatible with international norms and standards of human rights or the principles set forth in the Declaration. The environment is totally non-conducive for human rights defenders to conduct their work with facility or safety.

Restrictions on the freedom of movement by the Wall, closures, checkpoints, roadblocks and other barriers, while affecting the entire population in the Occupied Palestinian Territories also inhibits and obstructs the activities of human rights defenders. I am especially concerned with the situation of field workers engaged with any area of rights who face daily harassment, intimidation and humiliation in the course of conducting their work. Lawyers are consistently denied access to their clients, journalists are obstructed from observing incidents and reporting on human rights violations, humanitarian assistance is impeded, and health professionals are hampered from fulfilling their duty of providing medical assistance and care.

I have been made aware of several cases in which human rights defenders were prevented from travelling to participate in human rights activities outside of the country. These restrictions on the freedom of movement are particularly significant with respect to their effects on NGO interaction and coordination of human rights activities including between those based in Israel and the Occupied Palestinian Territories. I also see this as a trend that infringes upon the right of defenders to report human rights violations at national and international levels.

I note the total lack of respect for the freedom of assembly that is apparent in repressions of the right to peaceful protest in the Occupied Palestinian Territories. I have observed one such event in the village of Bil'in where Palestinian, Israeli and international human rights defenders are seeking to exercise their right to peaceful protest and have been subjected to arrests. I have also received reports of arbitrary arrests and detention and unjustified or disproportionate use of force on previous occasions at the same location, and elsewhere.

Particularly disconcerting are incidents of settler violence against human rights defenders that have been reported to me from Hebron and other places. These are violations of the rights of human rights defenders by non-state actors that the Israeli authorities have failed to address effectively or adequately. I have been told that the Government has recently constituted an inter-ministerial committee to examine the issue as well as cases in this regard. I have yet to be informed of concrete action that committee has taken to deter these acts of violence through enforcement of appropriate policy or punitive measures.

I am convinced that human rights defenders cannot perform their monitoring or reporting functions where they have no access to information, places of detention or reported sites of violations. In the case of the human rights defenders I am afraid the access in all these cases is either extremely limited or completely denied in the Occupied Palestinian Territories. The denial of information has more serious consequences for those whose fundamental rights were denied on the grounds of security intelligence, which is not shared with them or with their representatives.

In response to my expression of concern on these issues the Government of Israel has strongly stressed the security imperatives that make these measures absolutely necessary. While I accept the security concerns which the Government supports with reference to acts of terrorism against the civilian population in Israel, I am fully conscious of the vulnerability of the Palestinian population and see the security of this population equally, if not more severely threatened and eroded by practices of the occupation as well as some non-state elements within the Israeli society. "Security imperatives" have been allowed to deprive a vast population of their very basic rights and these measures need deeper scrutiny by all concerned if any respect for norms of international human rights and humanitarian law is to be preserved.

Put in the context of human rights defenders, the inescapable reality is that the exceptional conditions resulting from occupation demand a more active human rights community in the face of the serious violations faced by the civilian population in the Occupied Palestinian Territories. Their inability to function diminishes the prospects for peace and security which are not attainable without respect for human rights. Instead the human rights community is being weakened by the risks that they are placed under with respect to their life, physical security, their livelihood and above all their right to human dignity.

I also note reports of serious violations committed by the security apparatus under the Palestinian National Authority. Human rights defenders who have exposed abuses of power, conditions and treatment of persons under detention, and corruption in the security apparatus, have been threatened and intimidated or have suffered serious harm. Lack of access to places of detention in areas under the jurisdiction of the Palestinian National Authority have also been reported and need to be urgently addressed.

I would remind the Government of Israel that, as stated in the Declaration on Human Rights Defenders, the absence of peace and security does not excuse non-compliance with international human rights norms and international humanitarian law. I, therefore, strongly recommend that immediate steps be taken, if necessary with the cooperation of other interested actors, to devise initiatives that would urgently relieve the conditions that are causing serious obstructions to the defence of human rights.

On the part of the Palestinian National Authority there is a need to recognise their responsibility to alleviate the distress and actively provide protection to the population to the extent of their ability and authority. The practices of occupation should not be allowed to become the norm under which the Palestinian population continues to be governed either now or in the future. This will only be possible with stronger support to and better cooperation with the human rights community, and a clear acknowledgement of the legitimacy and value of the work that they do.

In the end I would like to commend the resilience and courage of human rights defenders who continue to work for the promotion and protection of human rights despite extremely challenging circumstances. I must express my strongest appreciation for the solidarity and cooperation that I have witnessed between human rights defenders in Israel and in the Occupied Palestinian Territories. I am also aware that the defenders community finds further strength from international solidarity.

I shall be making recommendations for the consideration of the Israeli Government and the Palestinian National Authority and look forward to continued cooperation from them and an ongoing dialogue within the framework of my mandate.