



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2005/NGO/127
3 March 2005

ENGLISH ONLY

COMMISSION ON HUMAN RIGHTS
Sixty-first session
Item 17 of the provisional agenda

PROMOTION AND PROTECTION OF HUMAN RIGHTS

**Written statement* submitted by the Palestinian Centre for Human Rights (PCHR),
a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[10 February 2005]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

The Palestinian Centre for Human rights wishes to draw the attention of the Commission to the serious deterioration, throughout 2004, in the treatment of Human Rights Defenders by the Israeli authorities.

The treatment of Human Rights Defenders in the Occupied Palestinian Territory (OPT) has, traditionally, continued to deteriorate hand in hand with the overall human rights situation. As Israel continues with the use of excessive force and continues with the imposition of its systematic closure policy across the OPT so too has it continued to treat Human Rights Defenders with disdain.

Throughout 2004 Israel has continued to apply a number of traditional approaches to its treatment of human rights defenders in the OPT. Israel has continued to apply the term “terrorist” to human rights defenders in the OPT in order to undermine their work. Further Israel has continued to isolate those engaged in the defence of human rights from their colleagues internationally and finally the Israeli military has continued to use excessive force and policies of arbitrary arrest against human rights defenders.

In 2004 human rights defenders were attacked in a number of forms by the Israeli military. In one particularly note-worthy incident, during a large-scale military operation in the area of Rafah town and refugee camp, the Israeli military fired on a crowd of unarmed demonstrators protesting at human rights abuses by the Israeli military.

This incident, on the 17th of May, was highlighted by a number of the UN Special rapporteurs, including the Rapporteur on Human Rights Defenders, who objected to Israel’s use of tanks and military aircraft against a verifiably unarmed crowd. The crowd was marching on the *Tel as Sultan* area of Rafah which was being subjected to a complete Israeli military closure and, under the cover of this, the Israeli military were carrying out large scale demolitions of homes and attacks against the civilian population. The Israeli military attacked the crowd using helicopter gunships and tank rounds. Initially the military claimed the crowd was armed and this story later changed with the military claiming that the deaths of 8 civilians was as a result of explosions caused by roadside bombs laid by Palestinian militants.

The Israeli military continues to use the policy of administrative detention, i.e. arrest and detention without charge, to restrict the activities of human rights defenders in the OPT. PCHR is particularly concerned at the ongoing detention of Abdul Geith Latif, the Chairperson of the *Ad- Dammeer* Prisoners Support Association. Having been arrested on the 4th of August an Administrative detention order was issued by the Israeli military against Gheith on the 5th of August 2004 because “he forms a danger to the security of the region.”

Abdul Latif Gheith has devoted his life to the protection of human rights and social justice activities. He has campaigned for the rights of Palestinian residents of occupied east Jerusalem, including against the Annexation Wall which is now creating bantustans across the West Bank. As well as serving as Chairman of the *al Dammeer* Board of Trustees Mr. Gheith is a member of the Palestinian Civil Society Committee on Jerusalem and a member of the Higher Palestinian National Committee on Political Prisoners.

During his detention Mr. Gheith can expected to be treated to conditions of imprisonment which the Israeli Public Defender described as “very poor...a clear violation of both the requirements of the law and of the Israeli High Court decisions relating to the general conditions.” In real

terms this means that prisoners are subjected to torture and a regime of physical abuse which has been sanctioned by the Israeli High Court as well as unsanitary conditions, severe overcrowding

However despite this the decision by 3000 Palestinian prisoners to go on hunger strike, in protest at the denial of their rights and calling for the implementation of international human rights standards and of international humanitarian law, was condemned at the most senior levels of the Israeli government. The Israeli Security Minister, Tzahi Hanegbi, declared that the Israeli government would fight the demands of Palestinian and Arab Detainees "until death". Simultaneously Prison Guards implemented a policy of conducting Bar-B-Qs outside the cells of Prisoners on hunger strike in order to inflict further suffering on them.

PCHR is particularly concerned at this policy by the Israeli authorities which is designed to persecute those involved in the defence of human rights, by attacking their fundamental rights, including their right to freedom of expression in the quest for the full implementation of international human rights standards.

Throughout 2004 PCHR has witnessed the continuous imposition of closures which have restricted the work of human rights defenders. In her report to the UN the Special Rapporteur observes that human rights defenders increase their risk when they are traveling and that, further, one of the main forms of restricting the work of defenders is by preventing access to areas where human rights violations are being committed.

The Israeli system of closures and curfews which is imposed through stationary and spontaneous checkpoints throughout the West Bank and the Gaza Strip has been used to prevent human rights defenders from:

- (a) attending areas where the Israeli military is committing human rights and humanitarian law violations by declaring areas of Israeli military activity "closed military zones";
- (b) attending conferences, training programmes and other related events both within the OPT and outside of the OPT by sealing off external borders, particularly in the Gaza Strip and by preventing travel between towns and villages in both the West Bank and the Gaza Strip, as well as travel between the two areas;
- (c) effectively monitoring the process of the registration and campaigning element during the election of a new Palestinian president.

In keeping with these policies PCHR also wishes to express its concern at measures which continue to mean extreme restrictions are being imposed on international agencies, and their personnel, who are working in the defence of human rights.

In particular PCHR wishes to express its concern at the escalation in military activities, and subsequent movement restrictions, which forced staff of the United Nations Relief and Works Agency for Palestinian Refugees to evacuate from the Gaza Strip. Other attacks against UNRWA personnel included a campaign of vilification which the Director of UNRWA, Mr. Peter Hansen. He was subjected to accusations that he and his staff members were facilitating and directly supporting terrorism. The accusations were made by the Israeli military, but, when disproved, never formally apologised for. This is part of a culture which has encouraged, or tolerated, attacks against UNRWA at all levels of the Israeli military.

Other international human rights defenders continue to be subjected to excessive restrictions on their freedom of movement throughout the OPT. In Gaza international organisations are still

subjected to untimely and excessive delays as well as regulations on movement which can alter without notice and may force defenders to remain in Gaza or to be refused entry to the Gaza Strip. Defenders are obliged to apply for entry permits to Gaza and may be refused access for unknown reasons.

Such arbitrary treatment, which can also include public strip searches of men and women, is now also being imposed in the West Bank, particularly in areas where the Wall is being constructed. PCHR is particularly concerned that in these areas human rights defenders will increasingly become the victims of the Israeli policy of collective punishment, which is inflicted on all Palestinian civilians.

In light of all these concerns PCHR calls on the Israeli government to respect the declaration on human rights defenders. PCHR further calls on the member states of the European Union to respond to Israeli restrictions in accordance with the recent EU guidelines on human rights defenders. Finally PCHR calls on the Israeli government to implement, in full, its obligations under the Fourth Geneva Convention regarding charitable societies.

PCHR wishes to reiterate its concerns regarding the culture of impunity within the IOF. Impunity is granted at all levels of the state, including through the Israeli High Court. The failure of the occupying military to prosecute or genuinely investigate cases of wilful killings, injuries and attacks is coupled with the High Court Policy of allowing the military to demolish homes, agricultural land, under almost any circumstance and to use torture against prisoners.

It is invaluable to emphasise that international human rights law and humanitarian law already make provisions for the balance between security and human rights and this balance does not have to be re-established by the Israeli High Court when it is seeking to grant impunity to the military on the occasions that it undertakes actions which contravene international law. Such impunity makes the work of human rights defenders even more difficult. Consequently PCHR requests that the international community pursue and prosecute all those accused of grave breaches of the International Humanitarian law.
