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**PROMOTION AND PROTECTION OF HUMAN RIGHTS: HUMAN RIGHTS
DEFENDERS**

**Joint written statement* submitted by Front Line and Palestinian Centre for Human
Rights (PCHR), non-governmental organizations 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.

[13 December 2006]

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

Front Line, the International Foundation for the Protection of Human Rights Defenders and the Palestinian Centre for Human Rights are concerned at the continuing persecution of human rights defenders across the Occupied Palestinian Territory (OPT).

Human rights defenders in the OPT face the challenging situation of operating to defend human rights violations resulting from the Israeli occupation, as well as those committed by the Palestinian National Authority (PNA).

Human rights defenders have been subjected to severe restrictions on their freedom of movement. This is a direct result of the checkpoint, closure and curfew policy imposed by the Israeli military across the West Bank and the Gaza Strip. Further to this, throughout the *intifada* human rights defenders have been subject to violations of the right to life and to injuries sustained in the course of their work.

Human rights defenders have become the victims of arrest campaigns, which have hampered their ability to work effectively in pursuit of the goals enshrined in the Universal Declaration on Human Rights

The practise of arresting and detaining human rights defenders, which prevents them from carrying out their legitimate work on human rights, is still a key aspect of Israeli military policy towards defenders in the OPT. In particular it is important to highlight three cases.

Ziyad Hmeidan, a fieldworker with the West Bank human rights organisation al Haq, has been in administrative detention since the 23rd of May 2005. Despite indications to the contrary, the Israeli authorities renewed his detention for a further six months on the 14th of November. Ziyad has been transferred to a number of detention facilities throughout Israel, in violation of the Fourth Geneva Convention. Legal representatives have also been subjected to restrictions of access to Ziyad.

Ziyad is detained at the Ansar III (Ketziot) detention centre in the Naqab (Negev) desert, where he has been held since 3 July 2005. The prison is infamous for its poor conditions, in which detainees are held in open areas, with little protection from the harsh climate.

Hassan Mustafa Hassan Zaga, a fieldworker for the Public Committee Against Torture in Israel (PCATI) and resident of Nablus, was arrested on 11 January 2006. On 2 February 2006, Judge Adrian Agasi of the Ofer Military court handed down his decision regarding the administrative detention of Hassan Mustafa Hassan Zaga. The Court upheld the decision to place Mr. Zaga in administrative detention but shortened the period of detention to four months. The Court stated that the classified material submitted by the GSS, and reviewed by the court behind closed doors, indicated that Mr. Zaga is a senior Hamas activist who, in the framework of his activities, is in contact with militants involved in activities which endanger life.

Front Line and PCHR also remain concerned about the administrative detention of Ahmad Abu-Haniyeh, a staff-member of the Alternative Information Center (AIC). He worked as the Youth Project Coordinator in the Beit Sahour office of the AIC. Ahmad was arrested

by the Israeli military at a checkpoint, while making his way to the AIC office in Beit Sahour on 18 May 2005.

In 2005, Israeli, Palestinian and international human rights defenders have gathered for weekly peaceful protests against the construction of the Wall in the village of Bili'n in the West Bank. The Israeli response to these protests has been characterised by excessive use of force by IOF. This has included indiscriminate use of tear gas, sound bombs, rubber bullets and the arrest of many peaceful protesters. Despite the unwarranted violent response by IOF, peaceful protesters have continued to gather in Bili'n each Friday throughout 2005 in order to express opposition to the Wall.

Israel also continues to prevent Palestinian lawyers from the OPT to practise law in Israeli courts even on issues which pertain to actions taken inside the OPT or to prisoners from the OPT in Israeli custody. It is imperative that human rights defenders are given the freedom to practise in the context of a fair and independent judicial system. In order to facilitate this, Israel must allow Palestinian lawyers to practise in its courts and to defend their own clients.

In 2005 Israel passed a law (Civil Torts Law) which effectively eliminated the possibility of any victim of a human rights violation from applying for compensation inside Israel. This law, which has been universally condemned by international, Palestinian and Israeli human rights organisations, will limit the opportunity for Palestinians, including human rights defenders, to build legal cases inside Israel. Thus human rights defenders will be prevented from carrying out their invaluable legal work to pursue justice through the domestic legal system. Israel must immediately repeal this law and allow Palestinian clients and human rights defenders to work through the legal system to attain justice.

The collapse in law and order in areas under the nominal security control of the PNA has produced a context in which human rights defenders have been under greater threat of attack and kidnapping.

The PNA must act, in the absence of sovereignty, to ensure that international human rights standards are fully incorporated into domestic legislation to the greatest extent possible. This should also include particular protection for human rights defenders. The implementation and application of these laws must be supported by legal, and where necessary, judicial mechanisms including an Independent Human Rights Monitoring Body.

The deteriorating security situation inside the Gaza Strip has seen a number of incidents in which members of the security services, or armed factions linked to them, have been involved in kidnappings of international human rights defenders. It is the role and responsibility of the PNA to ensure that the rule of law is implemented and those responsible for such attacks are brought to justice.

After her 2005 visit to Israel and the OPT, the Secretary-General's Special Representative on Human Rights Defenders, Ms. Hina Jilani, stated that "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.” She went on to emphasise that “[T]heir 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.”¹

Serious action is required by the Israeli Government, by the international community and also by the Palestinian National Authority. In the absence of such action, the situation for human rights defenders will continue to decline.

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<http://www.pchrgaza.org/Library/Pressun.pdf>