



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2004/NGO/112
3 March 2004

ENGLISH AND FRENCH ONLY

COMMISSION ON HUMAN RIGHTS
Sixtieth session
Item 17 (b) of the provisional agenda

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

**Written statement* submitted by Al-Haq, Law in the Service of Man and the 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.

[31 January 2004]

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

The Palestinian Centre for Human Rights (PCHR) and Al-Haq express their grave concerns regarding the increasing harassment of human rights defenders operating in the Occupied Palestinian Territories (OPT). While the situation in the OPT is grave for all Palestinians, violations of international human rights and humanitarian law have a particular impact on human rights defenders.

Human rights defenders seeking to protect and promote the human rights of Palestinians in the Gaza Strip and West Bank, including East Jerusalem, have been subject to varying levels of obstruction in the course of their work for many years. In particular since the beginning of the current *Intifada* in 2000, Israeli authorities have subjected Palestinian human rights defenders to arbitrary arrest and detention, torture and ill-treatment, beatings, verbal abuse and threats, denial of freedom of movement, shootings, smear campaigns, raids on offices, destruction or theft of equipment and files, and confiscation of IDs. These actions stand in flagrant contradiction of the protections afforded to human rights defenders by the Declaration on the Protection of Human Rights Defenders, adopted by the UN General Assembly on 9 December 1998. These actions also constitute gross and systematic violations of international human rights and humanitarian law.

Human rights defenders with Palestinian IDs are particularly susceptible to these abuses perpetrated by the Israeli authorities. In 2003, a number of Palestinian human rights defenders were arbitrarily arrested and detained by the Israeli authorities. Many of those arrested in 2002 continue to be held in detention by the Israeli authorities, without charge or trial, and often without regular access to legal counsel, family and representatives of the International Committee of the Red Cross.

Palestinian human rights defenders have continued to be subject to severe restrictions on freedom of movement, including in the course of carrying out their professional work. The Israeli military internal closure policy implemented within the OPTs also serves to effectively restrict the activities of human rights defenders, preventing access to sites for documentation and verification, to clients and other victims. For those human rights defenders based in the field, movement restrictions prevent them from being able to transfer documentation and evidence to organisations' head quarters, further complicating the ability to document human rights concerns. These internal restrictions ensure little or no access to colleagues located in different areas of the OPT, preventing travel within the West Bank and within the Gaza Strip, and preventing travel between the two areas. Denial of entry to Israel for Palestinian human rights defenders also effectively limits the cooperation with Israeli human rights defenders. This is further exacerbated by the consistent denial of access for Israeli human rights defenders, including Israeli lawyers, to the Gaza Strip in particular.

Access out of the OPT for Palestinian human rights defenders is also severely limited, restricting the ability to develop professional skills and knowledge through denial of access to international or regional conferences, training seminars, or other meetings necessary in the protection and promotion of human rights in the region. Notably, these ongoing denials of freedom to leave the country also restrict the ability of Palestinian human rights defenders to report effectively to this Commission and other UN bodies concerned with the promotion and protection of human rights.

One of the greatest obstructions to the promotion and protection of human rights of Palestinians in the Gaza Strip is the continued denial of access for Palestinian lawyers from the Gaza Strip to Israel and the West Bank, including for access to clients detained in Israeli facilities, and for access to make representations on behalf of clients in Israeli military courts. This denial of access to Palestinian lawyers has been implemented since 1997. Currently, only those Palestinian lawyers who are trained and licensed in Israel are permitted access to the Israeli judicial systems. Since only those Palestinians who are resident of Occupied East Jerusalem (illegally annexed by Israel following the 1967 war) have access to Israeli educational institutions, effectively only Jerusalemites with Israeli legal training have access to the Israeli military courts. Palestinian National Authority law provides a system of professional recognition and registration for lawyers but this is not recognised by Israel.

As a result, Palestinians from the Gaza Strip are effectively denied access to legal counsel of choice. Palestinians held in Israeli detention facilities or wishing to be represented before the Israeli military courts for other reasons must retain Israeli lawyers. Israeli legal fees are largely prohibitive for most Palestinians and there is an insufficient number of Israeli lawyers able to provide *pro bono* services to meet the demands of the growing number of Palestinian detainees and other victims of human rights abuses who must seek redress in the Israeli court systems.

We also express concerns regarding efforts to undermine the credibility of human rights organisations working on the human rights situation in the OPT, including allegations of mismanagement and corruption, and intimidation to prevent passing of information about violations to external bodies. Israeli Foreign Minister Silvan Shalom was reported on 21 May 2003 as stating to the Knesset Foreign Affairs and Defence Committee that “*most human rights offices in the West Bank and Gaza Strip provide shelter for Palestinian terrorists*”¹. This latest verbal attack appears to be part of a policy of undermining the credibility of Israeli, Palestinian and international human rights organisations who have sought to protect and promote the rights of Palestinians in the OPT in accordance with normative legal and professional standards.

In 2003, international human rights defenders have also been subjected to unprecedented restrictions on their work in the OPT by the Israeli military and other authorities. Representatives of international human rights organisations such as FIDH, Euro-Med Human Rights Network, Human Rights Watch, Amnesty International; peace activists; solidarity groups; international aid workers; journalists; and others supporting or seeking to report on the human rights of Palestinians, have experienced varying forms of obstructions in the course of their work. Such harassment has included general delays and denials of access to and within the OPT; harassment and verbal abuse at checkpoints; beatings; delays and denials of work visas and other documentation; arrest and detention; denial of entry to Israel; and deportations. In particular in 2003, access to the Gaza Strip was severely restricted with no access at all through the Erez checkpoint for several periods. Increased procedures for access to the Gaza Strip for 2004 have continued to effectively restrict or deny access to many international human rights defenders, including those operating full time in the region.

¹ As quoted on the Arabic website of Israeli newspaper *Yediot Ahronot* at www.arabynet.com, 21 May 2003.

In addition, in 2003, three internationals were killed by the Israeli military in the southern Palestinian refugee camp of Rafah. All three were killed in the course of documenting human rights abuses perpetrated by the Israeli military against Palestinian civilians in the area. To date, we do not have any information to suggest that a thorough and independent investigation has yet been conducted into each of these deaths, or that all of those responsible for these deaths, and subsequent attempts to provide impunity for these incidents, have been held accountable in accordance with normative judicial standards.

We view these increasing restrictions on all human rights defenders as part of a general policy of restricting the dissemination of information regarding the ongoing widespread and systematic violations of human rights perpetrated by the Israeli military, police, and security services. The denial of access to international human rights defenders and other internationals supporting the human rights of Palestinians, in particular serves to restrict external reporting on the policies and practices of the Israeli military against the Palestinian civilian population. The denial of access for lawyers and other human rights defenders serves to further undermine the protections afforded to all Palestinians under international human rights and humanitarian law.
