



**Economic and Social  
Council**

Distr.  
GENERAL

E/CN.4/2006/NGO/141  
3 March 2006

ENGLISH ONLY

---

COMMISSION ON HUMAN RIGHTS  
Sixty-second session  
Item 17 (b) of the provisional agenda

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

**Written statement\* submitted by Al-Haq, 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.

[13 February 2006]

---

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

Al-Haq, expresses its grave concern regarding Israel's policies towards Palestinian human rights defenders in the Occupied Palestinian Territories (OPT)<sup>1</sup>. While the policies adopted by Israel in the OPT continue to violate the fundamental human rights and freedoms of the entire Palestinian civilian population, we are highly disturbed by the harsh impact that these violations have on the work of Palestinian human rights defenders in the Gaza Strip and West Bank, including East Jerusalem.

### **Detention**

Of particular concern is the detention of human rights defenders, including three of our own staff members who were arbitrarily arrested and detained during the course of carrying out their professional work. In May 2005, Al-Haq's Bethlehem-based fieldworker Ziyad Hmeidan, and AIC's Project Coordinator in Beit Sahour, Ahmad Abu-Haniyeh, were arrested at two different checkpoints within the West Bank. Initially, both were placed in administrative detention for six months. Their detention orders were subsequently renewed for an additional four and six months, respectively.

Israeli military authorities justify the detentions on secret evidence which claims that the two men pose a 'substantial threat' to Israeli security. Almost all information presented in the military court had been classified, which the reviewing judge decided not to disclose. At no point in the proceedings were the two men or their legal counsel informed of the charges against them, or the reasons for their arrest.

More recently in January 2006, Mr. Hassan Zaga, a West Bank fieldworker with PCATI, was arrested at a checkpoint in the Nablus area, and has since been held in administrative detention on the allegation that he is a Hamas activist. Although the Israeli military judge ordered the re-examination of the classified evidence for his administrative detention order, and to provide the defence with a summary of the secret evidence, such a decision represents the exception and not the norm. Moreover, the motion to view the classified material was affirmatively answered only in part, and the material provided made no substantial contribution to the detainee's defence.

We should emphasise that the situation of our detained staff is not unique. To date, it is estimated that there are more than 600 Palestinian administrative detainees in Israeli custody. Israel's widespread and sustained policy of administrative detention which denies Palestinians their fundamental right to due process is supported by both the government and the judiciary. Clearly, the limitations imposed and the frequent reliance on classified evidence make the review and appeals procedure meaningless, and further erode the ability to effectively challenge the "security" grounds on which administrative detention orders are based. Of particular concern is the fact that there is no time limit to the cumulative period of detention.

To carry out their jobs, and ensure the accuracy of the evidence and information gathered, it is imperative that human rights defenders remain in constant contact with victims, and eye-witnesses of human rights abuses. Inevitably human rights defenders come into contact with individuals, some who are alleged threats to Israeli security. The vague notion

---

<sup>1</sup> Addameer, the Alternative Information Center (AIC) and the Public Committee Against Torture in Israel (PCATI) share the views contained in this statement.

of what constitutes a “security threat” should not be used by Israel as a pretext to unjustifiably target human rights defenders as a punishment for responding to their work’s requirements.

### **Imposition of Movement Restrictions**

Palestinians continue to be subject to severe movement restrictions imposed by Israeli military authorities through repeated closures, checkpoints, and the continued construction of the Wall inside the West Bank. Similarly, Palestinians not resident in East Jerusalem or the Seam Zone area behind the Wall have substantially restricted access thereto. Such access is effectively contingent on obtaining permits, a process that is non-transparent, arbitrary and often fruitless. In the case of Palestinian human rights defenders, this has resulted in little or no access to their organisation’s headquarters or their colleagues throughout the OPT. PCATI was forced to cancel a meeting between its office staff and its fieldworkers, scheduled for 30 January 2006, when Israeli authorities denied their fieldworkers access to the organisation’s Jerusalem office and to an alternate location in East Jerusalem. In the majority of cases, presenting their work ID cards identifying them as fieldworkers employed by human rights organisations does not guarantee them passage.

As a result, Palestinian human rights defenders, particularly fieldworkers, are denied access to sites for verifying allegations of human rights abuses, and for reaching victims to obtain necessary factual information to report back to headquarters. In addition, many have repeatedly been subjected to incidents of harassment, insults, beating, and other forms of humiliation and ill-treatment, by Israeli military and police, particularly at checkpoints, including confiscation and destruction of their IDs.

The effect of internal restrictions on their ability to document human rights concerns is further exacerbated by other forms of movement restrictions imposed within Israel and the OPT. Israel’s prohibition of travel between the West Bank and Gaza Strip, and its consistent denial of entry to Israel for Palestinian human rights defenders, or of entry to the OPT by Israeli human rights defenders, serves in effect to limit the ability of human rights organisations to carry out their work and to cooperate amongst themselves.

A related obstruction to the promotion and protection of human rights of Palestinians in the Gaza Strip are the obstacles Gaza-based Palestinian lawyers encounter in obtaining permits to enter either the West Bank or Israel, and by Israeli lawyers seeking to travel to the Gaza Strip. Moreover, since only Palestinians who are resident of Occupied East Jerusalem have access to Israeli educational institutions, only Jerusalemites have the required Israeli license that allows access the Israeli judicial system. Most Palestinians from the OPT face a shortage of lawyers able to take their cases to Israeli courts, or must pay high fees for private legal representation when needed. This effectively denies them access to legal counsel of their choice, and undermines the protection afforded to all Palestinians under international law.

Movement restrictions do not have an impact merely within the OPT or in Israel. Israeli authorities also limit access out of the OPT for Palestinian human rights defenders seeking to participate in regional conferences, training seminars, or other meetings on the protection and promotion of human rights in the region. Both AlHaq and Addameer have faced several instances in which members of their staff were unable to obtain the necessary

permits to travel abroad in order to study or otherwise develop their professional skills and knowledge. The latest incidents took place in January 2006 when Israeli authorities denied one of Al-Haq's fieldworkers the right to leave the OPT to participate in a conflict transformation exchange. Notably, this ongoing denial of freedom to travel abroad also restricts the ability of human rights defenders to report effectively to this Commission and other UN bodies concerned with the promotion and protection of human rights.

The obstacles faced by human rights defenders are not limited solely to the measures detailed above. There have also been numerous cases of the arrest and excessive use of force against international, Israeli and Palestinian human rights defenders involved in non-violent protests against the construction of the Wall in various locations throughout the West Bank, or against continued settlement expansion and land confiscations.

These actions stand in flagrant contradiction of the protections afforded to human rights defenders by the Declaration on the Human Rights Defenders. Operating in an environment that is incompatible with international norms and standards of human rights and humanitarian law undermines the ability of human rights defenders to safely conduct their work, and to effectively gather first-hand evidence regarding human rights violations perpetrated in the OPT. It also undermines the professional and credible standards of the work performed by Palestinian and Israeli human rights organisations. As the UN Special Representative of the Secretary-General on Human Rights Defenders noted in her September 2005 report to the General Assembly,

“...without the action of human rights defenders, neither the [ECOSOC] Council nor the Commission [on Human Rights] would be as well informed of emerging peace and security or human rights problems...”

We take the opportunity to voice our serious concern regarding the repercussions that these restrictions pose for the efforts of Palestinian and Israeli human rights organisations and their staff to address ongoing violations of the rights of the Palestinian civilian population, and to promote an end to impunity for past violations, and better access to justice for Palestinian victims.

We submit that the international community, including Commission members, can influence Israel's policies, and request the Commission to adopt a resolution that calls upon Israel to:

- Implement the recommendations made by the UN Special Representative on the Situation of Human Rights Defenders following her country visit to Israel and the OPT (5-12 October 2005).
- End its policy of administrative detention of Palestinians, including human rights defenders, and provide those currently detained with guarantees for due process of law and respect for physical integrity.
- Relieve the conditions causing serious obstructions to the work of human rights defenders, such as movement and travel restrictions within the OPT and abroad.

-----