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PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME

UNITED NATIONS
OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967

REFERENCE: AL G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9) G/SO 214/79-9
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9 May 2014

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders; and Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 pursuant to Human Rights Council resolutions 25/2, 24/5, 25/18, and 5/1.

In this connection, we would like to bring to your Government's attention information we have received concerning the **alleged excessive use of force by Israeli Defence Force soldiers and Border Police in the eviction and dismantlement of a peaceful protest camp at Ein Hijleh in the early hours of 7 February 2014, and several instances of interference by the Israel authorities with the right to peaceful assembly between 31 January and 7 February 2014.**

According to information received:

On 31 January 2014, an initial group of some 300 Palestinian men, women and children established a camp in the long-abandoned village of Ein Hijleh in the Jordan Valley in the occupied West Bank. The number later fluctuated, rising as high as an estimated 700 people on the first evening, and decreasing thereafter. The stated purpose of the camp was to conduct a peaceful protest against continuing Israeli settlement activity in the Jordan Valley. The land of the Ein Hijleh village is owned by the Greek Orthodox Church, which reportedly permitted the protesters to remain in the village for 30 days.

The activities of the protesters in the week between 31 January to 7 February 2014 included planting trees, making repairs to some of the abandoned houses to make them habitable, installing solar panels, screening films and holding cultural and

political discussions. Several delegations also visited the village including an Archbishop, an Israeli member of the Knesset, the Palestinian Minister of Agriculture, and diplomatic representatives, including from the European Union.

Reportedly, Israeli soldiers and officers attempted on a number of occasions up to 7 February 2014 to disperse protesters and put an end to the camp. In addition, the soldiers and officers attempted to prevent people from joining the camp, including by temporarily detaining them.

On 31 January and on 1 February 2014, Israeli soldiers verbally requested that the protesters leave the village, but did not produce a written order. On 3 and 4 February 2014, Israeli soldiers attempted to enter the village and used tear gas. On these occasions, the soldiers were repelled by peaceful means, including protesters forming human chains and standing in front of the soldiers' vehicles. Around 4 February, it is also reported that the water supply to the village was cut off, and that food, water and medical supplies were prevented from entering the village by Israeli soldiers and had to be brought in by horse.

At approximately 01:30 on Friday 7 February 2014, it is alleged that Israeli Defence Force Soldiers and Border Police stormed the camp using four bulldozers, waste water, sound bombs, pepper spray and tear gas. At the time of the eviction, soldiers told some of the protesters orally that the area was a closed military zone, although no military order was produced. An estimated 500 soldiers and police officers were involved in the operation within the camp itself and in the periphery of the area. It is alleged that soldiers and police beat the protesters, comprised of men, women and children. Soldiers and police officers reportedly pushed people to the ground and towards the bonfires that protesters had lit in the camp for warmth and cooking purposes. As a result, at least 41 people were injured. Some of the injured required treatment at Jericho governmental hospital, while others were treated on site.

To illustrate one example, according to information received, one of the protesters, Mr. Murad Amro was with a group of about 50 people who were among the last to be evacuated on 7 February 2014. Soldiers surrounded the group and separated them before taking them out of the camp one by one. During the eviction, they allegedly beat and kicked the protesters. Mr. Amro was kicked and beaten with police batons on his head, shoulders, back, legs. Allegedly, and according to written and photographic documentation, Mr. Amro sustained injuries to his shoulder and leg as result of the beating and obtained medical treatment for these injuries.

Without in any way prejudging the accuracy of these allegations, concern is expressed regarding the reported excessive use of force used to evict people from the camp and the interference by Israeli soldiers and police with the peaceful protest, including by preventing people and supplies from reaching the camp, the attempts to end

the protest between 31 January and 7 February 2014, and the eventual dispersal of the protest camp on 7 February 2014.

In connection to the above alleged facts and concerns, please refer to the **Reference to international law Annex** attached to this letter where international human rights instruments and standards relevant to these allegations are outlined.

It is our responsibility under our mandates from the Human Rights Council, to seek to clarify all cases brought to our attention. In this regard, we would appreciate a response on the following matters:

1. Are the facts alleged in the summary of the cases accurate?
2. Please provide information concerning the legal grounds for the use of force and how these measures are compatible with international human rights law.
3. Please indicate what measures have been taken to ensure that the legitimate right to meet and assemble peacefully is respected and that the physical and psychological integrity of those exercising this right is guaranteed.

We would appreciate a response within sixty days. Your Government's response will be made available in a report to the Human Rights Council for its consideration.

While waiting for your response, we urge the Government of Israel to take all necessary measures to guarantee that the above mentioned rights and freedoms are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that the Government of Israel adopt effective measures to prevent the recurrence of these acts.

Please accept, Excellency, the assurances of our highest consideration.

Frank La Rue
Special Rapporteur on the promotion and protection of the right to
freedom of opinion and expression

Maina Kiai
Special Rapporteur on the rights to freedom of peaceful assembly and
of association

Margaret Sekaggya
Special Rapporteur on the situation of human rights defenders

Richard Falk
Special Rapporteur on the situation of human rights in the Palestinian
territories occupied since 1967

Annex
Reference to international human rights law

In connection to the above concerns, we wish to refer your Excellency's Government to articles 19 and 21 of the International Covenant on Civil and Political Rights, ratified by Israel on 3 October 1991, which guarantee the rights to freedom of expression and peaceful assembly:

- Article 19: "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."

- Article 21: "The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others."

In this respect we also wish to recall that resolution 15/21, adopted by the Human Rights Council in 2010, reaffirmed that "...everyone has the rights to freedom of peaceful assembly and of association..." and resolution 24/5 in which the Human Rights Council "reminded States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, ... including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, ..., seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law".

Article 3 of the Universal Declaration of Human Rights provides that "Everyone has the right to life, liberty and security of person" and article 9 of the ICCPR provides that "Everyone has the right to liberty and security of person...". It is noted that derogation from article 9, in accordance with article 4 ICCPR, must be limited to the "extent strictly required by the exigencies of the situation".

In this context, we wish to remind the Government of Israel that article 3 of the Code of Conduct for Law Enforcement Officials (General Assembly resolution 34/169 of 17 December 1979) provides that "Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty". Further, the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials of 1990. These provide that "Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms..." (principle 4). According to principle 5, even with it is estimated that force is unavoidable, law enforcement officials shall: "(a) Exercise restraint in such use ... (b) Minimize damage and injury, ...; (c) Ensure that assistance and medical aid are rendered to any injured...;...". Principle 7 further provides for accountability for abusive use of force to be ensured by the Government and principle 8 states that "Exceptional circumstances such as internal political instability or any other public emergency may not be invoked to justify any departure from these basic principles."

In addition, we would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration, which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the Declaration: article 5 point a) which refers to the right to meet and assemble peacefully; and article 12 paras 2 and 3 which refers to the right to physical integrity and protection granted by the State.