

Mandates of the Independent Expert on the promotion of a democratic and equitable international order; 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 extrajudicial, summary or arbitrary executions

REFERENCE: UA
ISR 6/2016:

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Excellency,

We have the honour to address you in our capacity as Independent Expert on the promotion of a democratic and equitable international order; 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 extrajudicial, summary or arbitrary executions pursuant to Human Rights Council resolutions 27/9, 25/2, 24/5, 25/18, and 26/12.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **alleged threatening and intimidating statements made against human rights defenders supporting the Palestinian Rights, Boycott, Divestment and Sanctions movement.**

Palestinian Rights, Boycott, Divestment and Sanctions (BDS) is a campaign supported by a network of the organisations around the world supporting boycotts, implementing divestment initiatives and demanding sanctions against Israel. These organisations include, inter alia, human rights organisations, unions, church groups, students and academics, which aims to promote and protect the rights of Palestinians under international law.

Concerns about the relationship between boycotts and the exercise of the rights to freedom of association and freedom of expression were the subject of a communication sent on 29 August 2011 (case no. 7/2011) in relation to the 'Law for Prevention of Damage to the State of Israel through Boycott 2011'. We thank the Government of Israel for its reply of 15 December 2011 but remain concerned in light of the below allegations.

According to the information received:

On 28 March 2016, individuals and politicians gathered to participate in a televised conference organized by a national newspaper in opposition to campaigns of boycotts, divestment and sanctions against Israel, which was held in Jerusalem.

At the conference, the Minister of Interior stated that they may revoke the citizenship of some of the supporters of the Palestinian Rights, Boycott, Divestment and Sanctions (BDS) movement, including Mr. Omar Barghouti, who was specifically named. Additionally, the Minister of Transport, Intelligence and Atomic Energy stated that Israel should undertake “targeted civil eliminations” against BDS members and expose connections between BDS and terrorist organisations.

As a result of these statements, members of the BDS campaign have expressed fear for their personal safety and conducting of their human rights work.

Grave concern is expressed about the physical integrity of supporters of the BDS movement in light of the above allegations, which reportedly suggest an attempt to stifle the peaceful and legitimate human rights activities related to the BDS movement and the exercise of the rights to freedom of association and freedom of expression of its members. Serious concern is also expressed about the possible targeting of BDS supporters through the revocation of their citizenship for these reasons.

Additional concern is expressed about the chilling effect that the above allegations may have on human rights defenders and civil society as a whole, particularly those with dissenting opinions, exercising their rights to freedom of association and freedom of expression.

In connection with above alleged facts and concerns, we would like to refer your Excellency’s Government to articles 6(1), 19, 20 and 22 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Israel on 3 October 1991, which guarantee the right to life and security and not to be arbitrarily deprived of life, the right to freedom of opinion and expression, the prohibition of incitement to hatred and violence, and the right to freedom of association, respectively.

We would also like to refer to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders, in particular articles 1, 2, 5, 6 and 12.

We also want to recall that the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (Principle 4) establish the obligation of States to ensure effective protection to those who receive death threats and are in danger of extra-legal, arbitrary or summary executions.

We would like to recall that in accordance with article 15 of the Universal Declaration of Human Rights (UDHR), everyone has the right to a nationality, and no one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, **we urge that all necessary interim measures be taken to ensure the physical integrity of BDS members and to prevent the incitement of violence.** In the event that the investigations support or suggest the allegations to be correct, we call for the accountability of any person responsible of the alleged violations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information about how the statements made in relation to revoking the citizenship of supporters of the BDS movement and making “targeted civil eliminations” are compatible with international human rights law, including the ICCPR and UDHR. In particular, kindly indicate how such measures are compatible with the permissible restrictions on the right to freedom of expression and the right to freedom of assembly as provided under articles 19 and 22 of the ICCPR.
3. Please provide information about any measures adopted to ensure that the legitimate rights to freedom of peaceful assembly and freedom of expression are respected and that the physical and psychological integrity of civil society and human rights defenders, including those who support the BDS movement, and those exercising these rights, is guaranteed in a safe and enabling environment without fear of reprisals, violence or harassment of any sort.

Your Excellency’s Government’s response will be made available in a report to be presented to the Human Rights Council for its consideration.

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

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