

NATIONS UNIES
HAUT COMMISSARIAT DES NATIONS UNIES
AUX DROITS DE L'HOMME

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

PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME

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; and the Special Rapporteur on the situation of human rights defenders

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

REFERENCE: UA G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9)
ISR 9/2012

4 September 2012

Excellency,

We have the honour to address you in our capacity 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; and Special Rapporteur on the situation of human rights defenders pursuant to Human Rights Council resolutions 16/4, 15/21, and 16/5.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding the alleged travel restrictions imposed upon Mr. **Abdullatif Ghaith**, prominent Palestinian human rights defender and Chair of Addameer Prisoner Support and Human Rights Association, an institution based in Ramallah, which advocates for the rights of political prisoners, and works to end torture and arbitrary detention and to guarantee fair trials through monitoring, legal procedures and advocacy campaigns.

Mr Ghaith was the subject of an urgent appeal letter sent to your Excellency's Government on 9 August 2004 by the Special Rapporteur on the right to freedom of opinion and expression and the then Special Representative on the situation of human rights defenders. Regrettably a response was not received on this case.

According to the information received:

On 2 August 2012, Mr. Abdullatif Ghaith, a 71-year-old East Jerusalem resident, received a phone call from Israeli Intelligence Community officials requesting that he present himself to Moskobiyeh detention and interrogation centre in Jerusalem. Upon presenting himself the following day, Mr. Ghaith was reportedly ordered to sign an order banning him from travelling abroad. Sources indicate that the document was signed by Israeli Interior Minister Eli Yishai on 3 August and that the ban will be in effect until 31 January 2013. Reports suggest that the order claims that Mr. Ghaith constitutes a threat to "state security" and refers to his alleged contact with Popular Front for the Liberation of Palestine (PFLP) activists abroad, despite a lack of evidence to support such a claim.

Furthermore, it is reported that Mr. Ghaith is currently banned from entering the West Bank where Addameer's office is located. The ban reportedly stems from an order issued by the Israeli Military Commander on 9 October 2011 for a period of six months. The ban was reportedly extended for an additional six months in April 2012. The original order stated that the ban on Mr. Ghaith was deemed necessary to protect the security and public order of the "area", i.e. the West Bank. The order also reportedly indicates that any other "permits" regulating Mr. Ghaith's entry into the West Bank, whether personal or general, were effectively cancelled, implying that East Jerusalem residents require permission to travel into the rest of the West Bank.

Mr. Ghaith has reportedly been held in administrative detention without charge or trial in Israeli prisons on three separate occasions, each of which lasted six months. He was last detained in this manner from June 2004 to January 2005.

Concern is expressed that the ban issued upon Mr Ghaith preventing him from entering the West Bank, and in particular Ramallah where Addameer offices are based, may represent a direct attempt to prevent him from carrying out his peaceful and legitimate work in defence of human rights in Palestine.

While we do not wish to prejudge the accuracy of these allegations, 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 Recognized Human Rights and Fundamental Freedoms, and in particular articles 1 and 2 which state that "everyone has the right individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels" and that "each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice".

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the Declaration:

- article 5 points b) and c) which provide that for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right to form, join and participate in non-governmental organizations, associations or groups, and to communicate with non-governmental or intergovernmental organizations.
- article 6 point a) which provides that everyone has the right, individually and in association with others to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems.

- article 6 points b) and c) which provide that everyone has the right, individually and in association with others as provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.

We would also like to appeal to your Excellency's Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the International Covenant on Civil and Political Rights (ICCPR), which provides that "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."

We would also like to appeal to your Excellency's Government to take all necessary steps to ensure the right to freedom of association, as recognized in article 22 of the ICCPR, which provides that "Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests".

In this context, we would like to refer to Human Rights Council resolution 15/21, and in particular operative paragraph 1 that "Calls upon States 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, including migrants, 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."

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned person in compliance with the above international instruments.

Moreover, 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. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters, when relevant to the case under consideration:

1. Are the facts alleged in the summary of the case accurate?
2. Has a complaint been lodged by or on behalf of the alleged victim?

3. Please provide the full details of the reasons for issuing a travel ban on Mr Ghaith?

We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the report we will submit to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of the above mentioned person 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 your Excellency's Government 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