

**Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the independence of judges and lawyers; 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 in the Palestinian territories occupied since 1967**

REFERENCE: UA  
ISR 11/2014:

27 January 2015

Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention; Special Rapporteur on the situation of human rights defenders ; Special Rapporteur on the independence of judges and lawyers; 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 in the Palestinian territories occupied since 1967 pursuant to Human Rights Council resolutions 24/7, 25/18, 26/7, 25/2, 24/5, and 5/1.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged arbitrary arrest of **Mr. Abdallah Abu Rahma** on 13 May 2012 during a peaceful protest in front of Ofer prison, and the imminent risk of his arbitrary detention following his conviction on 21 October 2014 for allegedly disturbing a soldier on duty during that protest.

Mr. Abdallah Abu Rahma is a human rights defender and the coordinator of the Bil'in Popular Committee against the Wall and Settlements.

Mr. Abu Rahma was the subject of an earlier joint urgent appeal, sent on 8 November 2010 (see A/HRC/16/44/Add.1, paras. 1331 – 1347) by the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967. In that communication, the Special Rapporteurs raised information received regarding the sentencing of Mr. Abu Rahma on charges of organizing 'illegal'

demonstrations in the town of Bil'in and incitement to violence in the context of the Bil'in demonstrations, and expressed concern that his sentencing may have been "related to his legitimate human rights activities". In its response dated 26 November 2010, your Excellency's Government confirmed that Mr. Abu Rahma had received a sentence of one year of imprisonment, a six months suspended sentence and a fine of 5,000 New Israeli Shekels (approximately 1390 USD). While noting that the weekly demonstrations against the Israeli separation wall in Bil'in held since 2005 often turned violent, the response also indicated that the court had taken into account that Mr. Abu Rahma's "worked to promote peace, dialogue and co-existence".

According to the information received:

Mr. Abdallah Abu Rahma was arrested by Israeli Border Police in front of Ofer prison, in the occupied West Bank, on 13 May 2012 during a peaceful protest organized to show solidarity with Palestinian political prisoners on hunger strike, protest against the practice of administrative detention, and commemorate what Palestinians refer to as 'Nakba day'. During this peaceful protest, Mr. Abu Rahma stood in front of bulldozers in an attempt to prevent the Israeli security forces from setting up road blocks, which it is reported commonly serve as a shield for Israeli security forces snipers and soldiers. Eyewitness accounts reported that Mr. Abu Rahma simply stood in front of the bulldozers and did not pose any danger to Israeli soldiers. He was detained for a few hours before being released on bail the same day.

Mr. Abu Rahma was summoned before an Israeli military court in February 2013 and charged with 'disturbing a soldier on duty' during the events of 13 May 2012. The charging of Mr. Abu Rahma in February 2013 was reportedly prompted by his peaceful involvement in the Bab al-Shams protest camp against planned settlements in the West Bank in January 2013.

On 21 October 2014, over two years after the alleged incident, Mr. Abu Rahma was convicted of the aforementioned offence. The judge reportedly acknowledged that Mr. Abu Rahma was not guilty of having engaged in violence, but attributed significance to Mr. Abu Rahma's previous record of arrest and detention in finding him guilty. The military court is due to sentence Mr. Abu Rahma on 8 February 2015. The maximum possible sentence on the charges for which Mr. Abu Rahma was convicted is five years of imprisonment, although a shorter term of imprisonment, suspended sentence or fine are also possible. The conviction and the sentence may be appealed.

While we do not wish to prejudge the accuracy of these allegations, we are concerned that the arrest, prosecution and possible detention of Mr. Abu Rahma may be related to his legitimate human rights activities, including his involvement in the Bab al-Shams protest camp, and his exercise of the right to freedom of peaceful assembly and the right to freedom of opinion and expression. Further concern is expressed that Mr. Abu Rahma was not provided with adequate guarantees of due process and fair trial,

including the right to be presumed innocent until proven guilty, as he was prosecuted before a military court. General concern is expressed about the inherent questionability of the use of military courts, falling short of international human rights standards on due process and fair trial, to try Palestinians.

In connection to the above alleged facts and concerns, we would like to remind your Excellency's Government of its obligations under international human rights law, in particular we would like to refer to articles 9, 19 and 21 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Israel on 3 October 1991, which guarantee the rights to liberty and security of the person, freedom of opinion and expression, and freedom of peaceful assembly.

In this respect, we also wish to recall 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 to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly are in accordance with their obligations under international human rights law.

We also wish 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 and 6.

The fact that Mr. Abu Rahma was convicted before a military court also seems to be in contradiction of article 14 of the ICCPR as interpreted by the Human Rights Committee in its General Comment No. 32, as well as principle 5 of the Basic Principles on the Independence of the Judiciary. As indicated by the Special Rapporteur on the independence of judges and lawyers in her report to the General Assembly in 2013, military tribunals should have jurisdiction only over military personnel who commit military offences or breaches of military discipline, and then only when those offences or breaches do not amount to serious human rights violations (see A/68/285).

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

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 Mr. Abdallah Abu Rahma in compliance with international instruments.

1. Please provide any additional information and any comment you may have on the above mentioned allegations.
2. Please provide information concerning the legal grounds for the arrest and the detention of Mr. Abdallah Abu Rahma and how these measures are compatible with international norms and standards as stated, inter alia, in the

Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

3. Please provide detailed information concerning the judicial proceedings leading to Mr. Abu Rahma's conviction on 21 October 2014. Please explain in particular how the fact that Mr. Abu Rahma was tried by a military court is compatible with international human rights standards, including fair trial and due process guarantees.

4. Please indicate what measures have been taken to ensure that Mr. Abu Rahma's rights to freedom of association, freedom of peaceful assembly and freedom of opinion and expression are respected.

5. Please indicate what measures have been taken to ensure that Palestinian human rights defenders and civil society activists can operate in an enabling environment and are able to carry out their legitimate work without fear of prosecution and criminalization.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

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.

Mads Andenas  
Chair-Rapporteur of the Working Group on Arbitrary Detention

Michel Forst  
Special Rapporteur on the situation of human rights defenders

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Gabriela Knaul  
Special Rapporteur on the independence of judges and lawyers

David Kaye  
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