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AUX DROITS DE L'HOMME

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; the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967; and the Special Rapporteur on extrajudicial, summary or arbitrary executions.

REFERENCE: UA G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9) G/SO 214/79-9 G/SO 214 (33-27)
ISR 3/2014

28 May 2014

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; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967; and Special Rapporteur on extrajudicial, summary or arbitrary executions pursuant to Human Rights Council resolutions 25/2, 24/5, 25/18, 5/1, and 17/5.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received concerning the **violent threats and intimidation carried out by Israeli Defence Forces against the Youth Against Settlements in Hebron, West Bank, Palestine.**

Youth Against Settlements (YAS) is a Palestinian group, which seeks to end Israeli settlements through non-violent means. In close collaboration with many international and Israeli organizations, the group documents human rights violations and coordinates actions and campaigns to raise awareness.

Mr. Issa Amro is a prominent Palestinian human rights defender and founding member of various non-violent human rights organizations in Hebron located in the occupied West Bank, including YAS. In 2010, Mr. Amro won the OHCHR 'Human Rights Defender of the Year in Palestine' award.

Mr. Amro was the subject of a communication sent to the Government of Israel on 2 August 2013 by 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, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, the Special Rapporteur on extrajudicial, summary or arbitrary executions, and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (see A/HRC/25/74, case no. ISR 7/2013). We regret that no response has been received to this communication.

According to the information received:

On 27 April 2014, Youth Against Settlements (YAS) published a video online showing an altercation between an Israeli soldier and two minors in Hebron, West Bank. During the incident, the soldier allegedly pointed and cocked his gun at the two minors. The soldier then reportedly threatened to shoot the camera operator if he did not stop recording the incident.

In response to these allegations, the Spokesperson's Office of the Israel Defence Forces (IDF) reportedly said: "The behaviour of the soldier in the video was aberrant and does not meet the expectations of him. The matter will be investigated." The soldier was later removed from his position; however the IDF stated that this was not related to the video published by YAS.

On 1 May 2014, a group of about 20 heavily-armed soldiers arrived at the YAS centre and surrounded the YAS members, allegedly asking for the name of the individual who had filmed the scene on 27 April 2014. Reportedly, Mr. Amro stated he had filmed the scene in order to protect the identity of the real filmmaker. The soldiers did not believe Mr. Amro, and it is reported that the soldiers threatened to shoot the entire group upon their return. Mr. Amro reportedly informed the IDF soldiers that the raid was also being filmed on High Definition (HD) cameras, and the soldiers subsequently withdrew from the YAS centre. The soldiers reportedly told Mr. Amro that they would not let him film the next time, and that they would shoot him. The soldiers then stated their support of the soldier in the original footage on 27 April 2014. A video of the raid was published on *YouTube* (<http://www.youtube.com/watch?v=xYa6uEPPmNU&feature=youtu.be>).

On 2 May at 10:00 a.m., two settlers reportedly arrived at the YAS centre accompanied by two IDF soldiers. One of the settlers alleged that someone from YAS had thrown a stone a few minutes previously. Mr. Amro reportedly offered to check the video records, but the settler refused this offer. At that point, one of

the soldiers allegedly told Mr. Amro to shut up and that the IDF serves to protect the settlers and not him. The second soldier then allegedly threatened to shoot Mr. Amro and break his legs.

On 2 May 2014 at 11:00 a.m., six IDF soldiers carried out a military training in the yard of the YAS centre, following which soldiers reportedly pointed their guns at YAS members. In light of these acts, YAS launched an online petition at the Avaaz platform to the UN High Commissioner for Human Rights.

On 3 May 2014, two IDF soldiers allegedly stopped at the gate of the YAS centre. One of these soldiers pointed at one of the filmmakers, and raised his hand to his throat, appearing to signal that he would slit the filmmaker's throat.

On 4 May 2014, a YAS member was reportedly detained at a checkpoint and IDF soldiers threatened that they would shoot him the next time. Mr. Amro reportedly intervened and was also detained temporarily for around 1 hour.

On 9 May 2014, Mr. Amro was filming in Hebron when an IDF soldier allegedly grabbed him and pushed him up against a wall. Reportedly, the soldier told Mr. Amro that he would shoot him soon, and warned him to leave.

On 14 May 2014, IDF soldiers reportedly raided the house of one of the filmmakers, beat his family, arrested the oldest brother of the filmmaker and released him after approximately 8 hours.

Grave concern is expressed at the alleged violent threats and intimidation, targeting members of YAS, including Mr. Issa Amro. Further concerns are expressed that these threats are related to their legitimate and peaceful activities in documenting human rights violations.

While we do not wish to prejudge the accuracy of these allegations, the above-alleged facts indicate a prima facie violation of the articles 6, 19 and 22 of the International Covenant on Civil and Political Rights, ratified by Israel on 3 October 1991, which guarantee the right to life, freedom of expression and the right of association.

The allegations also appear to contravene the prime responsibility and duty of the State to protect, promote and implement all human rights and fundamental freedoms 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, also known as the UN Declaration on Human Rights Defenders, in particular articles 1, 2 and 12.

Furthermore, the allegations are apparent violations of the obligations on states to provide, through judicial or other means, effective protection of individuals and groups who are in danger of extra-legal, arbitrary or summary executions, including those who receive death threats and to take measures to appropriately investigate and punish such acts by members of their own security forces in accordance with Principles 4 and 9 of the Principles on Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, adopted by the Economic and Social Council resolution 1989/65.

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 would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of Mr. Issa Amro and the members of YAS in compliance with international instruments.

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 any comment you may have on the above-mentioned allegations.

2. According to our information, complaints have been lodged by members of YAS regarding the abovementioned raids and alleged threats. Please confirm that these complaints have been duly registered.

3. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.

4. Please indicate the reasons behind the dismissal of the soldier who was removed from his position, following the online publication of the video by YAS on 27 April 2014, since the Israeli military has allegedly stated that his removal was not linked to his conduct in the video. Please also provide information of any investigation into this conduct.

5. Please indicate what measures have been taken to ensure that the legitimate right to freely associate is respected and that the physical and psychological integrity of those exercising this right is guaranteed.

6. Please indicate what measures have been taken to ensure that human rights defenders in Palestine are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort.

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.

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

Christof Heyns
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