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OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

Mandates of the Special Rapporteur on the situation of human rights defenders, and the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context .

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Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders and Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context pursuant to Human Rights Council resolution 15/8 and 16/5.

In this connection, we would like to bring to your Excellency's Government's attention information we have received concerning the **alleged summoning for questioning of Mr. Meir Margalit in connection with the rebuilding of demolished homes in East Jerusalem.**

Mr. Margalit is a prominent human rights defender and a founding member of the Israeli Committee Against Housing Demolitions (ICAHD), an organization which rebuilds homes that have been demolished by the State of Israel in East Jerusalem.

According to the information received:

On 29 April 2012, Mr. Margalit was summoned by the State Prosecutor to the Interior Ministry's Building Inspection Branch for questioning on suspicion of building without a permit. It is reported that the house he was questioned about had been rebuilt together with Spanish activists with funds provided by the Spanish Government.

Reportedly, this is the first time that an activist is being investigated for supporting Palestinians in rebuilding their demolished buildings. It is alleged that the authorities' actions may be motivated by Mr. Margalit's efforts to halt demolitions in the past by using his "international connections".

Concern is expressed at the allegations that the investigation of Mr. Margalit's activities may be directly related to his legitimate work in the defence of human rights, particularly the rebuilding of demolished homes in East Jerusalem.

While we do not wish to prejudge the accuracy of these allegations, we wish 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 article 12 paragraphs 2 and 3 of the Declaration which provide that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

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:

1. Are the facts alleged in the above summary of the case accurate?
2. Please indicate whether any judicial processes have been initiated against Mr. Margalit and, if so, please provide detailed information thereon.
3. Please indicate what measures have been taken to ensure that human rights defenders, including civil society and activists, can operate in an enabling environment and can carry out their legitimate activities without fear of harassment, stigmatization or criminalization of any kind.

We would appreciate a response within sixty days. Your Excellency's 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 your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of Mr. Meir Margalit are respected.

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

Margaret Sekaggya
Special Rapporteur on the situation of human rights defenders

Raquel Rolnik
Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context