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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 and Special Rapporteur on the situation of human rights defenders

REFERENCE: UA G/SO 214 (67-17) G/SO 214 (107-9)
PSE 2/2012

22 February 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 and Special Rapporteur on the situation of human rights defenders pursuant to General Assembly resolution 60/251 and to Human Rights Council resolutions 16/4 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 attacks and threats against Mr. **Mahmoud Abu Rahma**, Director of the Communication and International Relations Unit at the Al Mezan Centre for Human Rights.

According to the information received:

On 13 January 2012, at approximately 11:15 p.m., Mr. Mahmoud Abu Rahma was attacked by three unidentified individuals outside his residence in Tal al-Hawa district in Gaza City. It is reported that the assailants were masked and were armed with flashlights and sharp implements, including a knife. Mr. Abu Rahma allegedly sustained stab wounds to his leg and hand as well as lesser injuries to his back. It is alleged that the assailants attempted to stab him in the chest, but Mr. Mahmoud Abu Rahma's laptop computer blocked these attacks. Reportedly, the assailants then departed the scene while shouting death threats and insults.

Reports indicate that this is the second attack against Mr. Mahmoud Abu Rahma in recent weeks. On 3 January 2012, he was allegedly attacked by unidentified, unarmed men outside his residence.

Furthermore, according to the information received, Mr. Mahmoud Abu Rahma has recently received several threatening phone calls and emails, including a death threat. These threats are alleged to be connected to an article published by Mr. Mahmoud Abu Rahma in December 2011 entitled "Absent Protection: Among Resistance, Government and Citizens," which alleges human rights violations by the de facto authorities in Gaza.

Concern is expressed regarding the physical and psychological integrity of Mr. Mahmoud Abu Rahma in light of the seriousness of the attacks against him and the threats which he has received. Concern is also expressed that the attacks and threats

against him may be directly related to the exercise of his rights to freedom of association and expression in the context of his legitimate work in the defence of human rights.

In this connection, 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 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.

- article 12, paras 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.

While we do not wish to prejudge the accuracy of these allegations, we wish to draw your Excellency's attention to the right to physical and mental integrity of Mr. Mahmoud Abu Rahma.

Without in any way implying any determination on the facts of the case, we wish to reiterate the principle enunciated in Human Rights Council Resolution 12/16, which calls on States, while noting that article 19, paragraph 3 of the International Covenant on

Civil and Political Rights provides that the exercise of the right to freedom of opinion and expression carries with it special duties and responsibilities, to refrain from imposing restrictions which are not consistent with paragraph 3 of that article, including on (i) discussion of government policies and political debate; reporting on human rights, government activities and corruption in government; engaging in election campaigns, peaceful demonstrations or political activities, including for peace or democracy; and expression of opinion and dissent, religion or belief, including by persons belonging to minorities or vulnerable groups.

We would 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 Universal Declaration of Human Rights which provides that "[e]veryone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

We urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of Mr. Mahmoud Abu Rahma are respected and, in the event that your investigations support or suggest the forementioned 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.

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. Mahmoud Abu Rahma 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 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. In the event that the alleged perpetrators have been identified, please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?

5. Please provide full details of any protective measures put in place to ensure the physical and psychological security and integrity of Mr. Mahmoud Abu Rahma.

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. Finally, we would like to inform your Excellency's Government that we have addressed a communication of the same contents to Mr. Mohammad Faraj El Ghoul, Gaza, Palestine.

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

Margaret Sekaggya
Special Rapporteur on the situation of human rights defenders