

Mandates of the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967

REFERENCE:
UA ISR 8/2018

26 March 2018

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the situation of human rights defenders and Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, pursuant to Human Rights Council resolutions 34/5 and 1993/2A.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the attempted physical attack on Mr. **Imad Abu Shamsiyya** in Hebron by a member of the settler population.

Mr. Imad Abu Shamsiyya is a human rights defender and co-founder of the Human Rights Defenders Group, a non-partisan group which aims to document and expose violations of international law in conflict areas under Israeli occupation. He is also a volunteer with an Israeli Human Rights NGO, involved with documenting the occupation in Tel Al-Ramida. He has been the subject of two previous communications sent on 30 March 2016, case no. ISR 5/2016 and on 8 November 2017, case no. ISR 9/2017. In both communications, concerns were raised over the safety of Mr. Abu Shamsiyya due to threats, including death threats, which he received originally for his filming and dissemination of a video displaying the apparent extrajudicial execution of a Palestinian man by an Israeli soldier. We regret that no response has been given to either of these communications.

According to the information received:

On 6 March 2018, while Mr. Abu Shamsiyya was returning to his home in Tel Al-Ramida in Hebron, an Israeli settler who is a resident of Kiryat Arba settlement allegedly attempted to run him over with his car. Mr. Abu Shamsiyya managed to escape unharmed and later filed a complaint with Israeli police in Hebron.

Grave concern is expressed over the physical safety of Mr. Abu Shamsiyya and the alleged failure of authorities to adequately protect him. We recall that fears for his safety were raised in two previous communications due to the threats he had received in relation to his human rights work. We note that threats and attempts on his life are liable to occur again in the future if sufficient safeguards are not put in place. In this vein, we would also like to highlight that failure to adequately investigate and prosecute crimes can foster a climate of impunity, thereby increasing the likelihood of attacks and creating a generally more dangerous environment for human rights defenders in carrying out their important work.

While we do not wish to prejudge the accuracy of these allegations, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

We would like to draw your Excellency's Government's attention to articles 6, 9, 19 and 22 of the International Covenant on Civil and Political Rights (ICCPR), which Israel ratified on 3 October 1991, guaranteeing the right not to be arbitrarily deprived of life, the right to security, the right to freedom of expression and opinion as well as the right to freedom of association.

With regards to security of person, we recall that, as established by the Human Rights Committee, this right concerns freedom from injury to the body and the mind, or bodily and mental integrity (CCPR/C/GC/35, para. 3 and 9). As interpreted by the Committee, "the right to personal security also obliges States parties to take appropriate measures (...) to protect individuals from foreseeable threats to life or bodily integrity proceeding from any governmental or private actors".

We would also like to refer to Human Rights Council resolution 13/13, which urges States to put an end to and take concrete steps to prevent threats, harassment, violence and attacks by States and non-State actors against all those engaged in the promotion and protection of human rights and fundamental freedoms. The resolution further urges States to investigate complaints and allegations regarding threats or human rights violations perpetrated against human rights defenders in a prompt and effective manner and to initiate proceedings against perpetrators where appropriate.

We would finally like to refer to articles 1, 2, 6 (a and b) and 12 (2) of the UN Declaration on Human Rights Defenders which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels, that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, that everyone has the right to know, seek obtain receive and hold information on all human rights and freedoms and to disseminate, impart or publish such information and that States shall take all necessary measures to ensure the protection of everyone against any violence, threats and retaliation which arises as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.

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 the above-mentioned person in compliance with international instruments.

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/or any comment(s) you may have on the above-mentioned allegations.
2. Please provide detailed information on any investigation or prosecution which has been undertaken with regards to the allegations above.
3. Please provide detailed information on what steps your Excellency's Government has taken in order to protect Mr. Abu Shamsiyya from threats and attacks emanating from his work as a human rights defender.
4. Please indicate what measures have been taken to ensure that human rights defenders in the occupied Palestinian territories 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.

Michel Forst
Special Rapporteur on the situation of human rights defenders

Michael Lynk
Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967