

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 and the Special Rapporteur on the situation of human rights defenders

REFERENCE:
AL ISR 9/2018

14 May 2018

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 situation of human rights in the Palestinian territories occupied since 1967 and Special Rapporteur on the situation of human rights defenders, pursuant to Human Rights Council resolutions 34/18, 1993/2A and 34/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the revocation of the work permit of Mr. **Omar Shakir** and his imminent deportation, allegedly for promoting boycotts of Israel.

Mr. Omar Shakir is the Director of Human Rights Watch Israel and Palestine, where he investigates human rights abuses in Israel, the West Bank, and Gaza.

Human Rights Watch (HRW) is an international nongovernmental organization mandated to promote respect for human rights and international law. The organization monitors human rights violations in a large number of countries around the world committed by different actors.

Concerns about the denial of work permit for HRW in connection with Mr. Omar Shakir have previously been raised by Special Procedures mandate holders in a communication sent on 3 March 2017 (ISR 3/2017). We thank your Excellency's Government for the reply of 24 May 2017 but remain concerned at the recent information received.

According to new information received:

In 2011, Israel passed the Law for Prevention of Damage to the State of Israel Through Boycott, which allows people to file lawsuits and seek damages against those who publicly call for boycotts of Israel or its settlements in the West Bank. In March 2017, an amendment to the Entry into Israel Law allowed authorities to refuse entry into Israel to individuals who publicly call for, or have undertaken to participate in, a boycott against Israel, as defined in the 2011 law.

In February 2017, the Interior Ministry issued a decision denying a work permit for Mr. Shakir, stating that HRW's "public activities and reports have engaged in

politics in the service of Palestinian propaganda, while falsely raising the banner of human rights.”

In March 2017, this denial was reversed and the Interior Ministry granted HRW a work permit for Mr. Shakir. On 26 April 2017, Mr. Shakir was granted a one-year work visa.

On 16 November 2017, the Interior Ministry notified HRW that it had initiated a review of Mr. Shakir’s status in Israel. Such review followed a private lawsuit in a district court in Jerusalem challenging his work permit.

In January 2018, HRW applied to extend Mr. Shakir’s work visa, which was set to expire on 31 March 2018.

On 29 March 2018, the Interior Ministry extended Mr. Shakir’s work visa for one month pending a decision on revocation.

On 7 May 2018, the Interior Ministry revoked the work visa and ordered Mr. Shakir to leave the country within 14 days. This decision was based on a dossier compiled by Israel’s Strategic Affairs and Public Diplomacy Ministry on Mr. Shakir’s activities, where he was accused of allegedly supporting Israeli boycotts.

HRW has publicly stated that neither the organization nor its representative, Mr. Shakir, “advocate boycott, divestment or sanctions against companies that operate in the settlements, Israel or Israelis,” and has further noted that HRW is not part of the BDS movement and takes no position on this movement.

In January of this year, Israel’s Strategic Affairs Ministry published a list of 20 organizations whose employees and/or members would be barred from entering the country due to their alleged support for boycott campaigns.

Concern is expressed that the revocation of Mr. Shakir’s work visa and his imminent deportation may be related to his legitimate exercise of the right of freedom of expression as a human rights defender. We also express concern that such measures may be used as a means to silence criticism and may have a chilling effect on other civil society organizations.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

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. Please inform about the reasons for revoking Mr. Shaker's work permit and requesting him to leave Israel. Please explain how such decisions are compatible with the international norms and standards on the right to freedom of opinion and expression, and if such decisions can be appealed.
3. Please indicate what measures have been taken to ensure that human rights defenders, including those persons working at non-governmental organizations, are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation, harassment or criminalization of any sort.

We would appreciate receiving a response within 60 days. Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

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.

We intend to publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

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

David Kaye

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Michael Lynk

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

Michel Forst

Special Rapporteur on the situation of human rights defenders

Annex
Reference to international human rights law

In connection with above alleged facts and concerns, we would like to appeal to your Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with the fundamental principles set forth in article 19 of the ICCPR, ratified by Israel on 3 October 1991, which provides that “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”

We would like to recall that any restriction to freedom of expression must meet the high threshold established under article 19(3) of the ICCPR. That is, be provided by law and be necessary and proportionate to achieve the legitimate aims listed in the provision. As interpreted by the Human Rights Committee in its General Comment 34 (CCPR/C/GC/34), article 19 of the ICCPR requires that authorities guarantee the right to seek, receive and impart information and ideas of all kinds regardless of frontiers, including political discourse, commentary on one’s own and on public affairs, discussion of human rights, journalism, among others (paragraph 11). Article 19 of the ICCPR also protects all forms of expression and the means of their dissemination, including all forms of audio-visual as well as electronic and internet-based modes of expression (paragraph 12).

We wish to reiterate as well the principle enunciated in Human Rights Council Resolution 12/16, which calls on States to refrain from imposing restrictions which are not consistent with article 19(3), including on discussion of government policies and political debate; reporting on human rights, engaging in 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 also wish to refer your 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, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration 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 and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

Finally, we would like to refer to Human Rights Council resolution 22/6, which urges States to acknowledge publicly the important and legitimate role of human rights defenders in the promotion of human rights, democracy and the rule of law (OP 5).