

Mandates of the Special Rapporteur on extrajudicial, summary or arbitrary executions; 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; 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 violence against women, its causes and consequences and the Working Group on the issue of discrimination against women in law and in practice

REFERENCE:
AL ISR 14/2018

20 December 2018

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on extrajudicial, summary or arbitrary executions; 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; 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 violence against women, its causes and consequences and Working Group on the issue of discrimination against women in law and in practice, pursuant to Human Rights Council resolutions 35/15, 34/18, 1993/2A, 32/32, 34/5, 32/19 and 32/4.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the targeting of the Israeli Information Centre for Human Rights in the Occupied Territories, known as B'Tselem and its staff, including allegations of reprisals against Mr. Hagai El-Ad and harassment of Ms. Manal Al-Ja'bri.**

Mr. **Hagai El-Ad** is an Israeli human rights defender and the Executive Director of B'Tselem.

Ms. **Manal Al-Ja'bri** is a Palestinian human rights defender and field researcher for B'Tselem.

According to information received:

Mr. Hagai El-Ad

In October 2016, Mr. El-Ad, spoke at the UN Security Council about the expansion of settlements and the deteriorating human rights situation for Palestinians living in the Occupied Palestinian Territory. He called for an effective international intervention to bring the occupation to an end.

Mr. El-Ad was subsequently vehemently criticised by high-level Israeli officials, including the Prime Minister. Many in the Israeli political leadership decried B'Tselem, calling the organization unpatriotic, traitors and political outcasts.

On 18 October 2018, Mr. El-Ad briefed the UN Security Council during an open debate on the situation in the Middle East. He raised serious concerns about the situation in Gaza, noting the deterioration of the economy and infrastructure, and describing it as essentially an open-air prison. He noted recent decisions of the Israeli High Court authorizing the demolition of the Palestinian Bedouin community of Khan al Ahmar, and declaring as legal the actions of Israeli Defense Forces in using live ammunition against unarmed demonstrators in Gaza. He described these types of decisions as constructing a façade of legality, which allows Israel to avoid international consequences for its actions

The Permanent Representative of Israel to the United Nations in New York told members of the Security Council that Mr. El Ad was lucky to live in a strong democracy because, had he defamed his government the way he just did in some other countries, he would have been killed. He told Mr. El-Ad, “You are a citizen of the State of Israel who is serving our enemies. IDF soldiers protect you and you come here to discredit them. Shame on you. You are a collaborator.”

The Permanent Representative later tweeted “By bringing B’Tselem, Bolivia has in fact proven the strength of Israel’s vibrant democracy. I challenge you all to find a Palestinian, or a Bolivian, who could dare defame his government at the #SecurityCouncil. At best, he might be thrown in jail”.

President Netanyahu tweeted: “While our soldiers are preparing to protect Israel’s security, the director of B’Tselem chooses to carry a speech that lies in the form of the Israeli enemies. B’Tselem’s conduct is a disgrace to be remembered as a short and transient episode in the history of our people.”

On 21 October, a Likud member of Knesset posted a poster with an image of Mr. El-Ad on Facebook with the title "Wanted dead or alive". The post called Mr. El-Ad a liar and a traitor and requested that the public provide information on his location.

On 24 October 2018, the Assistant Secretary-General for Human Rights referred to Mr. El-Ad in a speech at an OHCHR side event in New York as an example of those who have been slandered and threatened for speaking out at the Security Council.

Ms. Manal Al-Ja’bri

On 22 April 2018, at approximately 13.40, Ms. Al-Ja’bri was stopped by the Israeli Border Police at the Bench Checkpoints, fifty metres east of the Bakery Checkpoint in Hebron.

She was questioned about the reasons for her presence in the area, and Ms. Al-Ja’bri informed the male guards of her affiliation with B’Tselem. She was immediately detained and subjected to a search for which she was instructed to remove her clothes in the street.

When Ms. Al-Ja'bri refused to comply with the instructions, one of the guards caught her arm, and twisted it so she was pushed against the wall. She was kicked in the legs and punched in the back by the guard.

She was then taken to a room at the checkpoint and again ordered to remove her clothing. Ms. Al-Ja'bri noticed that one of the guards was going to take photographs of her. She again refused to comply, and was beaten.

From there, Ms. Al-Ja'bri was transferred to Al-Haram Police Station, where she remained for several hours. She was then taken to another police station in Kiryat Arba, where she was interrogated on charges of "assaulting a border police officer" and "photographing a checkpoint".

She was released at approximately 21:00 on the condition that she refrains from attending Ibrahimi Mosque and that she attends Ofer Military Court on 18 September 2018. It was subsequently understood that the summonses to attend Ofer Military Court were fictitious and that there were no legal basis for the summonses.

While we do not wish to prejudge the accuracy of these allegations, we wish to express serious concern at the denunciatory statements by high-level public officials against Mr. El-Ad following his statement delivered at the UN Security Council. We regret that the labelling of Mr. El-Ad as "traitor" and "collaborator" may serve to stigmatize his work as harmful to national security, including by disparaging them in the eyes of the public, and creating an atmosphere of harassment that could lead to physical violence. We also express serious concern at the harassment of Ms. Al-Ja'bri, including gender-based violence, undignified treatment by asking her to undress in public and in front of male guards and threatening with judicial action, which appear to be related to her work with B'Tselem and her peaceful attempts to document and expose human rights violations in the Occupied Palestinian Territory.

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. In connection with the above alleged facts and concerns, please refer to the **Reference to International Law Annex** 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/or any comment(s) you may have on the above-mentioned allegations.
2. Please provide detailed information on the measures taken to ensure that the statements by high-level public officials about the work of human rights defenders comply with Israel's obligations to promote and protect human rights. In particular, please provide information about whether your

Excellency's Government has taken any measures regarding the post made against Mr. El Ad on Facebook by a Likud member of Knesset on 21 October 2018.

3. Please indicate what measures have been taken to ensure that Israel respects its international human rights obligations and that human rights defenders in Israel and the Occupied Palestinian Territory are able to carry out their peaceful and legitimate work in a safe and enabling environment without fear of threats or acts of intimidation, harassment, or reprisals of any kind.
4. Please indicate any measures taken to ensure that the specific protection needs of women human rights defenders are taken into account and that measures to prevent gender-based violence against them are taken.
5. Please indicate any measures taken to investigate the allegations of intimidation and reprisal and to bring perpetrators to justice, in accordance with Human Rights Council resolution 36/21. If no such investigation has taken place, please explain why. Please also provide information about any measures taken to prevent the occurrence of acts of intimidation or reprisal, including where necessary, by adopting and implementing specific legislation and policies in order to effectively protect those who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights from any act of intimidation or reprisal.

We would appreciate receiving a response within 60 days. Passed this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

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(s) responsible for the alleged violations.

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

Agnes Callamard
Special Rapporteur on extrajudicial, summary or arbitrary executions

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

Clement Nyaletsossi Voule

Special Rapporteur on the rights to freedom of peaceful assembly and of association

Michel Forst

Special Rapporteur on the situation of human rights defenders

Dubravka Šimonović

Special Rapporteur on violence against women, its causes and consequences

Ivana Radačić

Chair-Rapporteur of the Working Group on the issue of discrimination against women in law and in practice

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw your attention to articles 7, 9, 17, 19, of the International Covenant on Civil and Political Rights (ICCPR), acceded to by Israel on 3 October 1991, which states that no one shall be subjected to degrading treatment or punishment, that everyone has the right to liberty and security of person, that no one shall be subjected to unlawful attacks on his reputation, and that everyone shall have the right to freedom of expression and opinion.

We would further 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, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2, which states that everyone has the right, individually and in association with others to promote and to strive for the protection and realization of human rights and that the State has a prime responsibility and duty to protect, promote and implement all human rights. We would also like to draw attention to article 6 and 12, which state that everyone has the right to seek information about all human rights, and that the state shall take all necessary measures to ensure the protection by the competent authorities of everyone against any arbitrary action as a consequence of the legitimate exercise of their human rights.

We would like to refer to General Assembly Resolution 68/181, which urges States to acknowledge publicly the important and legitimate role of women's rights defenders in the promotion and protection of human rights, democracy, the rule of law and development as an essential component of ensuring their protection, including by publicly condemning discrimination against them. It expressed particular concern about systemic and structural discrimination and violence faced by women human rights defenders. States should take all necessary measures to ensure the protection of women human rights defenders and to integrate a gender perspective in their efforts to create a favorable environment for the defense of human rights. This should include the establishment of comprehensive, sustainable and gender-sensitive public policies, as well as programs that support and protect women defenders. Such policies and programs should be developed with the participation of women defenders themselves.

We would also like to remind your Government of Article 7 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified by Israel on 3 October 1991, which requires State parties to take all appropriate measures to eliminate discrimination against women in political and public life.

Also, as highlighted by the Working Group on discrimination against women in law and in practice in one of its reports (A/HRC/23/50), stigmatization, harassment and outright attacks have been used to silence and discredit women who are outspoken as leaders, community workers, human rights defenders and politicians. Women defenders are often the target of gender-specific violence, such as verbal abuse based on their sex;

they may experience intimidation, attacks and death. Violence against women defenders is sometimes condoned or perpetrated by State actors.

We further wish to refer to General Assembly Resolution 24/24 and 22/6, which call on States to ensure adequate protection from intimidation or reprisals for cooperation with the United Nations and to take all appropriate measures to prevent the occurrence of intimidation or reprisals, as well as to provide for the right to unhindered communication with the United Nations.