

**Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967**

REFERENCE:  
AL PSE 3/2019

15 October 2019

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association and Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, pursuant to Human Rights Council resolutions 34/18, 41/12 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 attack on Ms. **Lara Kanan** on 30 June 2018 and the failure of authorities to adequately investigate.

Ms. Lara Kanan is a Palestinian freelance journalist and field researcher for the Palestinian Centre for Development and Media Freedoms. She is also the Nablus representative for Altra News and a member of the Journalist Union of Palestine.

Ms. Kanan's case has previously been raised in the annual report of the High Commissioner for Human Rights (A/HRC/40/39, para. 62).

According to the information received:

On 30 June 2018, while covering a peaceful demonstration in the city centre of Nablus, Ms. Lana Kanan was physically assaulted by a group of male Fatah supporters wearing civilian clothes, at least one of whom was a member of the Palestinian Security Forces. The physical assault started by the men grabbing her arm and telling her to stop filming. They then beat her on her arms, grabbed and pulled at her hair, hit her once in the back and pushed her to the ground. The men also confiscated her cell phone. The protest was in relation to a campaign to lift Palestinian Authority measures on the Gaza Strip and Ms. Kanan had been wearing a yellow vest which identified her as a member of the media.

On 2 July 2018, Ms. Kanan filed a criminal complaint with the Public Prosecutor's Office of the Nablus Court of Reconciliation against the group of men which had attacked her. While she did not specifically name the individuals in the complaint, she was personally aware of the identities of two of them, including the member of the Palestinian Security Forces. On 3 July, Ms. Kanan went to Rafidia Surgical Hospital in Nablus, suffering from pain in her left arm, neck and back. The

physician subsequently diagnosed her with cyanosis and provided her with medical attention.

On 9 July 2019, Ms. Kanan's lawyer filed a complaint with the Public Prosecutor's Office of the Nablus Court of Reconciliation citing the failure of authorities to investigate and take legal action on her case. Until now, there has been no action taken.

While we do not wish to prejudge the accuracy of these allegations, we wish to express our serious concern over the attack on Ms. Lana Kanan which occurred on 30 June 2018, along with the authorities' alleged failure to investigate or take legal action on the incident. We underline that if a climate of impunity is allowed to persist for attacks against journalists then this may seriously jeopardise their ability to carry out their vital work in a safe and enabling environment, free from threats, violence or other form of harassment, and presents a great likelihood for the recurrence of such attacks.

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 **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/or any comment(s) you may have on the above-mentioned allegations.
2. Please provide information regarding any investigation which has taken place with regards to the attack on Ms. Kanan, including information on any prosecutions which have taken place. If no investigation has taken place, please explain why not.
3. Please provide information on what steps have been taken to ensure that journalists, human rights defenders and others monitoring demonstrations are able to carry out their work in a safe and enabling environment, free from fear or threat of violence, intimidation or harassment of any sort.

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.

David Kaye

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

Clement Nyaletsossi Voule

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

Michael Lynk

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

## **Annex**

### **Reference to international human rights law**

In connection with above alleged facts and concerns, we would like to draw your attention to articles 9, 19, 21 and 22 of the International Covenant on Civil and Political Rights, which provide for the rights to personal security, freedom of expression, freedom of peaceful assembly and freedom of association.

We would like to refer to Human Rights Committee General Comment no. 35 which states that “[t]he right to security of person protects individuals against intentional infliction of bodily or mental injury, regardless of whether the victim is detained or non-detained. For example, officials of States parties violate the right to personal security when they unjustifiably inflict bodily injury”. The right also obliges States to take appropriate measures to protect individuals from foreseeable threats to life or bodily integrity proceeding from both governmental and private actors. It further notes that States must take both measures to prevent future injury and retrospective measures, such as enforcement of criminal laws, in response to past injury (CCPR/C/GC/35, para. 9).

In this regard we also refer to article 2(1) of the ICCPR that establishes a general duty to ensure the rights recognised by the ICCPR. The Human Rights Committee clarified that “States parties have a positive obligation to ensure the protection of individuals against violations of Covenant rights, which may be committed not only by its agents, but also by private persons or entities” in the case of *Peiris v. Sri Lanka* (CCPR/C/103/D/1862/2009).

We would like to highlight that the Human Rights Committee in General Comment No. 34 has stated that under no circumstance can an attack on a person, because of the exercise of his freedom of opinion or expression be compatible with article 19. The Committee furthermore states that as journalists are frequently subjected to threats, intimidation and attacks because of their activities, all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted (CCPR/C/GC/34). As underlined by the Special Rapporteur on freedom of expression, an attack against a journalist is not only a violation of his or her right to impart information, but also undermines the right of individuals and society at large to seek and receive information, both of which are guaranteed under articles 19 of the ICCPR. An attack against a journalist is therefore an attack against the principles of transparency and accountability, as well as the right to hold opinions and to participate in public debates, which are essential for democracy (A/HRC/20/17).

We further recall Human Rights Council resolution 39/6 states that “impunity for attacks and violence against journalists constitutes one of the greatest challenges to the safety of journalists, and that ensuring accountability for crimes committed against journalists is a key element in preventing future attacks” and which condemns “the prevailing impunity for attacks and violence against journalists and expresses grave concern that the vast majority of these crimes go unpunished, which in turn contributes to the recurrence of these crimes” (A/HRC/RES/39/6).

With regards to the monitoring of assemblies, the Joint report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies makes clear that the right to observe and monitor assemblies may be derived from the right to seek and receive information under article 19(2) ICCPR. The report also states that everyone – whether a participant, monitor or observer – shall have the right to record an assembly, and that confiscation, seizure and/or destruction of notes and visual or audio recording equipment without due process should be prohibited and punished.

We would also 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 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.