

Mandates of the Special Rapporteur on the situation of human rights defenders; 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 ISR 1/2020

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Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; 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 34/5, 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 travel ban imposed on Mr. **Laith Abu Zeyad** preventing him from leaving Occupied Palestinian Territory which could be a reprisal for his cooperation with United Nations human rights mechanisms and bodies and his endeavours to raise concerns at the 43rd session of the Human Rights Council.

Mr. Laith Zeyad is a human rights defender working for Amnesty International as Campaigner on Israel and Occupied Palestinian Territories (OPT). He has been involved in investigating human rights violations in the OPT, through his own investigations as well as interaction and sharing of information with international mechanisms including the United Nations for the protection of human rights in the region.

According to information received:

On 30 January 2019, Amnesty International launched a public report entitled "Destination: Occupation", which exposes links between four leading online tourism companies and Israeli settlements, which are illegal under international law. Since the release of the report, Amnesty International's legitimacy has been questioned by members of the Israeli Government. On the day of the report release, the Israeli Minister of Public Security and Strategic Affairs stated publicly to have "instructed the Ministry of Strategic Affairs to examine the possibility of preventing Amnesty personnel from entering, or residing in, Israel".

Mr. Laith Zeyad has led Amnesty International's advocacy campaign on the aforementioned report. In a briefing to the UN Committee on the Exercise of the Inalienable Rights of the Palestinian People on 15 February 2019, Mr. Zeyad called for States to support the UN Database [and the OHCHR's work] to compile

and regularly update the UN Database as a tool to promote greater transparency, accountability and respect for international law by both states and businesses.

On 29 August 2019 Amnesty International among other organisations made an appeal to the UN High Commissioner for Human Rights to release the UN database of businesses engaged in activities related to Israeli settlements.

On 20 September 2019, Mr. Laith Abu Zeyad published an op-ed on this topic, emphasising that publishing the UN database of companies operating in Israeli settlements could help prevent human rights abuses.

On 26 October 2019, Mr. Laith Abu Zeyad was prevented from crossing the border at the Allenby / King Hussein crossing, as he travelled from the West Bank to Jordan to attend a relative's funeral. He was required to wait for approximately four hours to be informed by border police that there was a travel ban issued against him by the Israeli security service. Allegedly, no further information was given about the ban except that it had been issued for "security reasons".

In November 2019, a lawyer working on behalf of Mr. Zeyad submitted an administrative petition appealing the travel ban to the Coordinator of Government Activities in the Territories (COGAT), in the Israeli Ministry of Defence. Months later, on 13 February 2020, the COGAT sent a short response to the lawyer's appeal, confirming that a ban to travel abroad had been issued. According to the letter, the travel ban was issued on the grounds that Mr. Zeyad was allegedly involved in the Popular Front for the Liberation of Palestine (PFLP). The COGAT claimed that there was a danger to the security of the region if Mr. Zeyad was allowed to cross the border. No further details were given as to the basis of the allegations nor whether an official investigation is underway.

This travel ban has hindered Mr. Zeyad from performing his human rights activities. In particular, Mr. Zeyad was not able to travel to Geneva to attend the 43rd Session of the Human Rights Council, initially scheduled to take place from 24 February until 20 March 2020. As part of his advocacy work on the Amnesty International report, Mr Zeyad had intended to meet and share information with UN human rights mechanisms, UN staff and Member States as well as to organise and participate in a side event on this topic.

Mr. Zeyad had also planned to intervene from the floor under HRC agenda item 7, in connection to the presentation of OHCHR report on all business enterprises involved in certain specified activities related to the Israeli settlements in the Occupied Palestinian Territory, which was initially scheduled for 16 March 2020. Due to the early suspension of the Human Rights Council over concerns for the spread of COVID-19, the presentation and general debate have been postponed.

At the time of writing, Mr. Zeyad continues to be prevented from leaving the West Bank to travel abroad. On 25 March 2020, after exhausting all pre-court

actions with relevant Israeli authorities, Amnesty International submitted a petition to the Jerusalem District Court requesting the ban to be lifted. The court will schedule two hearings within three months upon receiving the petition, where it will ask Israel's General Security Service to submit their evidence for imposing the travel ban in the first hearing and will hear from both parties in the second hearing.

Mr. Zeyad has allegedly been the subject of frequent harassment and obstruction by the Israeli authorities, including previous internal travel restrictions to access occupied East Jerusalem, from other parts of the West Bank. According to information received, previously, on 8 September 2019, Mr. Zeyad was also denied a permit to enter Israel from the occupied West Bank. On this occasion, he was accompanying his mother for her chemotherapy treatment in Augusta Victoria Hospital in occupied East Jerusalem. He subsequently submitted a number of requests for a humanitarian permit to visit her, but was denied each time due to his travel ban. Mr. Zeyad was unable to be with his mother when she passed away on 24 December 2019.

We are deeply concerned about the possibility that the travel ban imposed on Mr. Zeyad is in reprisal for his cooperation with the United Nations in the field of human rights, and his endeavours to continue such cooperation and engagement with the UN, in particular through his participation in the 43rd session of the Human Rights Council. We are particularly concerned by the lack of clear and prompt information provided to Mr. Zeyad as to the reason behind the travel ban, which has impeded his legitimate work reporting on human rights abuses and violations as well as breaches of international humanitarian law. We are also concerned that the travel ban has also prevented him from assisting close family members during the terminal phase of a serious illness.

We are furthermore concerned about the harassment of Mr. Zeyad in light of the recent report by the Special Rapporteur on the situation of human rights defenders, which highlighted the challenges faced by defenders in regions of conflict and post-conflict, including under occupation (A/HRC/43/51). The Rapporteur drew attention to the right of defenders under occupation to leave their own country and exit occupied territories. We wish to express our concern that this growing tendency, as underscored by the report, may be a deliberate attempt to hamper the work of defenders exposing human rights violations through the exercise of free speech and cooperation with international human rights mechanisms. We have communicated our concerns regarding travel bans and the more general shrinking space for human rights defenders to carry out their work in a number of previous communications, for example (ISR 13/2019), (ISR 9/2018) and (ISR 9/2012). We believe these restrictions and intimidations have a detrimental and chilling effect on civil society in the region.

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 provide information on how the travel ban imposed on Mr. Zayed is consistent with international human rights law and standards.
3. Please indicate the reasons why Mr. Zayed was not informed in a prompt and efficient manner as to the precise legal basis of the travel ban issued against him.
4. Please provide information on the status of any investigation ongoing on Mr. Zeyad.
5. Please provide updated information on the status of the petition filed to the Jerusalem District Court requesting the travel ban on Mr. Zeyad to be lifted and the outcomes of hearings on his case, in particular with regard to the evidence shared by Israel's General Security Service.
6. Regarding reported acts of intimidation and reprisals for cooperation with the UN in the field of human rights, please indicate what measures have been taken to ensure that Israel respects its international human rights obligations in this regard and that human rights defenders, including those working with non-governmental organizations in the Occupied Palestinian Territory are able to carry out their peaceful and legitimate human rights work in a safe and enabling environment without fear of threats or acts of intimidation, harassment, or reprisals for their cooperation with the UN.
7. 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 42/28. 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.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. 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.

In light of the allegations of reprisals for cooperation with the United Nations in the field of human rights in relation to the travel ban imposed on Mr. Zeyad, we reserve the right to share this communication – and any response received from your Excellency's Government - with other UN bodies or representatives addressing this issue, in particular the senior United Nations official appointed by the Secretary-General as senior official to lead the efforts within the United Nations system to prevent and address intimidation and reprisals against those cooperating with the UN on human rights.

We may 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.

Michel Forst

Special Rapporteur on the situation of human rights defenders

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 Excellency's Government's attention to articles 17, 19 and 22 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Israel on 3 October 1991, which guarantee the rights to privacy, freedom of expression and opinion and freedom of association.

We would also like to draw the attention of your Excellency's Government to article 19 of the ICCPR, which provides for the right to freedom of opinion and expression, as well as to Human Rights Council resolution 12/16 which calls on States to refrain from imposing restrictions that are not consistent with paragraph 3 of that article, including on: discussion of government policies and political debate; reporting on human rights, government activities and corruption in government and engaging in election campaigns, peaceful demonstrations or political activities, including for peace or democracy. Furthermore, the limitations included in article 19(3) must never be used as a justification for the muzzling of any advocacy of multi-party democracy, democratic tenets and human rights (CCPR/C/GC/34, para. 23).

The right to freedom of peaceful assembly under article 22 of the ICCPR requires States parties to take positive measures to establish an enabling environment for associations. It is crucial that individuals exercising this right are able to operate freely without fear that they may be subjected to, for example, any threats, acts of intimidation or violence. States additionally have a negative obligation not to unduly obstruct the exercise of the exercise of the right. Associations, pursuing objectives and employing means in accordance with international human rights law should benefit from international legal protection. (A/HRC/20/27, paras. 63 & 64). Authorities must also respect the right of associations to privacy as stipulated in article 17 of the Covenant on Civil and Political Rights (A/HRC/20/27, para 65).

We would also like to draw to the attention of your Excellency's Government the report of the Special Rapporteur on the situation of human rights defenders (A/HRC/43/51) to the forty-third session of the Human Rights Council in March 2020, "human rights defenders operating in conflict and post-conflict situations". The Special Rapporteur specifically highlights that in "situations of occupation, some have reportedly been intimidated by being subjected to prolonged border controls, security checks and interrogations" as well as the arbitrary denial of some defenders into occupied territories.

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.

We would also like to refer your Excellency's Government to the duty to respect, protect, and fulfil the rights of individuals to engage in human rights work without fear of

reprisal or harassment, as 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 article 12, paragraphs 2 and 3 of the Declaration, which provides that States shall take all necessary measures to ensure the protection of everyone 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. Furthermore, article 5 paragraph b of the Declaration provides for the right to form, join and participate in non-governmental organizations, associations or groups, and article 6 (a and b) provides for the right to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems, and to freely publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms.

Regarding possible incidents of reprisals, we would like to refer to Human Rights Council Resolution 24/24 which calls on States to ensure adequate protection from intimidation or reprisals for cooperation with the United Nations, its mechanism and representatives in the field of human rights; and to take all appropriate measures to prevent the occurrence of intimidation or reprisals, including, where necessary, by adopting and consequently implementing specific legislation and policies and by issuing appropriate guidance to national authorities in order to effectively protect those who seek to cooperate, 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; and to Human Rights Council resolution 22/6, which provides for the right to “unhindered access to and communication with international bodies, in particular the United Nations, its representatives and mechanisms in the field of human rights, including the Human Rights Council, its special procedures, the universal periodic review mechanism and the treaty bodies, as well as regional human rights mechanisms”.