

**Mandates of the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967; the Special Rapporteur on extrajudicial, summary or arbitrary executions; and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression**

REFERENCE:  
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Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967; Special Rapporteur on extrajudicial, summary or arbitrary executions; and Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; pursuant to Human Rights Council resolutions 1993/2A, 44/5, and 43/4.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the death of Mr. Nizar Banat, which allegedly stem from excessive use of force by security forces of the Palestinian Authority. Mr. Banat, 44 years old, was a political activist, a candidate in the "Dignity and Freedom" electoral list, and a well-known critic of the Palestinian Authority.

According to the information received:

At dawn of 24 June, a joint force of 15-17 officers from the Palestinian Preventive Security (PPS) and General Intelligence Service (GIS) raided a house in Hebron's H2 neighbourhood where Mr. Banat was staying. Two of Mr. Banat's cousins were held at gunpoint, while an officer reportedly started beating Mr. Banat on his head with a steel baton. As Mr. Banat tried to stand, other officers converged and beat him with batons on his head and all over his body, for approximately eight minutes. He was then dragged to a car with some of his clothing removed. He was reportedly still conscious when he was taken away. Two hours after the raid, the family was informed through a public statement made by Hebron's governor that Mr. Banat had died.

The governor stated that Mr. Banat had been arrested based on an arrest warrant by a Palestinian prosecutor and that his "health condition had deteriorated" during the arrest. He had been brought to the Hebron hospital where he was pronounced dead. According to the initial autopsy report, he was dead on arrival to hospital. According to information received, the preliminary results of the autopsy show that Mr. Banat died of unnatural causes. It was reported that the autopsy showed injuries represented by bruises and abrasions in many areas of the body, including the head, neck, shoulders, chest, back, and upper and lower extremities, with binding marks on the wrists several rib fractures and blood in the lungs.

Mr. Banat had reportedly previously been detained and harassed by security forces of the Palestinian Authority, due to his criticism of the Palestinian Authority and his political work. Mr. Banat was forced to go into hiding after unidentified assailants shot live ammunition at his house in Dura while he was away from the house, and he had also received anonymous death threats. In November 2020, Mr. Banat had been arrested after he had publically criticized

the Palestinian Authority's decision to resume relations with Israel. Information received indicates that there was a visible increase in threats and intimidation – including online smear campaigns – against Mr. Banat since May 2021, after he had criticized the Palestinian Authority's decision to postpone the general elections and called on the EU to suspend funding to the Palestinian Authority.

The Palestinian Authority announced that they will carry out an investigation into the incident.

This incident has sparked widespread demonstrations in the West Bank as people took to the streets to demand justice and accountability, while denouncing alleged persistent practice by the Palestinian security forces of detention and ill-treatment against individuals exercising their right to freedom of expression. According to reports, the Palestinian security forces used unwarranted and excessive force against the protestors. These include the use of teargas, stun grenades, pepper spray and beatings with batons and stones against protestors including journalists and human rights defenders, many of whom had their camera and recording equipment confiscated or damaged. On 24, 26 and 27 June, as Palestinians gathered to protest the killing of Mr. Banat in Ramallah, Palestinian Security Forces used force against those protesting, causing injuries to some. It was reported that women, whether journalists, protesters, or by-standers, have been specifically targeted with violence and sexual harassment, and having their phones stolen or confiscated during demonstrations, and being targeted with threats and incitement, including of a sexual nature, in the aftermath. Information was also received that demonstrators were attacked by a large number of non-uniformed persons, acting in a seemingly organized and coordinated manner with the Palestinian Security Forces, and that uniformed Palestinian Security Forces failed to intervene despite calls by the protesters.

In addition, other critics of the Palestinian Authority are also said to be at risk. Hebron-based human rights defender Mr. Issa Amro, has reportedly been subjected to intimidation, arbitrary arrests and other harassment for the last several years, as raised in previous communications sent by Special Procedures' mandate holders. In 2017, Mr. Amro was arrested by the PA on charges of violating the "cyber crimes" law, where his offense was "denouncing on Facebook the arrest of a journalist calling for the resignation of PA head." Mr. Amro was released on bail and put on trial for almost five years until he was cleared of charges in 2021. Information received indicates that Palestinian Authority security forces have interrogated Mr. Amro on multiple occasions in relation to the attention he receives from foreign public figures. On 22 June, he was arrested and interrogated, although no charges had been pressed against him.

While we do not wish to prejudge the accuracy of these allegations, we wish to express our serious concern over the death of Mr. Banat, which allegedly is the result of excessive force of security personnel during his arrest. We also wish to express our serious concern over Palestinian authorities' unwarranted and excessive use of force against protestors, activists and political dissidents. We underline that a climate of impunity for attacks against political opponents and critics seriously jeopardise

Palestinian people's civil and political rights including the right to freedom of expression and association and further shrink the space for dissent and freedoms of speech and expression in PA-controlled areas of the occupied Palestinian territories.

The excessive force that was used during Mr Banat's arrest, which may have resulted in his death, and may amount to summary execution.

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 steps taken towards establishing an investigation with regards to the death of Mr. Banat, including information on the nature of investigation, members of the investigation and timeline. If no investigation has commenced, please explain why not.
3. Please provide information on any interim measures that have been put in place in parallel to the investigation, including suspension of security personnel involved in this incident
4. Please provide information on what steps have been taken to ensure that political dissidents, human rights defenders and peaceful protesters 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.
5. Please provide information concerning the legal grounds for the arrest and questioning of Mr. Amro on 22 June.

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.

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.

Michael Lynk

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

Morris Tidball-Binz

Special Rapporteur on extrajudicial, summary or arbitrary executions

Irene Khan

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

## 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 furthermore would like to refer to article 19 of the ICCPR, which guarantees the right to freedom of opinion and expression. We would like to highlight that restrictions to the right to freedom of expression must under article 19(3) be provided by law, and be necessary and proportionate for the achievement of a legitimate objective. Laws restricting the rights enumerated in article 19 must not only comply with the strict requirements of article 19(3) but must also themselves be compatible with the provisions, aims and objectives of the Covenant. As highlighted by the Human Rights Committee, article 19(3) may never be invoked as a justification for the muzzling of any advocacy of multi-party democracy, democratic tenets and human rights (CCPR/C/GC/34). In addition, arrest or detention is arbitrary and contrary to articles 9 and 19 of the ICCPR, when it constitutes a punishment for the legitimate exercise of the rights, including freedom of opinion and expression, freedom of assembly, freedom of association, freedom of religion and the right to privacy (CCPR/C/GC/35). 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.

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.