

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; the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967

REFERENCE:
AL PSE 4/2021

4 August 2021

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; Special Rapporteur on the independence of judges and lawyers and Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, pursuant to Human Rights Council resolutions 43/16, 42/22, 43/4, 41/12, 44/8 and 1993/2A.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received **regarding the alleged arbitrary detention of human rights defender Mr. Mohannad Karajah, and the alleged arbitrary detention of Mr. Jihad Abdo and Mr. Ezz El Din Zaaloul.**

Mr. Mohannad Karajah is a Palestinian human rights defender and attorney representing Addameer Prisoner Support and Human Rights Association, a non-governmental organisation that supports Palestinian political prisoners in Israeli and Palestinian prisons by providing free legal aid as well as carrying out research and advocacy work.

Mr. Jihad Abdo and **Mr. Ezz El Din Zaaloul** are human rights defenders and members of the Coalition of Civilized Demand for Fair Palestinian Telecom Sector, which promotes and protects economic rights and partakes in peaceful protests to call for an end to corruption within the Palestinian authorities, in particular the telecom sector.

According to the information received:

On 4 July 2021, several members of the Palestinian police force arbitrarily arrested Mr. Karajah at the Court of Ramallah, where he was practicing his work as a lawyer. Upon his arrest, the human rights defender asked the police to show him the arrest warrant. The police told him that a warrant had been issued for his arrest, but they did not have it with them. Mr. Karajah was taken to the intelligence office for interrogation, but refused to speak without the presence of his lawyer. He remained in custody for almost 4 hours and was denied his right to contact his lawyer or his family. Before being released, the police forced the human rights defender to sign a document claiming he agreed to attend an interrogation before the Public Prosecution the following day. Later that day, the Public Prosecutor denied having ever issued the arrest warrant in question.

Mr. Karajah has been accused of “denouncing the Palestinian Authority”, “illegal demonstration” and “inciting hatred within the communities” under the Cyber Crime Law No.10 of 2018 and Jordanian Penal Code No.16 of 1960. However, the human rights defender did not attend the hearing scheduled 5 July 2021, as the authorities did not officially inform him or the Bar Association of this summons. At the time of writing, Mr. Karajah remains free pending trial. No trial date has been scheduled.

On 4 July 2021, a group of human rights defenders and lawyers peacefully demonstrated outside the Court of Ramallah in protest against the arbitrary detention of Mr. Karajah. As a result, two human rights defenders, Mr. Abdo and Mr. Zaaloul were arrested without a warrant. Both human rights defenders have not been formally charged by the public prosecution but have been accused of the same charges as Mr. Karajah listed above. Mr. Abdo was released on 6 July 2021, and Mr. Zaaloul was released on 7 July 2021. Their trial is due to take place in September 2021.

Mr. Karajah has previously been targeted for his work as a human rights defender. On 4 October 2016, Mr. Karajah was physically attacked and injured by police officers during his participation in a peaceful protest in Ramallah.

Without prejudging the accuracy of the above-mentioned allegations, we are concerned about the circumstances surround the arbitrary detention of Mr. Karajah, especially in light of the clear violation of the human rights defender’s liberty by arresting him without a warrant and leading the defender to believe a warrant was issued. We are also concerned that two other human rights defenders, Mr. Abdo and Mr. Zaaloul were also arbitrarily detained after their peaceful protests and that all three human rights defenders are at risk of being charged and convicted. We are deeply concerned that the three human rights defenders above have been targeted due to their legitimate work, and that the judicial harassment and criminalisation against them will deter other human rights defenders in Palestine from carrying out their work for fear of retaliation.

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 comment(s) you may have on the above-mentioned allegations.
2. Please provide the factual and legal basis for the alleged arbitrary detention against Mr. Mohannad Karajah on 4 July 2021, especially in light of the absence of a warrant. Please explain the legal basis for the arrest of Mr. Jihad Abdo and Mr. Ezz El Din Zaaloul, and how the judicial processes against all three Palestinian human rights defenders is compatible with international law, especially the right to freedom of peaceful assembly.

3. Please provide information on the measures your Excellency's government has taken to ensure that human rights defenders in the State of Palestine are able to carry out their legitimate human rights work, free from any kind of restrictions, including threats, criminalisation, attacks and judicial harassment.

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.

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Irene Khan
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

Diego García-Sayán
Special Rapporteur on the independence of judges and lawyers

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 the following human rights standards:

We would like to refer your Excellency's Government to the fundamental principles set forth in the International Convention on Civil and Political Rights, ratified by the State of Palestine on 2 April 2014. In particular, we would like to refer to article 9, which ensures the right to liberty and security of each person and that no one shall be subjected to arbitrary arrest or detention.

We would also like to draw your attention to article 19 of the ICCPR, which states that everyone shall have the right to hold opinions without interference, everyone shall have the right to freedom of expression. We further refer to the General Comment No. 34 (2011) of the Human Rights Committee, which provides in paragraph 9 that "All forms of opinion are protected, including opinions of a political, scientific, historic, moral or religious nature... The harassment, intimidation or stigmatization of a person, including arrest, detention, trial or imprisonment for reasons of the opinions they may hold, constitutes a violation of article 19, paragraph 1."(ICCPR)

We refer next to article 21 of the ICCPR, which provides for the right of peaceful assembly to be enjoyed, and that no restrictions should be placed on those who exercise this right, and article 22 which, provides for the right to freedom of association. We would also like to refer to the report of the former Special Representative of the Secretary-General on the situation of human rights defenders to the General Assembly in 2006 (A/61/312), where the Special Representative urges States to ensure that law enforcement officials are trained in and aware of international human rights standards and international standards for the policing of peaceful assemblies and to investigate allegations of indiscriminate and/or excessive use of force by law enforcement officials.

In its General Comment No. 31, the Human Rights Committee observed that there is a positive obligation on States to ensure protection of Covenant rights of individuals against violations by its agents and by private persons or entities, which includes the duty to exercise due diligence to prevent, punish, investigate and bring perpetrators to justice and to redress the harm caused by non-state actors. A failure to investigate and bring perpetrators of such violations to justice could, in and of itself, give rise to a separate breach of the ICCPR (CCPR/C/21/Rev.1/Add.13, paras. 8 and 18).

We would 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.

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

- article 5 (b), which provides for the right to form, join and participate in non-governmental organizations, associations or groups;
- article 6 point a), which provides for the right to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms;
- article 11 which provides that everyone has the right, individually or in association with others, to the lawful exercise of their profession;
- article 12, paragraphs 2 and 3, which provides that the State 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;