

**Mandates of the Working Group on Arbitrary Detention; 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 situation of human rights defenders and the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967**

Ref.: AL ISR 10/2021  
(Please use this reference in your reply)

22 November 2021

Excellency,

We have the honour to address you in our capacity as Working Group on Arbitrary Detention; 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 situation of human rights defenders and Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, pursuant to Human Rights Council resolutions 42/22, 43/4, 41/12, 43/16 and 1993/2A.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning human rights defenders **Mr. Salah Al-Hamouri**, affiliated to the NGO Addameer Prisoner Support and Human Rights Association, and **Ms. Shatha Odeh**, both of whom were, among other human rights defenders, the subjects of an allegation letter sent to your Government on 3 August 2021 with reference ISR 6/2021. A letter was already sent on behalf of Mr. Al-Hamouri on 14 October 2020 ISR 8/2020. We regret that no response have been received to date to either of these communications from your Excellency's Government. Mr. Al-Hamouri was also the subject of opinion No. 34/2018 of the Working Group on Arbitrary Detention, where the Working Group deemed his administrative detention at the time to be arbitrary.

According to new information received:

Mr. Salah Al-Hamouri is a French Palestinian human rights defender and long-time employee at Addameer Prisoner Support and the Human Rights Association. Mr. Al-Hamouri was officially notified on 18 October 2021 by the Israeli Minister of Interior of the revocation of his permanent residency status in Jerusalem based on an alleged "breach of allegiance to the State of Israel", pursuant to Amendment No. 30 to the Entry into Israel Law of 1952.

In communicating this decision, the Minister of Interior reportedly cited vague and broad allegations of "terroristic activities" and/or affiliation with "terrorist entities," based on withheld "secret information". The Minister also reportedly indicated that the decision was based on Mr. Al-Hamouri's history of arrests, the majority of which were under administrative detention, without charge or trial and that it was necessary "to deter others from breaching allegiance to the State of Israel."

Ms. Shatha Odeh is a woman human rights defender and director of the Health Work Committee, an organisation that provides health services to Palestinians, in particular women and children, living in remote areas of the West Bank.

On 15 November 2021, the case of Ms. Shata Odeh was heard for the fourth time by the Ofer Military Court. Ms. Shatha has been detained since 7 July 2021 in relation to her role as Director of the Health Work Committee (HWC), an organisation that provides health services to Palestinians, as the HWC was deemed an “unlawful association”. Since her arrest on 7 July 2021, Ms. Odeh’s detention has reportedly been extended three times by the Israeli military court at hearings on 8 and 14 July 2021, and up until her third hearing on 26 July 2021, when the military prosecutor brought charges against her. Ms. Odeh’s case is being heard by an Israeli military court consisting of three military judges, despite her status as a civilian. All four of the military court hearings lasted less than 15 minutes and were conducted in Hebrew, a language neither Ms. Odeh nor her family understand. Another hearing has now been scheduled to take place on 12 December 2021.

While we do not wish to prejudge the accuracy of the allegations, we express our concerns about the continuous detention of Ms. Odeh, as well the revocation of Mr. Al-Hamouri’s permanent residency status in Jerusalem, which could lead to his deportation.

We would like also to express concern that these allegations have been received in the context of a campaign aimed at intimidating and silencing associations and human rights defenders working on human rights in the Occupied Palestinian Territories, in particular those who cooperate and/or engage with the UN, its representatives and mechanisms in the field of human rights. The designation on 19 October of six Palestinian civil society organizations as ‘terrorist organizations’, including Adameer and the Health Worker Committee is one of the latest measures in a long-running series of actions to undermine and restrict human rights defenders and civil society organizations working for the human rights of Palestinians.

In 2021, the NGO Addaameer received a grant from the UN Voluntary Fund for Victims of Torture to provide services to victims of torture and their families. Adameer’s case was included in the 2021 and 2020 reports of the Secretary General on cooperation with the UN on accusations from Government actors of having ties to terrorism, being active in UN institutions- including the Human Rights Council- and supporting the report of the High Commissioner for Human Rights on business activities related to settlements (A/HRC/43/71), pursuant to Human Rights Council resolution 31/36.

We are issuing this appeal in order to safeguard the rights of the above individuals from irreparable harm and without prejudicing any eventual legal determination.

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 cooperation and 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. If accurate, please provide details concerning the legal and factual motivations for the planned deportation of Mr. Al-Hamouri and evidence found regarding his alleged affiliation to a terrorist organisation.
3. Please provide details on charges against Ms. Odeh, investigations conducted into her case and their outcome as well as the grounds for her continuous detention and explain whether her right to a fair trial, including her right to an interpreter during court hearings were respected.
4. Please indicate what measures have been taken to ensure that human rights defenders in the Occupied Palestinian Territory are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort.

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.

We would like to inform your Excellency's Government that after having transmitted an allegation letter to the Government, the Working Group on Arbitrary Detention may transmit the case of Ms. Shatha Odeh through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. Such letters in no way prejudice any opinion the Working Group may render. The Government is required to respond separately to the allegation letter and the regular procedure.

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.

Miriam Estrada-Castillo  
Vice-Chair of the Working Group on Arbitrary Detention

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

Mary Lawlor  
Special Rapporteur on the situation of human rights defenders

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 9, 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 liberty and security, privacy, freedom of expression and opinion and freedom of association.

Article 19 of the ICCPR provides for the right to freedom of opinion and expression, which includes the right to seek, receive and impart information and ideas of all kinds. As interpreted by the Human Rights Committee in General Comment No. 34 (CCPR/C/GC/34), such information and ideas include, inter alia, political discourse, commentary on one's own and on public affairs, cultural and artistic expression, and discussion of human rights (Paragraph 11). In this regard, we would like to draw the attention of your Excellency's Government 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 association 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 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. We would also like to refer to article 6 (a, b and c), which 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, and to study, discuss and hold opinions on the observance of these rights.