

**Mandate 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 territories occupied since 1967**

REFERENCE: UA  
ISR 9/2016:

17 August 2016

Dear Mr. Mester,

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 territories occupied since 1967, pursuant to Human Rights Council resolutions 24/7, 25/2, 24/5, 25/18 and 1993/2A.

In this connection, we would like to bring to the attention of your Government information we have received concerning **allegations of arbitrary arrest and detention of human rights defenders Mr. Issa Amro and Mr. Farid Al-Atrash in relation to the exercise of their rights to freedom of expression and freedom of association.**

Mr Amro and the organization Youth Against Settlements (YAS) were subject of three previous communications sent by the Special Procedures (see ISR 7/2013, ISR 3/2014, ISR 9/2015). We regret that no response has been received from Your Excellency's Government to these communications.

Mr. **Issa Amro**, is the coordinator of YAS. Mr. Amro is a prominent Palestinian human rights defender and founding member of many non-violent human rights organizations in Hebron located in the occupied West Bank, including YAS. Mr. **Farid Al-Atrash** is a human rights lawyer.

YAS is a Palestinian group, which seeks to end Israeli settlements through non-violent means. In close collaboration with many international and Israeli organizations, the group documents human rights violations and coordinates actions and campaigns to raise awareness.

According to the information received:

On 26 February 2016, a peaceful protest organized by Palestinian residents and activists aiming at re-opening Hebron's Shuhada street, lifting the closed military zone in Hebron and putting an end to the occupation of Palestine, took place in Hebron. The Israeli Defence Forces allegedly responded to the protest with excessive use of force. They reportedly fired rounds of tear gas, stun grenades and rubber-coated steel bullets against the demonstrators.

Mr. Farid Al-Atrash took part in the protest and was carrying a sign reading "Free Palestine". He was allegedly arrested and beaten by police officers before being taken to the Jaabara police station in the settlement of Kiryat Arba. On 28 February 2016, Mr. Farid Al-Atrash was transferred by Israeli police prison while waiting for his judgement by a military court. On 29 February 2016, an order of extension of Mr. Farid Al Atrash's detention period until 3 March 2016 was requested by the Ofer Israeli Military.

Mr. Issa Amro also took part in the protest. Snipers were aiming at him during the time of the protest, and three rubber bullets were allegedly shot at him. By fear of being hit, Mr. Amro decided to leave the protest.

On 29 February 2016, Mr. Amro convened a meeting at his house with members of a non-governmental organization which had received a special permit granting them access to his place. The army reportedly refused to let the group accessing Mr. Amro's house. While Mr. Amro was discussing with some of the members of the above mentioned NGO outside his house, he was arrested by army forces. Mr. Amro was brought to the police station and was accused of being the main organizer of the 26 February protest. He was further accused of disturbing soldiers on duty and trying to escape while soldiers were trying to arrest him. He was later accused of being the organizer of other protests, such as the olive harvest, the Open Shuhada Street campaign, and a recent art event, all of which were peaceful. After the interrogation was completed, Mr. Amro was taken to Gush Etzion prison.

In Gush Etzion prison, Mr. Amro was reportedly detained in appalling conditions. It is reported that the prison was overcrowded and dirty. It is also reported that he had to sleep on a metal bed with no mattress. He reportedly fainted several times without receiving medical care.

On 1 March 2016, Mr. Amro and Mr. Farid Al-Atrash were released. Mr Al-Atrash was released on bail of 1500 shekels (approximately 350 USD).

On 3 August 2016, they were both informed that the trial had been set for 8 August 2016. On 7 August 2016, the trial was postponed until 25 September 2016. Mr. Amro was allegedly accused of organizing illegal actions and activities,

insulting Israeli occupation forces and being in a closed military zone. Mr Al-Atrash was allegedly accused of participating in an illegal demonstration and insulting occupation officers.

We express serious concern at the arrest and detention of Mr. Amro and Mr. Al-Atrash, which appear to be directly connected to the legitimate exercise of their rights to freedom of expression and freedom of peaceful assembly and of association, including through their human rights work with the organization Youth Against Settlement (YAS). We express further concern at the reported excessive use of force by the Israeli Army against protesters on 26 February 2016, and at the allegations that Mr. Amro was particularly targeted. We express further concern for Mr. Al-Atrash and Mr. Amro's life, their physical and psychological integrity, as well as at the continued harassment of members of YAS (as detailed in previous communications ISR 7/2013, ISR 3/2014, ISR 9/2015). We are also concerned that the criminalization of the rights to freedom of peaceful assembly and of association, and of freedom of expression, may have a chilling effect on civil society as a whole.

We would like to appeal to your Government to take all necessary steps to secure the right to freedom of opinion and expression and the right to freedom of peaceful assembly and of association in accordance with articles 19, 21 and 22 of the ICCPR, that Israel ratified on 3 October 1991, which provides that "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice".

In this connection, we refer to Human Rights Council resolution 24/5, reminding "States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law"

In addition, we would like to refer 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, and in particular articles 1, 2, 5, 6 and 12.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Government to safeguard the rights of the above-mentioned persons in compliance with international standards.

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 concerning the legal grounds for the arrest and detention of Mr. Amro and Mr. Farid Al-Atrash and how these measures are compatible with Israel's obligations under international human rights law.
3. Please provide information about the charges brought against Mr. Amro and Mr. Al-Atrash. Please explain the legal basis for bringing the case under the jurisdiction of military prosecution. Please provide information about the measures taken to ensure that the right to a fair trial of Mr. Amro and Mr. Al-Atrash will be respected.
4. Please provide information about the instructions given to the armed forces regarding the use of force in the protest of 26 February 2016.
5. Please provide information about the refusal to let members of a non-governmental organization enter Mr. Amro's house.
6. Please provide the full details of any measures put in place to ensure the respect of the physical and psychological security and integrity of Mr. Amro and Mr. Farid Al-Atrash, their families and members of YAS.
7. Please indicate what measures have been taken to ensure that human rights defenders, including civil society and human rights defenders, can carry out their legitimate activities without fear of harassment, stigmatization or criminalization of any kind.

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 responsible of the alleged violations.

Your Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Mr. Mester, the assurances of my highest consideration.

José Guevara  
Vice-Chair-Rapporteur of the Working Group on Arbitrary Detention

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

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

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