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Introduction

The following submission has been prepared based on information received from independent human rights defenders in Israel and the Occupied Palestinian Territory (OPT). Front Line is an international non-governmental organisation based in Ireland with Special Consultative Status with the Economic and Social Council of the United Nations. We have particular expertise on the issue of the security and protection of human rights defenders and we work to promote the implementation of the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (UN Declaration on Human Rights Defenders) adopted by General Assembly resolution 53/144 of 9 December 1998.

Front Line is extremely concerned regarding the dangerous conditions under which human rights defenders are forced to operate. The broader human rights situation has severely deteriorated in Israel and the Occupied Palestinian Territory (OPT); issues of particular concern include the continuing use of administrative detention, and the increased stringency of restrictions on the movement of Palestinians, including Palestinian human rights defenders.

Human rights defenders in Israel and the OPT are subjected to threats, violent attacks, stigmatisation, restrictions on freedom of movement, long periods of arbitrary detention usually under administrative detention orders and ill-treatment. Non governmental organisations who defend the rights of Palestinians encounter obstacles with regard to obtaining official registration status. The fact that these organisations are engaged in documenting human rights violations has meant that they are forced to work under conditions of considerable risk. Human rights defenders who are defending the rights of women and the LGBTI community also face threats and are often targeted by religious extremists in an effort to dissuade them from continuing with their activities.

Finally, it is worth emphasising the complexity of the situation for human rights defenders in Israel and the OPT which arises from the ongoing conditions of conflict. The former United Nations Special Representative of the Secretary General on the situation of human rights defenders, Ms Hina Jilani, previously indicated that all of the communications which she has sent to the Israeli Government have been concerned with Palestinian or international human rights defenders.

The following information introduces areas of particular concern with regard to the situation of human rights defenders in Israel and the OPT:

Judicial system

Front Line is gravely concerned with regard to the widespread use of administrative detention which enables the authorities to hold human rights defenders indefinitely, without being charged or granted a fair trial process. Palestinian human rights defenders are also repeatedly being held in prisons on Israeli territory, in violation of international humanitarian law which prohibits the transfer of detainees to the territory of the occupying power. This transfer often goes unrecorded.

Imprisoned human rights defenders are consistently denied their rights to familial visits and where trials do take place, they are often carried out in military rather than civilian courts and without regard for due process.

Front Line previously acted on behalf of human rights defenders Ahmad Abu Haniya and Ziyad Hmeidan who were both held in administrative detention.

Ahmad Abu Haniya was released on 14 May 2007 after two years administrative detention. Ahmad Abu Haniya, is the Youth Project Coordinator for the Alternative Information Center (AIC) in Bethlehem. He was placed in administrative detention since he was arrested at a military checkpoint on 18 May 2005. Neither Ahmad Abu Haniya nor his lawyer were informed of the evidence against him. His administrative detention period was extended on two occasions since his arrest. On 30 November 2006, he was informed by a military court that his administrative detention period was to be extended by a further six months, until May 2007, on the basis of ‘*secret evidence*’, which was not revealed to either Ahmad Abu Haniya or his lawyer.

Administrative detention orders are often repeatedly extended, as in the case of Ziyad Hmeidan, a field researcher for *Al-Haq*. Al Haq is an independent Palestinian non-Governmental human rights organisation based in Ramallah, Established in 1979, Al-Haq works to protect protect and promote human rights and the rule of law in the Occupied Palestinian Territory (OPT). Ziyad Hmeidan received a four-month extension of this administrative detention on 14 November 2006. He has been in administrative detention since he was arrested at a military checkpoint Ramallah and Jerusalem on 23 of May 2005.

The practice of arresting and placing human rights defenders under administrative detention is a procedure which allows for those detained to be held without charge and without trial, the authorities often claiming they are being detained on the basis of “secret evidence” that cannot be disclosed. There are approximately 800 Palestinian administrative detainees currently being held by the Israeli authorities.

Torture and ill-treatment

Human rights defenders are often the victims of judicial persecution, systematically targeted by the Israeli security forces while engaged in field activities in the Occupied Territories. They are often subject to arbitrary arrest and detention and are subject to ill-treatment while in custody, held in incommunicado detention and denied access to their lawyers.

The Public Committee Against Torture in Israel (PCATI) is an independent human rights organisation founded in 1990 to monitor, document and combat the occurrence of instances of torture. In September 1999, in response to the PCATI's petition, nine High Court judges ruled to place an absolute prohibition on the use of torture during interrogation. The PCATI monitors the implementation of this ruling in detention centres and continues to campaign against the still prevalent use of torture in interrogation in Israel. The PCATI provides support and legal assistance to victims of torture. Dr Ishai

Menuhin is the Executive Director of the PCATI.

Impunity

There is still significant impunity for attacks against Palestinian human rights defenders and members of the Israeli security and armed forces regularly go unpunished. Investigations into allegations of torture and ill-treatment of human rights defenders in custody have not been systematically undertaken by the authorities.

On 30 January 2008, Front Line issued an urgent appeal to the Israeli authorities in relation to the arrest and ill-treatment of human rights defender **Issa 'Amro** on 19 January 2008. Issa 'Amro is a field-worker with *B'Tselem* (The Israeli Information Center for Human Rights in the Occupied Territories), whose members are being increasingly targeted by the Israeli security forces due to their filming of settlers. On 19 January 2008, Issa 'Amro was reportedly arrested by soldiers in Hebron while filming a disturbance by settlers in Wadi Hsein, East Hebron. Issa 'Amro was standing across the road from the disturbance with another staff member of B'Tselem and international activists when he was approached by the commander of the Shimshon battalion who ordered him to stop filming. A group of settlers surrounded Issa 'Amro and attempted to take his camera. The settlers were then joined by soldiers who beat Issa 'Amro before arresting him and taking him to an Army Jeep where they continued to beat him. B'Tselem was later informed that Issa 'Amro had been arrested on suspicion of attacking soldiers, despite the fact that the organisation is reportedly in possession of video footage as evidence that Issa 'Amro was attacked by the soldiers. Issa 'Amro was released on 21 January 2008. A restriction order was issued against him, prohibiting him from entering the Israeli settlements for fifteen days, but on Wednesday 23 January 2008 this order was cancelled. Front Line called on the authorities to conduct an immediate, impartial, and thorough investigation into his arrest and ill-treatment.

B'Tselem was established in 1989 by a group of prominent academics, attorneys, journalists, and Knesset members. It endeavours to document and educate the Israeli public and policymakers about human rights violations in the Occupied Territories. As an Israeli human rights organisation, B'Tselem acts primarily to change Israeli policy in the Occupied Territories and ensure respect for human rights and compliance with international law. Jessica Montell is the Executive Director of B'Tselem.

Restrictions on movement

The authorities have continued to increase the restrictions on freedom of movement, in particular in the West Bank and East Jerusalem. This represents one of the biggest challenges for human rights defenders in the region. Travel bans severely hamper the work of human rights defenders and human rights organisations as they are often unable to conduct their field activities; document human rights violations and provide assistance to the victims of these violations; and attend conferences and events so as to sustain a functioning network of human rights defenders for the purposes of information-sharing and mutual support.

The case of the arbitrary travel ban against Shawan Jabarin, the general director of the Palestinian human rights organization *Al-Haq*, is an example of the way that travel bans which violate international humanitarian law are utilised by the authorities as a means to restrict the work of human rights defenders. Since October 2006, the Israeli military authorities have repeatedly denied Shawan Jabarin permission to leave the West Bank to attend human rights conferences in various countries. No formal order has been issued and the authorities have yet to provide a reason for the restriction on his freedom of movement. In June 2007, the Israeli High Court of Justice upheld the restrictions on Mr.

Jabarin's freedom of movement, again without providing a reason, saying that the measure was the result of "evidence" which could not be disclosed. On 3 July 2008, the High Court of Justice heard the latest appeal and a decision has yet to be announced.

Members of the Palestinian Centre for Human Rights (PCHR) have also reported having been affected by restrictions on their freedom of movement. In August 2007, the Director of the PCHR, Raji Sourani was reportedly prevented from travelling outside the Gaza Strip to attend the United Nations Conference of Civil Society in Support of Israeli-Palestinian Peace organized by the UN Committee on the Exercise of the Inalienable Rights of the Palestinian People and held in the European Parliament Building in Brussels on 30 and 31 August 2007. Raji Sourani was due to present a paper entitled "Enforcement of International Law in the Occupied Palestinian Territory: The Only Real Roadmap for Peace" in which he denounced ongoing human rights violations and called for enforcing international human rights law in the OPT.

The Palestinian Centre for Human Rights is an independent Palestinian human rights organisation based in Gaza City. The Centre enjoys Consultative Status with ECOSOC and is an affiliate of the International Commission of Justice (ICJ), FIDH, the Euro-Mediterranean Human Rights Network, the Arab organisation for Human Rights, and the International Legal Assistance Consortium (ILAC). It is also a recipient of the 1996 French Republic Award on Human Rights and the 2002 Bruno Kreisky Award for Outstanding Achievements in the Area of Human Rights. The Centre was established in 1995 by Palestinian lawyers and human rights activists in order to protect human rights and promote the rule of law in accordance with international standards, create and develop democratic institutions and an active civil society, while promoting democratic culture within Palestinian society. Mr. Raji Sourani is Director of the PCHR.

Gisha Legal Centre for Freedom of Movement is an independent organisation founded in 2005 with the objective of protecting the freedom of movement of Palestinians, especially Gaza residents. Gisha, whose name means both "access" and "approach," provides Palestinian residents with legal assistance and public advocacy facilities. Enabling citizens to exercise their right to freedom of movement increased their access to basic services such as education, jobs, family members and medical care.

Front Line calls upon the UN to urge the authorities in Israel to make the protection of human rights defenders a priority and in doing so to:

1. To conduct an independent investigation into the source of threats and attacks on human rights defenders, and all forms of intimidation and harassment directed towards all those human rights defenders mentioned in this report with the specific aim of identifying those parties responsible, publishing the results and bringing those responsible to justice;
2. Guarantee that where searches are carried out on human rights organisations, a warrant is presented authorising and giving reasons for the search and the confiscation of equipment and materials is justified and accounted for, and the organisation is recompensed for the confiscated items where they are found to have been acting in accordance with the law;
3. Take concrete steps to publicly condemn attacks and campaigns against human rights defenders, giving recognition and importance to their legitimate activities defending the rights of others;
4. Ensure freedom of expression, freedom of association and freedom of movement for human rights defenders in accordance with international human rights law and international humanitarian law, including that non-governmental human rights organisations are able to achieve official registration status;
5. Ensure that all human rights defenders in Israel and the OPT are free to carry out their human

rights activities free from persecution.

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