



Call for protection of human rights defenders working on issues related to Palestine

December 9, 2016- In marking International Human Rights Defenders Day, the undersigned organizations commend the work of all human rights defenders working for justice globally, stand in solidarity with them, and highlight the case of individuals and organizations focused on Palestine. Human rights defenders advocating and working on Palestinian human rights around the world are facing intensifying threats and are increasingly targeted for their work.

Human rights defenders operating in Palestine use a variety of non-violent methods to call attention to Israeli human rights violations and to seek accountability. Each of these methods, however, is met with acts of suppression and intimidation by Israel.ⁱ Weekly peaceful protests throughout the West Bank are routinely met with force by the Israeli military. Hashem Khader Abu Maria, 45, coordinator of Defence for Children International – Palestine’s community mobilization unit, was shot dead by Israeli forces while peacefully participating in a weekly protest in July 2014. Human rights defenders seeking to monitor and document human rights violations, including lawyers seeking to represent their clients, have their freedom of movement and access obstructed, and are further at risk of arrest and detention because of their work.ⁱⁱ Palestinian human rights organizations providing submissions to the International Criminal Court (ICC) during its preliminary examination have faced even more extreme targeting. Palestinian organizations Al-Haq and Al-Mezan have had staff members receive death threats, and have also been the targets of a wider campaign that attempts to discredit and destabilize the organizations.ⁱⁱⁱ These campaigns have included the hacking of emails, intimidating phone calls to staff, and efforts to alarm donors; all of which seek to distract

organizations from their primary human rights work. While the ICC's Office of the Prosecutor and other authorities have recognized these threats,^{iv} acts of intimidation have persisted.

Human rights defenders advocating on issues related to Palestine in the United States and Europe are also facing intensifying pressure for bringing attention to Israeli human rights violations.^v Israel has treated the Palestinian call to engage in nonviolent boycott, divestment and sanctions (BDS) campaigns, given the absence of accountability for Israel's violations of international law, as a "strategic threat," and has countered it with increasingly coercive and punitive measures, both in Palestine and globally.^{vi} In the United States, individuals and institutions engaged in advocacy for Palestinian rights, including BDS campaigns, have been targeted^{vii} with online harassment,^{viii} surveillance, threats to their physical safety,^{ix} frivolous lawsuits,^x intimidation campaigns maligning them as terrorist supporters and antisemitic,^{xi} and even disciplinary and criminal investigations and sanctions for their protest activities.^{xii} Legislative measures in the US aim to penalize advocacy for Palestinian rights and engagement in BDS.^{xiii}

These attacks in total aim to silence and undermine any resistance to Israel's unlawful policies and should not be viewed in isolation. They should rather be examined within the broader context of impunity in Israel itself, as well as the failure of states to hold Israel accountable for its commission of internationally recognized crimes.

Citizens and organizations have internationally and domestically recognized rights^{xiv} to engage in alternative means for accountability and advocate for justice for Palestinians.^{xv} Our organizations underscore the universality of human rights, including the right to "*participate in peaceful activities against violations of human rights and fundamental freedoms*,"^{xvi} and we call upon states to protect human rights defenders working on issues related to Palestine.

Signed by:

- [Adalah - The Legal Center for Arab Minority Rights in Israel](#)
- [Addameer](#)
- [Al-Haq](#)
- [Al Mezan Center for Human Rights](#)
- [American Friends Service Committee](#)
- [American Muslims for Palestine](#)
- [Arab American Institute](#)
- [Badil Resource Center for Palestinian Residency and Refugee Rights](#)
- [Bill of Rights Defense Committee & Defending Dissent Foundation](#)
- [Center for Constitutional Rights](#)
- [Defense for Children International-Palestine Section](#)
- [Interfaith Peace-Builders](#)
- [Jerusalem Center for Legal Aid and Human Rights](#)
- [International Committee of the National Lawyers Guild](#)
- [Palestine Legal](#)

- [Ramallah Center for Human Rights Studies](#)

- [US Campaign for Palestinian Rights](#)

ⁱ For more information, see: Joint Oral Statement to the Human Rights Council on 29 September 2016, available at <http://webtv.un.org/search/item7-general-debate-contd-29th-meeting-33rd-regular-session-human-rights-council-/5140985289001?term=item%207#full-text>; PHROC Sends Letter to UN High Commissioner and Special Rapporteurs on the Situation of Human Rights Defenders, Al-Haq, 16 June 2016, available at <http://www.alhaq.org/advocacy/targets/palestinian-human-rights-organizations/1052-phroc-sends-letter-to-un-high-commissioner-and-special-rapporteurs-on-the-situation-of-human-rights-defenders>; and PHROC Draws Attention to the Repression of Human Rights Defenders in Submission to the UN Special Rapporteur on the OPT, Al-Haq, 10 November 2016, available at <http://www.alhaq.org/advocacy/targets/palestinian-human-rights-organizations/1084-phroc-draws-attention-to-the-repression-of-human-rights-defenders-in-submission-to-the-un-special-rapporteur-on-the-opt>

ⁱⁱ See, e.g., the case of Hasan Safadi, Addameer's Media Coordinator, Addameer, 13 June 2016, available at <http://www.addameer.org/prisoner/hasan-safadi>.

ⁱⁱⁱ Al Mezan Condemns Continued Death Threats to Staff Members and Calls on the International Community to Intervene, Al Mezan, 11 August 2016, available at <http://www.mezan.org/en/post/21475/Al+Mezan+Condemns+Continued+Death+Threats+to+Staff+Members+and+Calls+on+the+International+Community+to+Intervene>; Update: Attacks Against Al-Haq Continue, 4 June 2016, available at <http://www.alhaq.org/advocacy/topics/human-rights-defenders/1050-update-attacks-against-al-haq-continue>

^{iv} Report on Preliminary Examination Activities 2016, Office of the Prosecutor, International Criminal Court, para. 144, 14 November 2016, available at https://www.icc-cpi.int/iccdocs/otp/161114-otp-rep-PE_ENG.pdf

^v France's criminalization of BDS activism is the most extreme example of the repressive reaction to Palestine advocacy outside of Israel. See France's criminalisation of Israel boycotts sparks free-speech debate, France 24, 21 January 2016, available at <http://www.france24.com/en/20160120-france-boycott-israel-bds-law-free-speech-antisemitism>.

^{vi} Israel brands Palestinian-led boycott movement a 'strategic threat', The Guardian, 3 June 2015, available at <https://www.theguardian.com/world/2015/jun/03/israel-brands-palestinian-boycott-strategic-threat-netanyahu>

^{vii} See generally, Palestine Legal and Center for Constitutional Rights, The Palestine Exception to Free Speech: A Movement Under Attack in the U.S., September 2015, available at <http://palestinelegal.org/the-palestine-exception>.

^{viii} See, e.g., Exposed: Pro-Israel Modern Day McCarthyites Going to Extremes to Slime Human Rights Activists, Alternet, 30 September 2015, available at <http://www.alternet.org/tea-party-and-right/modern-day-mccarthyists-are-going-extremes-slime-activists-fighting-israels>.

^{ix} See, e.g., Palestine Legal Demands Action from University of Chicago to Protect Student Activists, Palestine Legal, 19 November 2015, available at <http://palestinelegal.org/news/2015/11/19/palestine-legal-demands-action-from-university-of-chicago-to-protect-palestine-advocates?rq=death%20threat>; Ohio University: Student President Receives Death Threats, Palestine Legal, 10 March 2015, available at <http://palestinelegal.org/case-studies/2015/3/4/ohio-university-student-senate-president-received-death-threats-after-pro-bds-video>

^x Another frivolous lawsuit against the American Studies Association's Boycott, Palestine Legal, 21 July 2016, available at <http://palestinelegal.org/news/2016/7/21/another-frivolous-lawsuit-against-the-american-studies-associations-boycott?rq=lawsuit>.

^{xi} See, e.g., Rights Groups to UC Irvine, UC Berkeley and SFSU: Condemn David Horowitz Posters, Protect Students from Intimidation Campaign, Palestine Legal, 20 October 2016, available at <http://palestinelegal.org/news/2016/10/11/rights-groups-to-uc-irvine-condemn-david-horowitz-posters-protect-students-from-intimidation-campaign?rq=horowitz>; IUPUI must stand with Haneen and SJP, too, Palestine Legal, 8 April 2016, available at <http://palestinelegal.org/news/2016/4/8/iupui-must-stand-with-haneen-and-sjp-too?rq=iupui>.

^{xii} Palestine Legal collection of articles regarding the *Irvine 11*, available at http://palestinelegal.org/search?q=Irvine%2011&_collectionId=55357b08e4b0366c2fd525e9; CUNY: Independent Investigators Clear SJP, Palestine Legal, 31 October 2016, available at <http://palestinelegal.org/case-studies/2016/10/31/city-university-of-new-york-independent-investigators-clear-sjp?rq=brooklyn>; Brooklyn

College Students Cleared at Controversial Disciplinary Hearing, *Palestine Legal*, 31 May 2016, *available at* <http://palestinelegal.org/news/2016/5/31/brooklyn-college-students-cleared-at-controversial-disciplinary-hearing?rq=brooklyn>.

^{xiii} See <http://righttoboycott.org/>.

^{xiv} In *NAACP v. Claiborne*, the United States Supreme Court found that boycotts to effect social, economic and political change are a protected form of speech, association, assembly and petition under the First Amendment. Foreign ministers from Holland, Ireland and Sweden have all recognized the right to engage in BDS actions. See PHROC welcomes statements by European officials to uphold the right to participate in and call for BDS measures, Al-Haq, 30 May 2016 *available at* <http://www.alhaq.org/advocacy/targets/palestinian-human-rights-organizations/1047-phroc-welcomes-statements-by-european-officials-to-uphold-the-right-to-participate-in-and-call-for-bds-measures>. The EU foreign minister Federica Mogherini also stated that the right to boycott is protected under freedom of expression. See EU declares right to boycott Israel is protected free speech, *Independent*, 3 November 2016, *available at* <http://www.independent.co.uk/news/world/middle-east/eu-right-bds-boycott-israel-palestine-protected-free-speech-federica-mogherini-a7394536.html>. Two hundred European legal scholars recently affirmed the right to boycott under international law. See Groundbreaking statement by 200 European Legal Scholars Upholds the Right to BDS for Palestinian Rights, Boycott National Committee, 8 December 2016, *available at* <https://bdsmovement.net/news/groundbreaking-statement-200-european-legal-scholars-upholds-right-bds-palestinian-rights>.

^{xv} Where states fail to search for and prosecute individuals that have committed grave breaches of the Fourth Geneva Convention, organizations have filled this gap by providing submissions to the International Criminal Court. Where states have failed to ban the entry of settlement products into their domestic markets, consumers have sought boycott actions. Where states have given military aid to Israel without accountability, individuals and groups have campaigned to circumscribe that aid.

^{xvi} Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, Article 12(1), *available at* <http://www.ohchr.org/Documents/Issues/Defenders/Declaration/declaration.pdf>.