



Urgent Appeal to United Nations Special Procedures on the Arbitrary Detention of the Human Rights Defender Farid al-Atrash

6 July 2021

For the attention of:

- The United Nations Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, Mr. S. Michael Lynk;
- The United Nations Special Rapporteur on the situation of human rights defenders, Ms. Mary Lawlor;
- The United Nations Working Group on Arbitrary Detention, Ms. Elina Steinerte (Chair-Rapporteur);
- The United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Ms Irene Khan;
- The United Nations Independent Expert on human rights and international solidarity, Mr Obiora C. Okafor; and
- The United Nations Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Ms. E. Tendayi Achiume.

1. Introduction

On 4 July 2021, the Israeli Occupying Forces (IOF) arbitrarily detained Farid al-Atrash, a human rights defender and the director of southern office of the Independent Commission for Human Rights, a Palestinian human rights organisation which was established upon a Presidential Decree issued by the late Palestinian President Yasser Arafat in 1993, to “follow-up and ensure that different Palestinian laws, by-laws and regulations, and the work of various departments, agencies and institutions of the State of Palestine and the Palestine Liberation Organization meet the requirements for safeguarding human rights.”¹

¹ Independent Commission for Human Rights, Official Website ‘About Us’, available at: <https://ichr.ps/en/1/1/84/About-Us.htm>.

Farid has long called for the rule of law and the protection of Palestinian human rights, and challenged and condemned human rights violations, committed by both the Palestinian Authority and Israel, the Occupying Power. For his human rights work, Farid was previously detained and arrested by the IOF, the last of which was on 26 February 2016, when he was participating in a peaceful protest in Hebron city. Israel has systematically resorted to, and aggressively pursued, a policy of silencing those who advocate and call for justice and international accountability for violations committed against the Palestinian people.² Through intimidation and institutionalised harassment, which include death threats,³ mass arbitrary detention,⁴ forcible transfer,⁵ and torture and other ill-treatment, Israel ultimately creates a climate of fear and intimidation for Palestinians, to maintain its apartheid regime over the Palestinian people as a whole.⁶

In light of the arbitrarily detention of Farid, and Israel's ongoing and systematic policy of silencing of opposition, this urgent appeal calls on United Nations (UN) Special Procedures to urgently intervene and to address the arbitrary detention of Farid. It further calls on Israel, the Occupying Power, to immediately release the human rights defender Farid al-Atrash, and to immediately cease any and all practices and policies intended to intimidate, dominate and silence human rights defenders.

2. Facts of the case

On 4 July 2021, at approximately 1:30 am, the IOF, stationed at the Israeli Container checkpoint in the Palestinian town of As-Sawahra Ash-Sharqiya, east of Bethlehem city, arbitrarily detained the 44-year-old human rights defender Farid al-Atrash. At the time of the arrest, Farid, a resident of Bethlehem city, was driving home from Ramallah city, where

² See, for example, Al-Haq, "Joint Parallel Report to the United Nations Committee on the Elimination of Racial Discrimination on Israel's Seventeenth to Nineteenth Periodic Reports," 10 November 2019, available at: <https://www.alhaq.org/advocacy/16183.html>; Al-Haq, "Al-Haq Delivers Oral Statement at the 38th Regular Session of the United Nations Human Rights Council on Palestinian Women Human Rights Defenders Facing Online Violence," 26 June 2018, available at: <http://www.alhaq.org/advocacy/6183.html>, and, Al-Haq, "Palestinian Human Rights Organizations Condemn Israel's Unremitting Attempts to Silence Them," 25 May 2018, available at: <http://www.alhaq.org/advocacy/6197.html>.

³ See, for example, Al-Haq, "Al-Haq Under Attack – Staff Member's Life Threatened," 3 March 2016, at: <http://www.alhaq.org/advocacy/6432.html>; and Al-Haq, "Israel's Ongoing and Systematic Smear Campaign against Al-Haq and its Staff Members, Including Hate Speech and Death Threats," 5 October 2020, available at: https://www.alhaq.org/attached_uploads/download/2020/10/22/201005-al-haq-submission-on-the-killings-of-human-rights-defenders-1603344600.pdf.

⁴ See, for example, Al-Haq, "PHROC condemns the arrest of human rights defender Mahmoud Nawajaa," 6 August 2020, available at: <https://www.alhaq.org/palestinian-human-rights-organizations-council/17191.html>.

⁵ See, for example, Al-Haq, "Human Rights Organisations Send Urgent Appeal to UN Special Procedures on the Imminent Threat of Forcible Transfer of Salah Hammouri," 5 October 2020, available at: <https://www.alhaq.org/advocacy/17385.html>.

⁶ See, for example, Al-Haq, "On International Human Rights Day, Al-Haq Explicates How Israel Ignores the Universal Declaration of Human Rights," 10 December 2020, available at: <https://www.alhaq.org/advocacy/17631.html>.

he participated in a protest against the killing of Nizar Banat.⁷ When arrested, Farid called his wife, and informed her of his detention.

At around 5:00 am of the same day, Farid called his wife, informing her that his health was deteriorating and that he was transferred to Hadassah Medical Center in Jerusalem. At around 4:00 pm, Farid called his wife, notifying her that he was transferred to the Atarot police station in occupied Jerusalem. Later on, Farid called his wife again and told her that his health was better, and that he was transferred to Ofer Prison.

The trial of Farid, which was supposed to take place on 5 July 2021, was postponed to Wednesday, 7 July 2021. As of the time of writing and submitting this urgent appeal, Farid is still detained in Ofer Prison.

3. Legal analysis

To repress, dominate and control the Palestinian people, including Palestinian human rights defenders, arbitrary arrests, in violation of international law, have been a key tool utilised by Israel. In particular, Article 9 of the Universal Declaration of Human Rights and Article 9(1) of the International Covenant on Civil and Political Rights (ICCPR), to which Israel is a State Party, guarantees to everyone the right not to be subjected to arbitrary detention, and if arrested, to be promptly informed of the reasons for the arrest and of any criminal charges.

Palestinian human rights defenders have been increasingly targeted in recent years. The arrest of Farid illustrates Israel's attempts to discourage individuals and organisations from documenting and highlighting consistent violations of international human rights and humanitarian law in the occupied Palestinian territory, as it should be further understood and acknowledged within Israel's systematic policy of silencing of opposition to maintain its apartheid regime over the Palestinian people as a whole. Notably, Article II(f) of the Apartheid Convention of 1973 recognises as an element of the crime of apartheid the "Persecution of organizations and persons, by depriving them of fundamental rights and freedoms, because they oppose apartheid."

Further, Article 13 of the UN Declaration on Human Rights Defenders stipulates that everyone has the right to solicit, receive and utilise resources to protect and promote human rights through peaceful means.⁸ That being said, Israel continues to systematically and institutionally attack, harass and target human rights defenders, activists, and civil society organisations in an effort to silence, repress, and intimidate anyone who advocates for Palestinian human rights or challenges Israel's entrenched regime of racial domination and oppression over the Palestinian people as a whole.

⁷ Independent Commission for Human Rights, "ICHR Press Release on The Arrest of ICHR Lawyer Farid Al-Atrash, by the Israeli Occupation Forces," 4 July 2021, available at: <https://ichr.ps/en/1/26/3206/ICHR-Press-Release-on-The-Arrest-of-ICHR-Lawyer-Farid-Al-Atrash-by-the-Israeli-Occupation-Forces.htm>.

⁸ UN Declaration on Human Rights Defenders (8 March 1999).

4. Conclusion and recommendations

By silencing Palestinian civil society, and those who seek international justice and accountability and an end to Israel's impunity for suspected international crimes committed in the occupied Palestinian territory, Israel maintains its repressive and prolonged military occupation, and institutionalised apartheid regime, while rapidly expanding its colonisation and annexation of occupied Palestinian territory, and denying the Palestinian people their inalienable rights to self-determination and return.

As such, Al-Haq submits this urgent appeal for the immediate intervention of the relevant UN Special Procedure mandates and urges them to:

- i. Call on Israel, the Occupying Power, to immediately release the human rights defender Farid al-Atrash;
- ii. Urge Israel to immediately cease any and all practices and policies intended to intimidate and silence human rights defenders, in violation of their right to freedom of expression, including through arbitrary detention, torture and other ill-treatment, institutionalised hate speech and incitement, residency revocation, deportations, and other coercive or punitive measures;
- iii. Recognise and address silencing efforts as part of an apartheid regime imposed over the Palestinian people as a whole, and endorse the December 2019 concluding observations on Israel of the United Nations Committee on the Elimination of Racial Discrimination, which recognise Israeli policies and practices of racial segregation and apartheid over Palestinians on both sides of the Green Line, and
- iv. Recognise the state of impunity existing in Israel, which decisively renders the State unable and unwilling to hold itself accountable, and call for international justice and accountability, including at the International Criminal Court, for Israel's widespread and systematic human rights violations, and alleged international crimes, including the crime of population transfer, and the crime of apartheid, which constitutes a crime against humanity.