



## **Urgent Appeal for the Immediate Release of Human Rights Defender, Ms. Shatha Odeh Abu Fannouneh, General Director of the Health Work Committee**

**23 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 Working Group on Arbitrary Detention, Ms. Leigh Toomey (Chair-Rapporteur);
- The United Nations Special Rapporteur on the situation of human rights defenders, Ms. Mary Lawlor;
- The United Nations Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Ms. Tlaleng Mofokeng;
- The United Nations Special Rapporteur on the rights of indigenous peoples, Mr. José Francisco Cali Tzay;
- The United Nations Special Rapporteur on torture and other cruel, inhumane or degrading treatment or punishment, Prof. Nils Melzer.

### **1. The Raid on Health Work Committees (HWC)**

On 9 June 2021, around 5:00 am, the Israeli Occupying Forces (IOF) raided the headquarters of HWC in Al-Bireh city, and delivered a military order forcing the office to close for six months. The Health Work Committees (HWC), is a Palestinian non-governmental health and developmental organisation, which provides health services, builds “development models to all segments of the Palestinian population, particularly the poor and the marginalized,” and lobbies and advocates “in support of favourable policies and legislations for the realization of [a] free democratic society and its citizens enjoying their social rights”.

During the early raid, the IOF broke down the office’s main door, confiscated memory drives from the organisation’s computers, searched through the organisation’s properties, and confiscated a Palestinian flag and a map. Before the IOF withdrew, they placed copies of a military order in the office and on the main door of the organisation, which stipulated that the office should close after 24 hours of delivering of the

order and until 7 December 2021 on the pretext of preserving “public order and the security of the Israeli Defence Forces [IDF].” The IOF also placed a paper that read: “The IDF closed the print shop for its assistance to the terrorist organisation, the Popular Front for the Liberation of Palestine.” The paper further read that the “The IDF will continue to implement the law upon anyone or place of work that assists terrorist organisations.” Before withdrawing at around 5:30 am, the IOF placed metal barriers on the main door.

The most recent raid and the closing of the HWC office comes in the context of a wider attack on Palestinian civil society organisations that provide an array of essential services to a wide range of Palestinian communities, including health services. While Israel, the Occupying Power, continues to systematically and deliberately [disregard](#) its legal obligations to protect the right to health for the protected Palestinian population, HWC has been, including through its 12 centres and clinics located throughout the occupied West Bank, providing primary and secondary health services, especially to the most marginalised Palestinians, including those most affected by Israel’s unlawful and discriminatory policies and practices. During the COVID-19 pandemic, HWC’s efforts have been [crucial](#), including by raising awareness relevant to the pandemic, carrying out local advocacy efforts to improve the Palestinian health system, providing medical care to COVID-19 patients in its health facilities, and reaching isolated communities through mobile clinics. Accordingly, the attack on HWC is not only an attack on the organisation, but rather a direct attack on the Palestinian protected people, particularly those who rely on HWC’s services, and constitutes illegal collective punishment.

This is the fourth time HWC offices are attacked and targeted by the IOF. The attacks include continuous arbitrary arrests of HWC staff members, some of whom were subjected to [physical and psychological torture and ill-treatment](#). Until present, Israel continues to violate the rights of the detained HWC staff members to fair trials, amongst numerous other rights. Further in a military declaration titled “declaration of an illegitimate organisation”, dated 22 January 2020, the Israeli occupying authorities declared HWC an “unlawful and illegitimate” organisation. This military declaration, however, was not sent to HWC, the concerned organisation, when issued. In particular, Israeli allegations against the detained HWC individual staff members should not, in any way, result in retaliation policies and practices against the whole organisation, which amounts to unlawful collective punishment.

## **2. The Arrest of Ms. Shatha Odeh Abu Fannouneh, Director of the Health Work Committees (HWC)**

On 7 July 2021, **Ms. Shatha Odeh Abu Fannouneh (Ms. Odeh), 60** was arbitrarily and forcibly arrested from her house in Ramallah, Palestine. Ms. Odeh, a mother of three, is a nurse by profession and currently serves as the Director of the HWC, the Palestinian non-governmental organization that promotes health rights and provides health services for thousands of Palestinians, especially in remote areas outside the reach of the Palestinian authorities. She is a devoted healthcare expert and has tirelessly worked during the COVID-19 pandemic to provide health services to Palestinians across the West Bank.

In the early hours of 7 July 2021, at around 2:00 am, about 15 Israeli soldiers raided Ms. Odeh’s house in ‘Ain-Musbah, Ramallah, West Bank, Palestine, arbitrarily detaining her and terrorizing her family. The Israeli soldiers surrounded the house and raided the next-door neighbour’s house to get to the roof and started throwing gas grenades. Although the soldiers did not have a search or arrest warrant or a confiscation order, they arrested Ms. Odeh and confiscated her mobile phone (that she uses for personal and professional

communication), seized the keys of the organization's car and confiscated the car. During the raid, other family members were kept in the living room while Ms. Odeh was allowed to get dressed and then was then taken against her will. The military commander told Ms. Odeh and her family that she would be subjected to interrogation at Ofer Military Camp and that the next morning she would be returned back home. According to Ms. Odeh's lawyer, who visited her in Hasharon Prison on 21 July, she was first taken to a military camp near Attara, Birzeit, where they checked her blood pressure and diabetes level, and then she was moved to Ofer Military Camp where she waited for the interrogation.

## **2.1 Interrogation and Transfer from the Occupied Territory**

A 9-hour interrogation ensued on the day of her arrival. At the beginning of the interrogation, Ms. Odeh refused to cooperate without having access to a lawyer. Ms. Odeh was allowed to make a phone call to her lawyer once before the interrogation began. The next day, 8 July 2021, she saw her lawyer for only 10 minutes outside the courtroom before the hearing. On 12 July 2021, Ms. Odeh was allowed to make another phone call to her lawyer. She saw her lawyer again on 14 July also for only 10 minutes outside the courtroom before her hearing. And again, on 19 July, she saw her lawyer for only 10 minutes outside the courtroom before her hearing.

While the interrogations have taken place in "Ofer" military prison in Ramallah, Ms. Odeh has been incarcerated in Hasharon Prison, which is over an hour drive from Ofer. On 7 July 2021, Ms. Odeh's lawyers at the Addameer Organization, informed the family that she would be moved to the women's prison at Hasharon, located south of the Armistice Green Line extending between Tulkaram and Netanya, outside the occupied Palestinian territory. Family members have been administratively prevented from visiting Ms. Odeh because travel to Hasharon Prison requires security permits to be issued by the Israeli authorities, which are arbitrarily and routinely denied to families of detainees.

Notably, the Occupying Power's transfer of the protected population outside the occupied territory, amounts to an unlawful deportation, in violation of Article 49 of the Fourth Geneva Convention which stipulates that: "[...] deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive." Moreover, the Occupying Power's transfer of the protected population outside the occupied territory, may amount to a war crime prosecutable under the Rome Statute of the International Criminal Court (ICC).

## **2.2 Denial of Access to Vital Medications**

Ms. Odeh's health is extremely compromised, her condition is critical. She is diagnosed with numerous chronic illnesses including Hypertension, Hyperlipidaemia, Diabetes Mellitus, and Irritable Bowel Syndrome. She is currently prescribed a vast array of medications. The lawyer informed the family that the Israeli Prison authorities denied Ms. Odeh's request to have access to one of her medications (Creon 10,000 IU capsule (1 per day)) up until 15 July 2021, only after the lawyer presented a report explaining why this medication is important to her. To date, Ms. Odeh already lost nine kilos. The Occupying Power is violating Ms. Odeh's right to health and well-being as stipulated in Article 25 of the UDHR and Article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR). Moreover, while detained, Ms. Odeh's life is considered to be at a high risk and her health conditions needs continuous observation and monitoring (please see annexed medical certificate dated 7 July 2021). Therefore, the continuous arbitrary

detention of Ms. Odeh also represents a violation of her right to life provided for by Article 3 of the UDHR and Article 6 of the ICCPR.<sup>1</sup>

### **2.3 Inhuman and Degrading Treatment**

It is important to note that up until the third hearing Ms. Odeh was not allowed to have underclothing or clothes to change. Ms. Odeh appeared to the hearings with the same clothes she had when arrested on 7 July. The Israeli authorities refused to let in clothes to Ms. Odeh twice and informed lawyers that only first family members or lawyers registered in a military court order are allowed to bring clothes to detainees. Although, the first family members cannot visit Hasharon Prison to bring clothes without permits issued by Israeli authorities. During the hearing of 14 July, Ms. Odeh's lawyer made sure to request for a court order to let one of the lawyers visit the Prison to bring the clothes to Ms. Odeh. The lawyer brought the clothes to the Hasharon Prison on the same day of the hearing, however, the Israeli Prison authorities did not handover the clothes to Ms. Odeh claiming that they need to disinfect them. In the hearing of 19 July, Ms. Odeh attended the hearing still with the same clothes from her arrest 12 days ago. In all hearings Ms. Odeh expressed her agitation and frustration of the clothes situation.

In a statement to a lawyer during a visit to Hasharon Prison on 21 July, Ms. Odeh described the conditions of transfer from and to Hasharon Prison to Ofer Military Camp as "severe suffering". Whenever Ms. Odeh had a hearing, her trip to Ofer Military Camp would start at 2:30 am. She would be put in a bus for detainees (women have a separate section inside the bus) and the bus stops at each prison and detention centre to pick up all detainees who have courts' hearings during the day. The bus usually arrives to Ofer Military Camp at around 8 am. The detainees are then moved to transitory rooms with metal ceilings waiting for their hearings. These rooms are very hot with little access to fresh air, described by Ms. Odeh as "hellish sauna". Once all hearings are over, the bus takes back the detainees to their prisons and detention centres around 6:30 pm. Ms. Odeh always arrived at Hasharon Prison around midnight. During this whole trip and the wait at Ofer Military Camp which is about 20 hours, the detainees are shackled from their wrists and feet.

Ms. Odeh also described the conditions of her detention as difficult, cruel and inhuman. She is held in a room that has two metal beds with one plastic mattress and one cover on each bed with no pillows. Ms. Odeh uses the cover as a pillow while she covers herself with a jacket that she was wearing on the day of her arrest on 7 July 2021. The room has a surveillance camera which makes it difficult and uncomfortable to Ms. Odeh, infringing on her privacy and breaching her right to be treated with dignity. Thus, the Occupying Power is violating Ms. Odeh's right to be treated with humanity and with respect for her inherent dignity as stipulated in Article 10 of the ICCPR. Moreover, the Occupying Power is violating Ms. Odeh's right not to be subjected to cruel, inhuman or degrading treatment or punishment as stipulated in Article 5 of the UDHR and Article 7 of the ICCPR.

### **2.4 Right to Fair Trial and Due Process**

On 8 July, Ms. Odeh attended her first military court hearing, where the court extended her detention until 14 July 2021, citing a need for further investigation. On 14 July, Ms. Odeh's second hearing took place. The military court extended her detention to 19 July 2021 to finish the investigation and to translate the

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<sup>1</sup> See the annexed medical certificate of 7 July 2021.

case files. On 19 July 2021, the third hearing of Ms. Odeh took place. The Prosecution requested eight days to prepare the list of charges. The military judge ordered an extension of detention to Monday, 26 July (the fourth hearing). Representatives from the European Union, the British Support Team and Diakonia were present at that hearing. The hearings lasted less than 15 minutes, and were all conducted in Hebrew, a language that neither Ms. Odeh nor her family members understand. Notably, only one family member is allowed to the hearings, allegedly due to COVID-19 measures. No close or physical interactions between Ms. Odeh and her family members were permitted during the arrest or at any of the three hearings.

The fact that Ms. Odeh, a civilian, had to appear before a military court is a violation of the rights to a fair trial, which is protected by Article 14 of the ICCPR and Article 10 of the UDHR. Moreover, the continuous unjustifiable detention of Ms. Odeh without knowing the charges levelled against her is a violation of her right to a fair trial and due process.

### **3. Legal Analysis**

To repress, dominate and control the Palestinian people, including Palestinian human rights defenders, and healthcare providers, arbitrary arrests, in violation of international law, have been a key tool utilised by Israel. Article 9 of the Universal Declaration of Human Rights (UDHR) and Article 9(1) of the International Covenant on Civil and Political Rights (ICCPR), to which Israel is a State Party, guarantee 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 and healthcare providers have been increasingly targeted in recent years. The arrest of Ms. Odeh illustrates Israel's attempts to discourage individuals and organisations from providing the urgently needed health services for thousands of Palestinians, especially in remote areas outside the reach of the Palestinian authorities. Ms. Odeh's work exposed the Israeli occupation's evasion of its responsibilities as an Occupying Power and highlighted the 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. That being said, Israel continues to systematically and institutionally attack, harass and target human rights defenders, healthcare providers, activists, and civil society organisations in an effort to silence, repress, and intimidate those who advocate for Palestinian human rights or challenge Israel's entrenched regime of racial domination and oppression over the Palestinian people as a whole.

### **4. Conclusion and Recommendations:**

By silencing Palestinian civil society, and those who defend human rights, and provide healthcare in such critical times 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 basic human rights.

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

- i. Call on the Occupying Power, Israel, to immediately release Palestinian detainee Ms. Odeh, whose health is compromised, and guarantee her right to liberty and freedom from arbitrary arrest and detention;
- ii. Call on Israel to ensure and uphold Palestinian detainee Ms. Odeh's right to the highest attainable standard of health and mental health, as well as the right to life;
- iii. Call on Israel to ensure due process, including through the provision of translation of Hebrew to Arabic at all stages of the court proceedings;
- iv. Call on Israel to put an end to the systematic and ongoing practice of targeting of Palestinian civil society organizations, including HWC and intimidating Palestinian human rights defenders, including Ms. Odeh, contrary to international law and as inhumane acts of apartheid;
- v. Call for the return of Ms. Odeh's property, including her mobile phone and car, unlawfully, confiscated without a requisition order and in the absence of the requisite 'military need' or 'military operations' provided for under Articles 52 and 53 of the Hague Regulations (1907).
- vi. To condemn and call on Israel to end its inhumane practices of prolonged drives and transfers of prisoners between prisons, in confined spaces for hours in conditions causing 'intense suffering';
- vii. Call on Israel, the Occupying Power to end its practices of deportation of Palestinian prisoners outside the occupied territory, preventing families from visiting those incarcerated without charge; and
- viii. Condemn and call for an end to Israel's prolonged occupation, *de facto* and *de jure* annexations and apartheid of the Palestinian territory.