



RE: Complaint submission to the United Nations Special Rapporteur on the situation of Human Rights Defenders concerning the arrest, detention and indictment of Palestinian human rights defender, Ms Khalida Jarrar

1. Lawyers for Palestinian Human Rights (LPHR), Addameer Prisoner Support and Human Rights Association (Addameer) and the National Lawyers Guild (NLG) submit this joint complaint to the United Nations Special Rapporteur on the situation of Human Rights Defenders regarding the Israeli military authorities arrest, detention and indictment of Palestinian Legislative Council (PLC) member and vice-chairperson of the Board of Directors of Addameer, Ms Khalida Jarrar.
2. Ms Jarrar was arrested at her home on 2 April 2015 at approximately 1:30am, and held in detention under military administrative detention powers until 4 May 2015, when she was subsequently detained under military prosecution provisions. Ms Jarrar was granted bail on 21 May 2015, and is currently awaiting trial. Her trial will begin on **Monday 22 June 2015**.
3. Ms Jarrar's trial is one based on both open and secret evidence. Ms Jarrar's legal representatives are therefore unable to fully address the prosecution's argument, which asserts Ms Jarrar is a security risk.
4. LPHR, Addameer and NLG recognises Ms Jarrar as a prominent Palestinian human rights defender who is accordingly entitled to the human rights protections outlined in the United Nations Declaration on Human Rights Defenders, in addition to legal protections afforded to all individuals under international human rights law. We therefore request the United Nations Special Rapporteur on the situation of Human Rights Defenders undertake an urgent examination into this serious matter and take appropriate action.
5. LPHR is a lawyer-based legal charity in the United Kingdom that works on legal projects aimed at protecting and protecting Palestinian human rights.
6. Addameer is a Palestinian non-governmental, civil institution that works to support Palestinian political prisoners held in Israeli and Palestinian prisons.
7. The NLG is a non-governmental, public interest association based in the United States that works to protect civil liberties and human rights as afforded by international law.

Background information on Ms Khalida Jarrar and her human rights work:

8. Ms Khalida Jarrar is a 52-year-old Palestinian civil society leader and lawyer who lives and works in the occupied West Bank Palestinian city of Ramallah. Ms Jarrar is an elected member of the PLC and has been the head of the Prisoners Commission of the PLC since 2006. Ms Jarrar is currently vice-chairperson of the Board of Directors of Addameer, whom she used to head



before election to the PLC. Ms Jarrar was recently appointed to the Palestinian National Committee for the follow-up of the International Criminal Court.

9. Ms Jarrar is a prominent human rights advocate for the rights of Palestinian prisoners within Israeli and Palestinian prisons. She is highly regarded within the human rights community in the occupied West Bank for her human rights work.
10. Ms Jarrar suffers from serious chronic medical issues and has been subject to a travel ban since 1998. The travel ban was lifted once, in 2010, to obtain medical treatment in Jordan. Ms Jarrar's travel was authorised on this single occasion following extensive international campaigning and legal proceedings.

Current alleged violations incident by Israeli police and military authorities against Ms Khalida Jarrar

11. On 2 April 2015 at approximately 1:30am, a small number of Israeli military trucks raided Ms Jarrar's home in Ramallah. Using force, soldiers removed Ms Jarrar's front door and placed Ms Jarrar in a separate room to her husband. Ms Jarrar was then removed from her home by soldiers and held in an undisclosed location for a number of hours. In the late afternoon on 2 April 2015, her legal representative learnt that she was in Ofer Prison, in the occupied West Bank.
12. Ms Jarrar was transferred to HaSharon Prison either late at night on 2 April 2015 or in the early hours of 3 April 2015. HaSharon prison is located inside Israel near Tel Aviv. Her transfer and detention from the Occupied Palestinian Territory (OPT) into Israel is in contravention of the Fourth Geneva Convention.
13. On 5 April 2015, Ms Jarrar received a 6-month administrative detention order from the Israeli military commander. The confirmation of her administrative detention was delayed at a military court hearing on 8 April 2015.
14. On 15 April 2015, Ms Jarrar was issued with a charge sheet by the occupation's military prosecution at Ofer Military Court. 12 charges were issued against Ms Jarrar based on her role as a political leader and for her human rights campaigning work for prisoners. Despite charges being presented, the judge determined to keep her under administrative detention to ensure that she will not be released from prison on bail.
15. All but one of the charges against Ms Jarrar are related to alleged activities with an illegal organisation. The Popular Front for the Liberation of Palestine (PFLP) is an organisation which has been categorised as illegal by Israeli military authorities under section 85(1)(a) of the Defence (Emergency) Regulations 1945.
16. On 5 May 2015, Ms Jarrar's legal representation was informed that her military-ordered administrative detention had ended on 4 May 2015. Ms Jarrar was detained beyond this date pending



her trial.

- 17.** On 21 May 2015, military court judge, Chaim Balilti, ruled to release Ms Jarrar on bail of 20,000-NIS and third-party guarantees. The decision-issuing judge expressed concerns with regard to the prosecution's evidence in their case against Ms Jarrar. The judge allowed the military prosecution a time period of 72 hours to submit an appeal, which they subsequently did.
- 18.** An appeal hearing was held on 28 May 2015 where military judge Ronen Atsmon reversed the previous order to release Ms Jarrar on bail.
- 19.** Ms Jarrar's lawyer, Mahmoud Hassan, has confirmed that the majority of the evidence put forward by the prosecution is from a number of years ago. Mr Hassan has further emphasised that the prosecution's evidence does not implicate Ms Jarrar directly and is manifestly unfair.
- 20.** Ms Jarrar's trial will begin on 22 June 2015. She will continue to be remanded until the end of the trial.

Previous alleged violation incidents by Israeli military authorities against Ms Khalida Jarrar:

- 21.** On 20 August 2014 at approximately 1:30am, Ms Jarrar's house was surrounded by a number of Israeli soldiers, and a military captain delivered a military order directing her to leave her home city of Ramallah and relocate to Jericho for six months. This order rendered Ms Jarrar to be expelled 50km away from her home, family (including her two children) and place of work.
- 22.** The order was based on Israeli Military Order 1651 Article 297 (2009) and the accusation that Ms Jarrar is "dangerous to the general security of the area." As is standard with Military Orders and the decisions of Maj. Gen. Nitzan Alon, GOC Central Command, the order did not explain or clarify the alleged danger that Ms Jarrar posed.
- 23.** Ms Jarrar defied the military order, and on 16 September 2014 it was reduced to a month, meaning that it expired on the day it was limited. This decision followed an international campaign against the military order to expel Ms Jarrar.

Applying the United Nations Declaration on Human Rights Defenders:

- 24.** LPHR, Addameer and the NLG submit that Ms Jarrar meets the United Nations Declaration on Human Rights Defenders definition of a human rights defender as anyone who, either individually or in association with others, works to promote and to strive for the protection and realisation of human rights and fundamental freedoms. It is clearly apparent that Ms Jarrar's career has been devoted towards realising, promoting and protecting the human rights of Palestinian prisoners. It is our extremely serious concern that Ms Jarrar is being illegitimately targeted and punished by Israeli military authorities as a result of her significant work.



25. With direct relevance to Ms Jarrar’s human rights legal work and advocacy, the United Nations Declaration on Human Rights Defenders expressly states at Article 9(3)(c): “everyone has the right, individually or in association with others to... offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms”; and, at Article 12: “Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms”.

26. Ms Jarrar’s charge sheet indicates she was arrested, detained and indicted by Israeli military authorities as a direct result of her human rights advocacy work on behalf of prisoners’ rights, and for exercising her rights to freedom of expression and freedom of assembly.

Legal Framework:

27. LPHR, Addameer and the NLG suggest that the following human rights provisions under international human rights law are engaged by the current arrest and indictment of Ms Jarrar:

- i) Right to liberty and security of person under international human rights law (Article 9 of the International Covenant on Civil and Political Rights (ICCPR));
- ii) Right to a fair and public hearing under international human rights law (Article 14, ICCPR);
- iii) Right not to be subjected to arbitrary interference to family and home life under international human rights law (Article 17, ICCPR);
- iv) Right to hold opinions without interference and right to freedom of expression under international human rights law (Article 19, ICCPR);
- v) Freedom of demonstration and the right to peaceful assembly under international human rights law (Article 21, ICCPR);
- vi) Right to be equal before the law and to be free from discrimination under international human rights law (Article 26, ICCPR);

Demonstrations under Israeli military law:

28. In August 1967, Israel's Military Order No. 101 Regarding Prohibition of Incitement and Hostile Propaganda Actions (Order No. 101) was signed. Order No. 101 has been amended several times since its enactment; however it remains valid and is in force in the occupied West Bank.



- 29.** Order No. 101 places severe restrictions on Palestinians to organise and/or attend demonstrations. A Palestinian who breaches Order No. 101 by organising or participating in a demonstration is liable to 10 years' imprisonment, a fine, or both.
- 30.** Order No. 101 extends to and includes any assembly, vigil, or procession of more than 10 persons and requires a permit from the commander of the military forces in the area if the gathering is intended for "a political matter or one liable to be interpreted as political, or to discuss such a matter," or "for a political goal or for a matter liable to be interpreted as political." These provisions apply to both public and private settings, including a person's home. Military commanders reserve the right to close a public setting where he considers a gathering to be taking place.
- 31.** Order No.101 criminalises civic activities normally afforded as rights under international law, such activities include: organising and participating in protests, taking part in assemblies or vigils, waving flags and other political symbols, and printing and distributing political material.
- 32.** Since 1948, Order No. 101 has deemed all major Palestinian parties as illegal, subsequently prohibiting Palestinians from expressing allegiance and/or affiliation with a Palestinian movement. Further, Order No. 101 establishes a basis for censorship in the occupied West Bank by forbidding any individual to "print or publicise in the region any publication of notice, poster, photo, pamphlet or other document containing material having a political significance", except in cases where the military commander has granted a permit.
- 33.** Parties deemed to 'threaten' the Israeli State as a Jewish State, are routinely categorised as illegal.
- 34.** LPHR, Addameer and the NLG view the blanket prohibition and criminalisation of Palestinian political organisations and political expression to be manifestly in contravention of fundamental human rights under international human rights law.
- 35.** LPHR, Addameer and the NLG acknowledge with grave concern that the Order No. 101, which is still in force in the occupied West Bank, often provides the basis for the arrest of human right defenders and political activists.¹
- 36.** It is against this legal background that LPHR, Addameer and the NLG are extremely concerned that the arrest, detention and use of secret evidence against Ms Jarrar by the Israeli military authorities amount to an illegitimate and grave interference with a range of fundamental rights under international human rights law.

Conclusion:

¹ From <http://www.addameer.org/etemplate.php?id=292>



37. Given the context of Ms Jarrar's peaceful and lawful work to promote, protect and realise human rights and fundamental freedoms in accordance with international human rights law guarantees, particularly in respect to political prisoners, we respectfully reiterate that the United Nations Special Rapporteur on the situation of Human Rights Defenders urgently takes the following steps:

i) Use this complaint as the basis of your own investigation into the arrest, detention, indictment and use of secret evidence against Ms Khalida Jarrar;

ii) Intervenes in this matter through urgent contact with the government of Israel and ensure that Ms Jarrar receive a fair trial in accordance with full due process guarantees as provided by international human rights law; and

iii) Considers urging the Israeli military authorities to repeal Military Order 101 and section 85(a) of the Emergency Regulations 1945, on the basis that these unjust laws are repeatedly used to unjustifiably and substantially infringe upon fundamental civil and political rights guaranteed by international human rights law.

38. LPHR, Addameer and the NLG are very willing to effectively assist the United Special Rapporteur on the situation of Human Rights Defenders to provide further information on this matter and to facilitate access to Ms Jarrar's lawyer. LPHR's Director, Tareq Shrourou, can be contacted directly for this purpose by email at contact@lphr.org.uk. Addameer's advocacy officer, Randa Wahbe, can be contacted directly by email at randa@addameer.ps.

Thank you for your careful consideration of this matter.

Yours faithfully,

Tareq Shrourou

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