



**RE: Complaint submission to the United Nations Special Rapporteur on the situation of Human Rights Defenders concerning the attack, arrest and military detention of Palestinian human rights defender, Mr Hafez Huraini**

**09 November 2022**

1. Lawyers for Palestinian Human Rights ('LPHR') submit this letter of complaint to the United Nations Special Rapporteur on the situation of Human Rights Defenders ('the Special Rapporteur'), Ms Mary Lawlor, concerning the attack on 12 September 2022 by armed Israeli settlers against Mr Hafez Huraini on his land, and his subsequent arrest and deprivation of liberty under military detention by Israeli military authorities.
2. The violent assault against Mr Huraini left him with two broken arms. Mr Huraini was then deprived of his liberty in military detention for ten days before being released on bail pending further investigations by Israeli military authorities. Mr Huraini remains at serious risk of further deprivation of liberty under Israeli military detention.
3. Mr Huraini is a 52-year-old Palestinian farmer from at-Tuwani, a village in the Masafer Yatta (otherwise known as the 'South Hebron Hills') area of southern Hebron, in Area C of the West Bank, within the occupied Palestinian territory ('oPt'). Palestinian communities in Masafer Yatta are recognised by UN agencies and leading UN officials as being at imminent risk of mass forcible transfer, following a decision by Israel's Supreme Court on 4 May 2022 that sanctioned the expulsion of all residents, to make way for Israeli military training.
4. Mr Huraini is recognised by the prominent human rights organisation, Front Line Defenders, as a human rights defender due to his non-violent activities protecting the human rights of Palestinians in Masafer Yatta. For reasons outlined in this submission, LPHR independently classifies Mr Huraini as a human rights defender.
5. LPHR is a lawyer-based legal charity in the United Kingdom that works on projects aimed at protecting Palestinian human rights. This complaint has principally been compiled based on primary source information specifically obtained by LPHR, including eyewitness evidence and video footage.



## **A: Background**

### **Masafer Yatta region of the oPt**

6. In the 1980s, Israeli authorities designated a part of Masafer Yatta as a closed area of military training, calling it 'Firing Zone 918'. Since this declaration, 14 Palestinian communities have been at risk of forced eviction, demolition, and forcible transfer, on the basis of “illegally living in a firing zone”.<sup>1</sup>
7. Communities in Masafer Yatta have been subject to several waves of demolitions and demolition orders, including against villages outside the firing zone. Families in two of the original communities in Firing Zone 918 – Al Kharoubeh and Khirbet Sarura – have been driven away by home demolitions, settlement activity and settler violence.
8. Most recently, on 4 May 2022, Israel's Supreme Court ruled that there were no legal barriers to the planned expulsion of Palestinian residents – 1,114 people, including 569 children - from Masafer Yatta to make way for Israeli military training. The United Nations Humanitarian Coordinator, Yvonne Helle, reported in June that Israeli authorities had increasingly intensified a coercive environment for Palestinians in Masafer Yatta:  
  
*“Over the past weeks, dozens of people have had their homes demolished in Khirbet Al Fakhiet and Mirkez, in some cases for the third time in less than a year. In Khirbet at Tabban and Khamlet Athaba’, new demolition orders have been issued in the past two weeks. Most recently, a military exercise was launched close to residential areas. They are frightened. The demolitions, military activities and other increasingly coercive measures in Masafer Yatta should be halted and the residents allowed to remain in their homes in safety and dignity.”*<sup>2</sup>
9. Palestinians in Masafer Yatta are also affected by the ongoing encroachment of Israeli settlements and outposts, reducing freedom of movement for Palestinians and the space available to them for grazing the sheep and goats, which are the residents’ primary source of income.
10. Furthermore, settlers' violence against Palestinians and their property in Masafer Yatta is endemic.<sup>3</sup> The UN Office for the Coordination of Humanitarian Affairs ('UN OCHA) reports that in recent years, settlers from outposts are '*undermining the physical security of Palestinian residents through intimidation and violence*',<sup>4</sup> while expanding their control over territory, including within the designated firing zone in Masafer Yatta.

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1 <https://www.ochaopt.org/content/masafer-yatta-communities-risk-forcible-transfer-june-2022>

2 <https://www.ochaopt.org/content/masafer-yatta-palestinians-increased-risk-court-ruling>

3 <https://www.ochaopt.org/content/palestinians-resisting-forcible-transfer-masafer-yatta>

4 Ibid.



11. The settlers' use of violence and intimidation against the Palestinian residents of Masafer Yatta, combined with reported complacency<sup>5</sup> of the Israeli authorities regarding these serious violations, have contributed to the perpetuation of a coercive environment for the inhabitants of Masafer Yatta that makes them especially vulnerable to forcible transfer.<sup>6</sup> Forcible transfer is absolutely prohibited under international humanitarian law and constitutes a war crime under both the Fourth Geneva Convention and the Rome Statute.

#### The Huraini family

12. The Huraini family are well known for their non-violent resistance to the extension of illegal Israeli settlements and the coercive environment created in Masafer Yatta by the Israeli military authorities. Mr Huraini is a land rights defender and leader of the South Hebron Hills Popular Committee ('SHHPC'), a non-violent resistance group established in 2000.
13. Sami and Sameeha Huraini, two of Mr Huraini's children, are co-founders of Youth of Sumud, a grassroots initiative established in 2017 to peacefully resist Israeli occupation and illegal Israeli settlements in the region. Sami and Sameeha were the Middle East and North Africa winners of the 2021 Front Line Defenders Award for Human Rights Defenders at Risk.<sup>7</sup> Sami is a board member of the Popular Struggle Coordination Committee which opposes settlements through peaceful demonstrations. Sameeha is an activist who works with women and children in at-Tuwani on projects aimed at helping spread stories of the occupation.

#### **B: Mr Huraini's status as a Human Rights Defender**

14. There is no specific definition of a Human Rights Defender ('HRD'). The United Nations Declaration on Human Rights Defenders ('the Declaration') refers to '*individuals, groups and associations...contributing to...the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals*'.<sup>8</sup>
15. The UN Office for the High Commissioner for Human Rights ('OHCHR') Fact Sheet No.29<sup>9</sup> states: '*many people act as human rights defenders outside any professional or employment context...an inhabitant of a rural community who coordinates a demonstration by members of the community against environmental degradation of their farmland by factory waste*

5 <https://www.yesh-din.org/en/position-paper-settler-crime-and-violence-inside-palestinian-communities-2017-2020/>

6 <https://www.ochaopt.org/content/masafer-yatta-communities-risk-forcible-transfer-june-2022>

7 <https://www.frontlinedefenders.org/en/campaign/2021-middle-east-north-africa-regional-award-winner>

8 p.2, see: <https://www.ohchr.org/sites/default/files/Documents/Issues/Defenders/Declaration/declaration.pdf>

9 OHCHR Fact Sheet No.29 'Human Rights Defenders: Protecting the Right to Defend Human Rights' (1 April 2004), see: <https://www.ohchr.org/sites/default/files/Documents/Publications/FactSheet29en.pdf>



*could also be described as a human rights defender.*<sup>10</sup> It goes on: ‘a group of defenders may advocate for the right of a rural community to own the land they have lived on and farmed for several generations’.<sup>11</sup>

16. As a farmer and shepherd, Mr Huraini is primarily engaged in asserting Palestinian land rights through grazing flocks, cultivating the land and farming in areas where restrictions are imposed by the Israeli authorities or are close to illegal settlements and outposts. As a member of the SHHPC, he is also engaged in coordinated peaceful action, such as refusing to leave land declared as closed military areas. More broadly, the Huraini family are involved with restoring traditional caves where Palestinians used to live before the occupation, building stone walls, constructing water pipes and energy supply lines in attempts to restore all aspects of life in the village of at-Tuwani and across Masafer Yatta in the face of continued home demolitions and displacement. They escort children as they pass settlements on their way to school and suffer from intimidation and threats.
17. Such efforts are systematically opposed by both the Israeli authorities and settlers. Building inspectors from the Israeli authorities regularly issue demolition orders, reject building permits and deny access to basic infrastructure for buildings and the caves. The authorities raid villages, arrest villagers and volunteers, and confiscate equipment. Cultivated land and land for grazing is declared as closed military areas. Settlers destroy water pipes, solar panels and generators; they set fire to caves, olive trees and harvests. Settlers attack, harass and intimidate villagers.
18. Accordingly, LPHR recognise Mr Huraini and his family as prominent Palestinian HRDs who are entitled to the human rights protections outlined in the Declaration, in addition to legal protections afforded to all individuals under international human rights law. This view is shared by Front Line Defenders who recognise Mr Huraini as a HRD.<sup>12</sup>

### **C: Alleged violations by the Israeli police and military authorities against Mr Huraini**

#### **The settler attack**

19. The factual details that follow are principally based on edited video footage of the attack taken by an international observer (possibly a British national due to the accent audible on the video) accompanying Mr Huraini, which was published online, and a Palestinian eyewitness account obtained by LPHR. The edited version of the video is footnoted.<sup>13</sup>

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10 *Ibid.*, p.8.

11 *Ibid.*, p.9.

12 [https://www.frontlinedefenders.org/sites/default/files/ua\\_-\\_opt\\_-\\_hafez\\_huraini\\_16-09-22\\_-\\_fnl.pdf](https://www.frontlinedefenders.org/sites/default/files/ua_-_opt_-_hafez_huraini_16-09-22_-_fnl.pdf)

13 See edited video: [https://twitter.com/yuval\\_abraham/status/1570109799014207488?fbclid=IwAR0IA6-ct7W2DFmP1Y6WeFeo3vPb11\\_Js70ctBJQGk8i7cRVMuq9OKaBc\\_8](https://twitter.com/yuval_abraham/status/1570109799014207488?fbclid=IwAR0IA6-ct7W2DFmP1Y6WeFeo3vPb11_Js70ctBJQGk8i7cRVMuq9OKaBc_8)



- 20.** On 12 September 2022, Mr Huraini was working on his family's private land herding sheep with his son Mohammad on the outskirts of at-Tuwani. An international observer was accompanying Mr Huraini and filming his activities.
- 21.** At approximately 6pm, a group of five or six masked settlers from the nearby illegal settlement outpost of Havat Ma'on entered Mr Huraini's land. They walked threateningly in the clear direction of Mr Huraini. At least two of the masked settlers were visibly armed with poles; one holding a metal pole, a second holding either a metal or a wooden pole. Another one of the settlers was visibly armed with a rifle. Mr Huraini took a couple of steps in their direction and then stood his ground whilst waving his farming hoe.
- 22.** A violent attack between a settler armed with a metal pole and Mr Huraini then occurs; although the video does not show the apparent and ongoing application of force. The settler armed with the rifle, who is in close proximity to the attack, is seen to fire several bullets into the air during the sustained attack.
- 23.** It is undisputed that Mr Huraini was repeatedly assaulted with a metal pipe during this attack that broke both his left arm and right arm. At one point in the video, Mr Huraini is shown to be sitting down in apparent discomfort holding both his arms. At another point in the video, an armed settler is seen lying on the ground before getting back to his feet. Towards the very end of the video, Mr Huraini's other son, Sami, appears at the scene.
- 24.** It is then reported by a Palestinian eyewitness that soon afterwards approximately 30 armed, uniformed Israeli soldiers and police officers, and an ambulance from the Palestinian Red Crescent Society ('PRCS'), arrived at the scene. The witness reports that the settlers damaged the tyres of the ambulance with knives and blocked medics from loading Mr Huraini – who was on a stretcher - into the ambulance. The same witness reports that at this time, Israeli soldiers announced that Mr Huraini was under arrest. LPHR understands the reason given for the arrest was that Mr Huraini allegedly injured one of the armed settlers during the attack. Mr Huraini was eventually then able to be stretchered into the PRCS ambulance.
- 25.** It is reported by the same witness that Israeli soldiers fired gas and sound bombs and physically harassed Palestinians who arrived at the scene. They also announced it was a closed military area and that it must be evacuated. The Israeli military closed off all roads in and out of at-Tuwani. It is reported by a couple of sources that Israeli military personnel forcibly raided Palestinian homes overnight.



26. Despite the Israeli military evacuating the area of Palestinians and declaring it closed, the aforementioned witness reports that settlers remained on the site of the violent assault, destroying a number of trees and the night-lighting system on Mr Huraini's land.
27. Two other Palestinians were arrested during the incident; one was detained for one day, the other for two days. No settlers were arrested.

#### Mr Huraini's military detention between 12 – 22 September 2022

28. On the evening of 12 September 2022, Mr Huraini was eventually taken to the Soroka Medical Center in Beersheba in southern Israel to receive treatment for his broken arms whilst under constant supervision from armed soldiers. Mr Huraini was allowed to speak to his lawyer who attended the hospital for a few minutes. She informed his family of his situation.
29. The following morning Mr Huraini was transferred to a detention centre inside the illegal Kiryat Arba settlement in Hebron. Mr Huraini was allowed to speak to his lawyer over the telephone briefly and was then taken for questioning without the presence of his lawyer or any other representative. During questioning Mr Huraini was accused of attacking a settler.
30. On 15 September 2022, Mr Huraini appeared before Ofer Military Court. He was accused of attempted murder, harming the security of the area and aggravated assault. The court ruled to extend his military detention for another five days.
31. On 16 September 2022, Mr Huraini was visited by a doctor who advised that his arms should stay in casts for six weeks. Mr Huraini's doctor reported visible painful bruises on his left leg.
32. On 19 September 2022, Mr Huraini appeared again before Ofer Military Court, when his military detention was renewed.
33. On 22 September 2022, Ofer Military Court decided to release Mr Huraini on bail, stating that evidence revealed a "complicated picture", as it included a 23-minute video showing armed Israeli settlers approaching Mr Huraini while working on his land in the at-Tuwani village.
34. Mr Huraini is reported by Israeli media to have told the Ofer Military Court, "*I saw death before me – young, strong, masked men.*"<sup>14</sup> He is also reported to have pointed out that he suffered two broken arms in the incident and can neither feed himself nor go to the bathroom by himself. The military court decided that while there were no grounds for keeping Mr Huraini in military detention, there were grounds for investigating him.

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14 Palestinian Accused of Assaulting Israeli Settler Released by Court on Thursday as Settlers' Accounts Come Into Question - Palestinians - Haaretz.com (archive.ph)



- 35.** Mr Huraini's bail conditions were: the payment of 10,000 shekels (£2,494); a third party guarantee of a further 5,000 shekels; to attend any further investigation meetings; and to stay away from his land where he was attacked and also the illegal settlement outpost of Havat Ma'On for 30 days. Mr Huraini has satisfied all his bail conditions.
- 36.** We understand that two settlers were eventually questioned nine days into Mr Huraini's detention, and were released without any conditions. It is reported by Israeli media that one of the two settlers had been previously investigated one year ago on suspicion of assaulting Palestinians in al-Mufagara, which is another village in Masafer Yatta.<sup>15</sup>

Mr Huraini remains at serious risk of deprivation of liberty

- 37.** On 29 September 2022, Mr Huraini was questioned again at Kiryat Arba, and then released after eight hours.
- 38.** At the time of writing, Mr Huraini has not been charged as investigations remain ongoing. No court hearings have been scheduled. Meanwhile, Mr Huraini's land has been declared as a closed military area, so access is strictly forbidden. The land is planted with trees and seasonal crops which his family cannot harvest or even access to water and tend to.
- 39.** The attack and Mr Huraini's military detention attracted widespread attention from human rights organisations, Israeli and Palestinian news outlets and individuals on social media. It is reported by a news website<sup>16</sup> that some initial reporting in Israeli media focused on the mistaken claim by the distraught mother of an armed settler injured during the attack that he had been the victim of a "lynching"<sup>17</sup> by a large group of Palestinians. This depiction was falsely substantiated in the Israeli media by an unnamed Israeli security official<sup>18</sup>, before the aforementioned video footage was published on 14 September by an Israeli journalist,<sup>19</sup> that presented a materially different factual picture of the attack. Front Line Defenders released an urgent appeal against Mr Huraini's detention on 16 September 2022.<sup>20</sup>

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15 Ibid.

16 How Israeli media reported a 'lynching' that never happened (972mag.com)

17 The parents of the Israeli who was attacked in the South Hebron Hills: "They attacked him. It was an attempted lynching." (ynet.co.il)

18 Israeli Seriously Injured in Brawl With Palestinians in West Bank - Israel News - Haaretz.com (archive.ph)

19 [https://twitter.com/yuval\\_abraham/status/1570109799014207488?fbclid=IwAR0IA6-ct7W2DFmP1Y6WeFeo3vPb11\\_Js70ctBJQGk8i7cRVMuq9OKaBc\\_8](https://twitter.com/yuval_abraham/status/1570109799014207488?fbclid=IwAR0IA6-ct7W2DFmP1Y6WeFeo3vPb11_Js70ctBJQGk8i7cRVMuq9OKaBc_8)

20 [https://www.frontlinedefenders.org/sites/default/files/ua\\_-\\_opt\\_-\\_hafez\\_huraini\\_16-09-22\\_-\\_fnl.pdf](https://www.frontlinedefenders.org/sites/default/files/ua_-_opt_-_hafez_huraini_16-09-22_-_fnl.pdf)



**D: Previous incidents by Israeli military authorities against Mr Huraini and his family**

40. Mr Huraini cannot recall the exact number of times he has been arrested and detained by the Israeli military authorities; he estimates at least ten times. The time he has spent in military detention on each occasion has varied from between one to two weeks.
41. Mr Huraini's son, Sami Huraini, has been charged and tried on multiple occasions by Israeli military authorities. He is regularly arrested on Fridays to prevent him from participating in protests.
42. The Huraini family home has been raided by Israeli military authorities several times in the middle of the night. The Huraini family have been subject to harassment and intimidation from settlers, who have burnt trees and harvests on their land.
43. LPHR take the view that the 12 September attack and subsequent arrest and military detention of Mr Huraini, combined with the previous Israeli military authorities targeting and multiple attacks against Mr Huraini and his family, cannot be divorced from the Huraini family's prominence as HRDs and is symptomatic of a shared culture of intimidation and coercion between settlers and the authorities against them and their community.

**E: Applying the United Nations Declaration on Human Rights Defenders**

44. LPHR submit that Mr Huraini meets the definition of a HRD derived from the Declaration and the OHCHR Fact Sheet No.29. It is our extremely serious concern that Mr Huraini and his family are being specifically targeted within a wider environment of coercion by the Israeli military authorities and settlers as a consequence of their peaceful resistance efforts in at-Tuwani and the Masafer Yatta area.
45. Particularly relevant to Mr Huraini's land rights resistance efforts are the following provisions of the Declaration:
  1. The right to promote and to strive for the protection and realisation of human rights and fundamental freedoms (Article 1);
  2. The right to benefit from an effective remedy and be protected in the event of the violation of human rights and fundamental freedoms (Article 9(1));
  3. The right to the lawful exercise of his occupation (Article 11);
  4. The right to participate in peaceful activities against violations of human rights and fundamental freedoms and entitlement to protection when reacting against or



opposing human rights violations and from acts of violence perpetrated by groups that affect the enjoyment of human rights and fundamental freedoms (Article 12 (1),(3)).

46. LPHR note that while the government of Israel bears primary responsibility to protect HRDs, the protections outlined in the Declaration acknowledge the role that non-state actors play in committing human rights violations against HRDs, often with state complicity.<sup>21</sup>

#### **F: Legal Framework**

47. LPHR suggest that the following provisions of the International Covenant on Civil and Political Rights ('ICCPR') are engaged by the arrest, detention and ongoing situation of Mr Huraini:

1. The right to liberty and security of person, and freedom from arbitrary arrest of detention (Article 9);
2. The right to equal treatment before courts and tribunals (Article 14);
3. Freedom from arbitrary or unlawful interference with his privacy, family, home of correspondence (Article 17);
4. The right to equal treatment before the law and effective protection of the law from discrimination on any ground (Article 26).

48. We therefore request the Special Rapporteur undertake an urgent examination into this serious matter and take appropriate action.

#### **G: Conclusion**

49. In the context of Mr Huraini's peaceful efforts to promote, protect and realise human rights and fundamental freedoms in accordance with international human rights law guarantees, particularly concerning land rights in the context of forcible transfer, eviction and displacement in the Masafer Yatta region, we respectfully urge the Special Rapporteur to take the following steps:

1. Use this complaint as the basis of your own independent investigation into the attack, arrest and military detention of Mr Huraini between 12– 22 September 2022.
2. Intervene in this matter through urgent contact with the government of Israel to ensure that the Israeli military's investigation and any subsequent criminal proceedings are concluded with full due process guarantees as provided by

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21 OHCHR Fact Sheet No.29, p.16.



international human rights law; to urge the unrestricted attendance of journalists and international observers at any further hearings involving Mr Huraini before the Ofer Military Court; and also to express extremely serious concern that military courts are routinely used to try civilians in the occupied West Bank in contravention of international law.<sup>22</sup>

3. Urge the government of Israel to guarantee protection for Palestinian human rights defenders in the occupied West Bank against settler's harassment and attacks, and to further guarantee that Israeli settlers are held legally accountable for similar incidents of violence towards Palestinians and their property.
  4. Urge the government of Israel to guarantee in all circumstances that all human rights defenders in occupied Palestinian territory are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions.
- 50.** LPHR is very willing to effectively assist the Special Rapporteur by providing further information on this matter. We have permission to pass on to the Special Rapporteur the contact details of Mr Huraini and his lawyer, and would be happy to facilitate access to them both. LPHR's Director and Principal Lawyer, Tareq Shrourou, can be contacted directly for this purpose by email at [contact@lphr.org.uk](mailto:contact@lphr.org.uk).

Thank you for your careful consideration of this urgent matter.

Yours faithfully,

Tareq Shrourou, Director and Principal Lawyer  
**Lawyers for Palestinian Human Rights**

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<sup>22</sup> The UN Working Group on Arbitrary Detention considers that, "whatever the charges, civilians shall never be tried by military courts because they cannot be considered to be independent and impartial tribunals for civilian accused persons". <https://lphr.org.uk/wp-content/uploads/2021/02/Clean-Jarrar-UN-decision.pdf>