

Organization: Lawyers' Rights Watch Canada
Item 7: General Debate on the human rights situation in Palestine and other occupied Arab territories.
Date: 30 September 2022
Speaker: Joseph Doyle

Oral Statement to the 51st Session of the UN Human Rights Council from Lawyers' Rights Watch Canada (LRWC), and the International Bar Association's Human Rights Institute, NGOs in special consultative status

Israel: Remedy violations of international human rights law and ensure full respect for rights of lawyers and human rights defenders

Mr. President,

Lawyers' Rights Watch Canada and the International Bar Association's Human Rights Institute are dismayed by the judicial and administrative harassment of Palestinian lawyers and human rights defenders, in an apparent effort to curtail their legitimate advocacy.¹

Israel has misused its vague and overbroad Counter-Terrorism Law in the recent forcible closures² of seven Palestinian civil society organizations (CSOs),³ including legal aid organizations.⁴

Human rights lawyer, Salah Hammouri,⁵ who works with one of the banned CSOs,⁶ has since March 7th 2022 been unlawfully held in administrative detention by a military court without charge or information about the accusations or evidence against him.⁷

Gaza humanitarian worker Mohammad El Halabi received a 12-year prison sentence on August 30th after six years of pre-trial detention and an unduly prolonged, unfair trial based on manifestly false charges⁸ of diverting aid to Hamas. After his 2016 arrest, he was held incommunicado, denied legal representation for 50 days, and reportedly tortured. His lawyer faced unprecedented obstruction of the performance of his professional duties while representing him.⁹

We ask the Council to urge Israel to comply with international law and standards, including the UN Basic Principles on the Role of Lawyers and the UN Declaration on Human Rights Defenders.

Thank you.

¹ In August 2022, Mary Lawlor, UN Special Rapporteur on the situation of human rights defenders expressed concern in a press statement, "Israel must safeguard human rights defenders in Occupied Palestinian Territory and within its borders – UN expert," OHCHR press release 11 August 2022, <https://www.ohchr.org/en/press-releases/2021/08/israel-must-safeguard-human->

[rights-defenders-occupied-palestinian-territory](#). In May 2022, the UN Human Rights Committee expressed concern about “the widespread practice of arbitrary arrests and detention of Palestinians, including human rights defenders (...),” calling on Israel to end such practices. The Committee specifically referred to Mr. Hammouri. See Concluding Observations on the fifth periodic report of Israel, CCPR/C/ISR/CO/5, 5 May 2022, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fISR%2fCO%2f5&Lang=en

² *Ibid*, as well as the Health Work Committees (HWC), designated as a terrorist organization 2020.

³ **Addameer Prisoner Support and Human Rights Association, Al-Haq, Law in the Service of Man, the Bisan Center for Research and Development, Defense for Children International – Palestine (DCI-P), the Union of Agricultural Work Committees (UAWC), and the Union of Palestinian Women’s Committees (UPWC).**

⁴ Addameer Prisoner Support and Human Rights Association and Al-Haq, Law in the Service of Man

⁵ “Continued administrative detention and harassment through judicial proceedings of Salah Hammouri,” Statement of the Council of Bars and Law Societies of Europe (CCBE); International Bar Association’s Human Rights Institute (IBAHRI); International Commission of Jurists (ICJ), International Federation for Human Rights (FIDH); Lawyers for Lawyers (L4L); Lawyers’ Rights Watch Canada (LRWC); World Organisation Against Torture (OMCT), 9 August 2022, <https://lawyersforlawyers.org/en/continued-administrative-detention-and-harassment-through-judicial-proceedings-of-salah-hammouri/>

⁶ Addameer Prisoner Support and Human Rights Association.

⁷ Salah Hammouri is also among six Palestinian human rights defenders who were hacked by Pegasus spyware, developed by the cyber-surveillance company, NSO Group in violation of his right to privacy. See <https://www.hrw.org/news/2021/11/08/spyware-used-hack-palestinian-rights-defenders> and <https://citizenlab.ca/2021/11/palestinian-human-rights-defenders-hacked-nso-groups-pegasus-spyware/>. Mr. Hammouri has also been notified that his permanent residency status in his life-long home in Jerusalem would be revoked reported because of a “breach of allegiance” to Israel, also based on undisclosed information contained in a secret file.

⁸ World Vision International, Mohammad El Halabi Trial Overview, n.d. circa September 2022, <https://www.wvi.org/jerusalem-west-bank-gaza/mohammad-el-halabi-trial-overview>.

⁹ Mr. Halabi’s lawyer placed under a gag order and was prohibited from taking notes or preparing closing arguments except on the prosecutor’s laptop, and he was not allowed to keep a copy. He was prohibited from bringing witnesses from Gaza or facilitate their testimony via a video link. All evidence in the case and the court’s 254-page verdict are confidential. Also see the statement of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Special Rapporteur on the situation of human rights in the OPT, Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, “Gaza Aid Worker Must be Given Fair Trial or Released, Say UN Experts.” UN Press Release, <https://www.un.org/unispal/document/gaza-aid-worker-must-be-given-fair-trial-or-released-say-un-experts-press-release/>; Mandates of the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967; the Working Group on Arbitrary Detention; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, AL ISR 9/2020, 21 October 2020 (no reply received),

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25605>.