

Monday, 11 January 2010

To:

The Honorable Baroness Catherine Ashton
High Representative of the European Union for Foreign Affairs and Security Policy
Vice President of the European Commission

Subject: Detention of Palestinian human rights defenders by Israel

Dear Baroness Ashton,

We are writing to express our deep concern regarding Israel's repression of grassroots movements in the West Bank, in particular the arrest and imprisonment of Palestinian human rights defenders, and to urge you to do everything within the EU's influence to help free three human rights defenders that the Israeli authorities are holding as political prisoners.

On 16 December 2009, an internationally known and respected Palestinian human rights defender, Jamal Juma', was arrested by Israeli Authorities. Prior to his arrest, Mr. Juma' had been active in raising awareness of the situation of Palestinian human rights with EU officials and diplomatic missions in Israel/Palestine and he has participated in many European Union and United Nations conferences on Palestine. Mr. Juma' – who is coordinator of the Palestinian Grassroots Anti-Apartheid Wall Campaign (Stop the Wall) – has been subjected to the military court system, which does not comply with international standards of fair trial and due process. He was denied access to his lawyer for nine consecutive days following his arrest. On 7th January 2010 a military judge authorized a further six day extension to Mr. Juma's detention, purportedly to allow time for more investigation, despite the authorities having already held him in custody for over three weeks without any charge and having ceased questioning him last month.

The arrest of Jamal Juma' is part of an intensive wave of Israeli repression against human rights defenders and anti-Wall activists protesting against the Wall, and its associated unlawful regime, who in light of Israel's non-compliance with the International Court of Justice's advisory opinion of July 2004 on the legal consequences of the Wall, were left to defend their human rights alone. They did so by mobilizing an international solidarity movement against the Wall and by increasing their international advocacy efforts, liaising with various United Nations agencies and participating in international speaking tours.

On 22 September 2009, Mohammad Othman, a youth coordinator with the Stop the Wall Campaign, was arrested and placed under administrative detention, without charge or trial, after 61 days of harsh interrogation proved no criminal activity. No external evidence was brought to the attention of the court and the military prosecutors were unable to formulate substantiated allegations or charges against him.

On 10 December 2009, Abdallah Abu Rahma, the Head of the Popular Committee against the Wall and Settlements in Bil'in, was also detained for his role in mobilizing demonstrations against the Wall.

In response to increasingly organized advocacy efforts and grassroots protests, the villages affected by the Wall and Israel's annexation policies have been subjected to arrests, intimidation, threats and killings and, at times, collective punishment. Far from being incidental to lawful measures to maintain public order, these developments, including the excessive and often arbitrary use of force, constitute a systematic policy intended to isolate, contain and suppress civil resistance to the Wall and Israeli occupation.¹

The European Union has clearly defined regulations demanding the respect of international law and human rights in third countries. The EU is also committed to promote this respect, in particular as regards ensuring the protection of human rights defenders, pursuant to EU Guidelines.² All agreements with Israel, including the EU Neighbourhood Policy, the EU-Israel Association Agreement and the EU-Israel Action Plan require mutual compliance with human rights standards and highlight that bilateral relations are based on a commitment to 'common values'. Indeed, Article 2 of the EU-Israel Association Agreement states: *"Relations between the Parties, as well as all the provisions of the Agreement itself, shall be based on respect for human rights and democratic principles, which guides their internal and international policy and constitutes an essential element of this Agreement."*

The EU Guidelines on the protection of human rights defenders are integral to this drive for compliance with human rights standards, as the following provisions make clear:

- 'the EU recognises that individuals, groups and organs of society all play important parts in furthering the cause of human rights.'; and
- 'the EU acknowledges that the activities of human rights defenders have over the years become more widely recognised. They have increasingly come to ensure greater protection for the victims of violations. However, this progress has been achieved at a high price: the defenders themselves have increasingly become targets of attacks and their rights are violated in many countries. The EU believes it is important to ensure the safety of human rights defenders and protect their rights'.

Indeed, the arrest and subsequent treatment of Palestinian human rights defenders is a particularly strong indication that Israel lacks the necessary commitment to 'respect for human rights and democratic principles' stipulated under the Association Agreement and Action Plan. Such treatment also highlights substantial problems within the Israeli judicial system, including the existence of and arbitrary recourse to a military court system that does not comply with international standards of fair trial and due process and which many

¹ This has been extensively documented in a joint report issued by Stop the Wall and Addameer Prisoner Support and Human Rights Association, *Repression Allowed, Resistance Denied*, July 2009
<http://stopthewall.org/activistresources/2019.shtml>

² Full text of the guidelines is available at: <http://www.consilium.europa.eu/uedocs/cmsUpload/16332-re02.en08.pdf>.

observers now consider to violate the concept of temporary military law over civilians resident in occupied territory as allowed for under the law of belligerent occupation.

In order not to weaken the perception of the European Union's own commitment to its noble values, we ask you:

- to raise your concern about the cases of Jamal Juma', Mohammad Othman and Abdallah Abu Rahma and other human rights defenders in public statements and in your talks with Israeli officials.
- to mandate diplomats of the European Commission to provide "visible recognition for human rights defenders and their work, through appropriate use of the media", as recommended in the EU guidelines on the protection of human rights defenders.
- to review existing agreements and condition any future negotiations and action plans with Israel on its upholding of international law and respect for human rights, including its cessation of the harassment and detention of human rights defenders and respect for the advisory opinion of the International Court of Justice on the illegality of the Wall. The adoption of this opinion through UN General Assembly resolution ES-10/15 has been fully supported by the European Union.

We look forward to hearing back from you at your earliest convenience.

Sincerely,

Endorsed by:

Palestine

Palestinian Grassroots Anti-Apartheid Wall Campaign
Addameer Prisoner Support and Human rights Association
Palestinian Center for Human rights (PCHR)
Al Haq
Ittijah -Union of Arab Community Based Associations
Adalah
Arab Association for Human Rights – HRA

Individual endorsements:

Luisa Morgantini, former Vice President of the European Parliament
Lionel Blackman, Chairman of the Solicitors International Human Rights Group
Michael Mansfield QC, head of Took's Chambers in London
Dr. Fanny-Michaela Reisin, president of the International League for Human Rights - FIDH/AEDH Germany

Europe:

European Coordination Committee on Palestine (ECCP)
Habitat International Coalition – Housing and Land Rights Network (HIC-HLRN)

Generation Palestine

Spain:

Sotermún

Unión Sindical Obrera

Acsur-Las Segovias

Fundacion Iepala

Federación De Asociaciones De Defensa Y Promoción De Los Derechos Humanos-España

Members include:

Asociación para las Naciones Unidas en España (ANUE)

Asociación Pro Derechos humanos de España (APDHE)

Asociación para la Defensa de la Libertad Religiosa (ADLR)

Comisión Española de Ayuda al Refugiado (CEAR)

Institut de Drets Humans de Catalunya (IDHC)

Instituto de Estudios Políticos para

Firma la carta adjunta la Fundacion (IEPALA)

Justicia y Paz

Liga Española Pro Derechos Humanos

Movimiento por la Paz, el Desarme y la Libertad (MPDL)

Paz y Cooperación

Mundubat

UNESCO Etxea

Plataforma de Mujeres Artistas contra la Violencia de Género Coordinadora Estatal de Asociaciones Solidarias con el Sáhara (CEAS-Sáhara)

Red Solidaria contra la Ocupación de Palestina, members include:

Asociación Al-Quds de Solidaridad con los Pueblos del Mundo Árabe (Málaga)

ASPA - Asociación Andaluza por la Solidaridad y Paz

Asociación Hispano Palestina Jerusalén (Madrid)

Asociación Pro-Derechos Humanos de Andalucía

Boicot Preventiu

Comunidad Palestina de Canarias

Comunitat Palestina de Catalunya

CSCA (Madrid, Asturias)

Ecologistas en Acción (Confederal)

Grupo de ONG (Grupo de ONG por Palestina+ACSUR)

INTERPUEBLOS - Comité de Solidaridad con los Pueblos (Cantabria)

Komite Internazionalistak (Euzkadi)

Komite Internazionalistak (Euzkadi)

MEWANDO (Euzkadi)

Movimiento de Solidaridad Internacional (ISM)

Mujeres por la Paz - Acción solidaria con Palestina (Canarias)

Paz Ahora

Paz con Dignidad

Plataforma de Solidaridad con Palestina (Sevilla)

Red de Jóvenes Palestinos

Red Euromediterranea de Cooperación al Desarrollo
Sodepaz
Sodepaz Balamil - Plataforma Solidaria con Palestina de Valladolid
Taula per Palestina (Illes Balears)
Xarxa d'Enllaç amb Palestina (Països Catalans)
Xarxa de Solidaritat amb Palestina de Valencia

Institut de Drets Humans de Catalunya
NoVA - Social Innovation Centre
Comunitat Palestina de Catalunya
Xarxa d'Enllaç amb Palestina

United Kingdom:

Lawyers for Palestinian Human Rights
War on Want
Palestine Solidarity Campaign – UK
Council for British Arab Understanding (CAABU)
Action Around Bethlehem Children With Disability (ABCD)

Netherlands:

ICCO
Cordaid
Equal in Rights
IKV Pax Christi

Germany:

Kooperation für den Frieden (Cooperation for Peace) members include:

Aachener Friedenspreis e.V.
Aktion Freiheit statt Angst e.V., Jupiterstrasse 18, 12057 Berlin
Aktionsgemeinschaft Dienst für den Frieden (AGDF)
Aktionsgemeinschaft Friedenswoche Minden
Antikriegsbündnis "Menschen für den Frieden Düsseldorf"
Arbeitsstelle Frieden und Abrüstung e.V.
Bildungs- und Begegnungsstätte für gewaltfreie Aktion KURVE Wustrow
Bremer Aktion für Kinder (BAKI)
Bund demokratischer WissenschaftlerInnen (BdWi)
Bund für Soziale Verteidigung (BSV)
Bundesverband Bürgerinitiativen Umweltschutz (BBU)
Christen für gerechte Wirtschaftsordnung (CGW)
DFG-VK Bundesgeschäftsstelle
EUCOMmunity
Evangelische Arbeitsgemeinschaft zur Betreuung von Kriegsdienstverweigerern (EAK)
Evangelisch-methodistische Kirche in Deutschland - Friedensausschüsse
Forum InformatikerInnen für Frieden und gesellschaftliche Verantwortung

Frauen in Schwarz, Hamburg
Frauen in Schwarz, Köln
Frauennetzwerk für Frieden e.V.
Friedensforum Münster
Friedensgruppe Altenholz
Friedensinitiative Kyritz-Ruppiner Heide
Friedensinitiative Nottuln e.V.
Friedensrat Müllheim
Friedenszentrum Braunschweig e.V.
Gewerkschaft Erziehung und Wissenschaft, Hauptvorstand
Heidelberger Friedensratschlag
IFIAS
Internationale JuristInnen gegen ABC-Waffen (IALANA)
Infostelle für Friedensarbeit, Meckenheim
IPPNW, Deutsche Sektion der Internationalen Ärzte zur Verhütung des Atomkrieges
/ Ärzte in sozialer Verantwortung (IPPNW)
Internationale Frauenliga für Frieden und Freiheit (IFFF)
Internationaler Versöhnungsbund - deutsche Sektion
Komitee für Grundrechte und Demokratie
Koordinierungsausschuss der Friedensbewegung in der Region Ingolstadt
Leserinitiative Publik e.V.
Lebenshaus Schwäbische Alb - Gemeinschaft für soziale Gerechtigkeit, Frieden und
Ökologie e.V.
Mönchengladbacher Friedensforum
NaturwissenschaftlerInnen-Initiative "Verantwortung für Frieden und
Zukunftsfähigkeit"
Netzwerk Friedenskooperative
Netzwerk Friedenssteuer
Ökumenisches Friedensnetz Düsseldorfer Christinnen und Christen
Ökumenisches Zentrum für Umwelt-, Friedens- und Eine-Welt-Arbeit, Berlin
Pädagoginnen und Pädagogen für den Frieden (PPF)
Pax Christi - Deutsche Sektion
Rhöner Friedenswerkstatt im UNESCO-Biosphärenreservat, Künzell
Sichelschmiede, Werkstatt für Friedensarbeit in der Kyritz-Ruppiner
Heide
VVN-BdA, Vereinigung der Verfolgten des Naziregimes - Bund der Antifaschistinnen
und Antifaschisten
Werkstatt für Gewaltfreie Aktion, Baden
Würselener Initiative für den Frieden

Deutscher Koordinationskreis Palästina Israel - für ein Ende der Besatzung und einen
gerechten Frieden, members include:

Arbeitsgruppe Palästina / attac Hamburg
AK Palästina Tübingen
Arbeitskreis Nahost Berlin
Arbeitskreis Palästina im Nürnberger Evangelischen Forum für den Frieden (NEFF)

Attac Arbeitsgruppe Globalisierung und Krieg
Bentieröder Kreis
Bonner Nakba60-Gruppe
Deutsch-Palästinensische Gesellschaft e.V.
Deutsch-Palästinensische Medizinische Gesellschaft (DPMG e.V.)
Deutsch-Palästinensischer Frauenverein e.V.
Flüchtlingskinder im Libanon e.V.
Frauennetzwerk für Frieden e.V.
Frauennetzwerk Nahost
Friends of Sabeel Germany
Heidelberger Friedensratschlag
Internationaler Versöhnungsbund, Deutscher Zweig
IPPNW, Deutsche Sektion der internationalen Ärzte für die Verhütung des
Atomkrieges/ Ärzte in sozialer Verantwortung e.V.
ISM-Germany
Jüdische Stimme für einen gerechten Frieden in Nahost
Palästina/Nahost-Initiative Heidelberg
Palästinensische Gemeinde Deutschland (PDG) e. V.
Pax Christi, deutsche Sektion
Projekt Freundschaft. Münsteraner Arbeitskreis für Frieden in Palästina und Israel
<http://www.salam-shalom.org/Salam Shalom München. Arbeitskreis Palästina/Israel>
Schalom Salam in Salem
Vereinigung für Internationale Solidarität

France:

Campagne Civile Internationale pour la Protection du Peuple Palestinien (CCIPPP)

Plateforme des ONG françaises pour la Palestine, members include:

AITEC
Association France Palestine Solidarité
Association des villes françaises jumelées avec des camps de réfugiés palestiniens
CBSP
CCFD
Cedetim
CEMEA
CICUP
Cimade
Comité Gaza Jérusalem Méditerranée
CVPR
Enfants du Monde - Droits de l'Homme
Enfants Réfugiés du Monde
Fédération Artisans du Monde
FSGT
Génération Palestine
GREF
Le Mouvement de la Paix
LIFPL

Ligue des Droits de l'Homme
Mouvement International de la Réconciliation
MRAP
Palestine 33
Secours Catholique-Caritas France
SIDI
Terre des Hommes-France
Union Juive Française pour la paix.

Observers : ACAT, Afran-Saurel, Agir ensemble pour les droits de l'Homme , Amnesty International , Association Pour Jérusalem , Collectif judéo-arabe et citoyen pour la paix, Coordination SUD, CRID, Francas, GAIC, Handicap International, Médecins du Monde, Pax Christi, Ritimo, TVEAC.

Italy:

Un ponte per...

United States:

National Lawyers Guild, Free Palestine Subcommittee