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ISRAEL-OCCUPIED PALESTINIAN TERRITORIES (OPT): Travel ban violates rights of human rights defender – must be lifted

Amnesty International deplores the Israeli authorities' continuing refusal to allow leading Palestinian human rights activist Shawan Jabarin to travel outside the Occupied Palestinian Territories (OPT), and is calling for the immediate removal of this restriction.

Shawan Jabarin, general director of the Palestinian human rights organization al-Haq, has not been permitted to leave the OPT since March 2006. The travel ban imposed by the Israeli army has prevented him attending a number of human rights conferences and other events abroad, and continues to hamper his work as a leading human rights activist in the OPT.

The Israeli authorities maintain that Shawan Jabarin is prohibited from leaving the West Bank for "security reasons". However, they have not charged Shawan Jabarin with any offence and have refused to provide any information to him or to his lawyers about the alleged "security reasons" – thereby making it impossible for him to effectively challenge the ban.

Amnesty International is concerned that the travel ban imposed on Shawan Jabarin violates his rights to freedom of movement and association, and to receive and impart information – rights guaranteed in the International Covenant on Civil and Political Rights (ICCPR, Articles 12, 19 and 21), to which Israel is a State Party. It is also inconsistent with the rights enshrined in the UN Declaration on Human Rights Defenders (Articles 6, 17 and 9).

While the right to freedom of movement may be restricted in certain prescribed circumstances, the UN Human Rights Committee (the body tasked with monitoring the implementation of States' compliance with the ICCPR) has clarified that "*permissible limitations which may be imposed on the rights protected under article 12 must not nullify the principle of liberty of movement*" and that "*the relation between right and restriction, between norm and exception, must not be reversed*" (General Comment 27).

The UN Human Rights Committee has stated that States must provide the reasons for any restrictions of an individual's freedom of movement (General Comment 27).

The authorities' refusal to divulge information as to why they consider Shawan Jabarin to pose a "security threat" makes it impossible for him to effectively challenge the prohibition and thus violates his right to due process, as well as his right to freedom of movement.

Shawan Jabarin has petitioned the Israeli High Court seeking to have the travel ban lifted, and a hearing on the case is scheduled to take place on 3 July 2008. Two previous petitions were rejected by the High Court in December 2006 and in June 2007. In both instances neither Shawan Jabarin nor his counsel were permitted to see the information submitted by the army to the Court.

Background

Prior to the imposition of the current travel ban in 2006, Shawan Jabarin was denied permission to leave the West Bank in 2004 to travel to Ireland to study for his Masters degree at Galway University. On that occasion as well, the ban was imposed by an administrative decision for which no supporting evidence was provided by the Israeli military authorities to either Shawan Jabarin or to his lawyer. However, after Shawan Jabarin began action to petition the Israeli Supreme Court to overturn the ban, the Israeli military authorities relented and said they would allow him to leave the West Bank if he undertook to remain abroad for three years continuously, without returning to the West Bank. He rejected the offer and the army eventually agreed to allow him to leave the West Bank on condition that he remain abroad for one year, which he accepted, as his course required him to be in Ireland for that period. He returned home to the West Bank after one year, in 2005, having obtained a Masters degree in human rights from Galway University.

In March 2006 the Israeli military authorities prevented Shawan Jabarin from leaving the West Bank and summoned him to the Gush Etzion police station, near Bethlehem. There, on 26 March 2006, he was told by security officials to strip the clothes from his torso. He refused to do so, considering such an order unjustified and humiliating, whereupon the Israeli security officials confiscated his identity card. This was not returned to him until July 2006, after an Israeli human rights organization had taken the matter up with the Israeli authorities.

Al-Haq, one of the leading Palestinian human rights organizations, was established in 1979 and is based in Ramallah, in the occupied West Bank. It has consultative status with the UN Economic and Social Council (ECOSOC) and is a member of several leading international human rights organizations, including the International Federation for Human Rights (FIDH), the World Organization Against Torture (OMCT) and the International Commission of Jurists (ICJ).

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