

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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Israel: Amnesty International urges government to respect the right to freedom of peaceful assembly

Amnesty International wrote to the Israeli Minister of Public Security Yitzhak Aharonovitch on 4 July 2012 urging him to ensure that any investigation into allegations that Israeli police officers used excessive force against “social justice” protestors in Tel Aviv on 22 and 23 June is promptly carried out by a body whose remit and make-up allows it to meet the criteria for a fully independent and impartial investigation in line with its obligations under international human rights law. The letter was a follow-up to an earlier letter to the Minister sent by Amnesty International’s local branch in Israel to which no substantive response has been received.

Hundreds of protestors gathered on 22 June in Tel Aviv and were met with unnecessary and excessive force; thousands are reported to have gathered the following night to demonstrate against police treatment of protestors the previous day. A few demonstrators apparently damaged property and blocked roads, while some clashed with police officers. At the same time, according to reports by local NGOs such as ACRI and in the media, police again resorted to unnecessary and excessive force, including against demonstrators, some of whom were arrested solely for exercising their right to freedom of peaceful assembly.

In its letter to the Minister, Amnesty International welcomed reports in the Israeli online media site Ynet News on 26 June that Police Commissioner Yohanan Danino had announced that an internal taskforce from the Tel Aviv District Police would look into allegations that police used excessive force.

The organization stressed that any investigation must be fully equipped to look into violations by individual members of the police and security forces, including any orders that officers were given by superiors which may have led to unnecessary and excessive force against protestors. Any findings should be made public in a timely fashion and anyone responsible for human rights violations should be brought to justice in proceedings that conform to international fair trial standards.

Around 12 protestors were arrested and detained briefly on 22 June, apparently on grounds including the lack of a permit for their protest. Protest leaders said later they had been told that the authorities would not grant permits for “social justice” protests.

An estimated 90 people were reportedly arrested at the 23 June demonstration. According to media reports, a judge in Tel Aviv Magistrate’s Court ordered their release, expressing surprise at the unusual step taken by the police in detaining them. Of these, 37 are said to be subject to further investigations by the prosecutor’s office pending possible charges.

Amnesty International urged the Israeli authorities to ensure that any charges against peaceful protestors for demonstrating without a permit are dropped since to pursue such charges would violate their right of freedom of peaceful assembly. In its letter, the organization called for the right to peaceful protest to be protected for all individuals under Israeli jurisdiction – whether inside Israel or within the Occupied Palestinian Territories, stating that the authorities must ensure that the right to freedom of peaceful assembly - without threat of detention and criminal proceedings - is upheld, whether or not a permit is obtained in advance.

A 5 July 2012 article in Ha'aretz newspaper reported that in May the Be'er Sheva police granted demonstration permits to "social justice" protestors, signed by Tomer Badash, the station chief, with the stipulation that protestors must not hold " ... signs that damage Israel's name" and "[t]he applicants will be responsible for the event." If the information is accurate, it would signal that the Israeli police are not complying with their obligation to uphold the right to freedom of peaceful assembly and are intent on interfering with the right to freedom of expression.

The organization also expressed concern at media reports on 28 June 2012 that Police Commissioner Yohanan Danino issued a directive to police commanders to document every "involvement of the Arab community in the protests." Policing of demonstrations, including prior intelligence gathering, should be carried out in a manner which does not violate the prohibition on discrimination in the International Covenant on Civil and Political Rights (ICCPR) to which Israel is a state party.

Background

"Social justice" protests began in July 2011, with hundreds of thousands participating in peaceful protests calling for lower housing costs and improved health and education systems.

Article 19 of the International Covenant on Civil and Political Rights (ICCPR), guarantees the right to hold opinions without interference and the right to seek, receive and impart information and ideas of all kinds regardless of frontiers. Article 21 guarantees the right to freedom of peaceful assembly. The UN Special Rapporteur on the right to freedom of peaceful assembly and of association stated in May 2012 that "the presumption in favour of holding peaceful assemblies" is considered best practice and "that the exercise of fundamental freedoms should not be subject to previous authorization by the authorities...but at the most to a prior notification procedure, whose rationale is to allow State authorities to facilitate the exercise of the right to freedom of peaceful assembly and to take measures to protect public safety and order and the rights and freedoms of others."

Amnesty International recognises the right of police officers to defend themselves and to protect the safety of the public. However, in doing so, they are obliged to abide by the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials which state that governments and law enforcement agencies must recognise that the right to participate in lawful and peaceful assemblies is included in the Universal Declaration of Human Rights (UDHR) and the ICCPR. The use of force in the dispersal of non-violent public assemblies should be avoided. Where necessary, it should be restricted to the minimum required for the achievement of the legitimate objective. Claims that the gathering is "unlawful" does not in itself make its dispersal a legitimate objective. The use of force to disperse violent public assemblies should similarly conform to the requirements of necessity and proportionality.

Over the years, Amnesty International has raised concerns about restrictions on freedom of assembly in the Occupied Palestinian Territories where Israeli forces have used live fire and other excessive force against Palestinian demonstrators in the West Bank - including activists who have mounted protests, some peaceful, against the fence/wall and the presence of illegal Israeli settlements and who continue to face arrest and trial before Israeli military courts – and to enforce the "exclusion zone" within Gaza and along its coast. Protesters at the Lebanese and Syrian borders have also been met with excessive force.

Public Document

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