

# AMNESTY INTERNATIONAL PUBLIC STATEMENT



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## **Israel/Occupied Palestinian Territories: Israeli authorities should revoke Palestinian human rights defender's travel ban**

Having decided to permit Palestinian human rights defender Shawan Jabarin to travel abroad from the West Bank for the first time in six years, Israel should now revoke his travel ban, Amnesty International and Human Rights Watch said today.

On 22 February, Israel's State Prosecutor agreed to a "temporary exception" to the ban, allowing Shawan Jabarin to travel to Geneva at the invitation of the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.

The two organizations said that the Israeli authorities had never produced any evidence to justify banning Shawan Jabarin from travelling, and should follow this belated "exception" by lifting the arbitrary ban entirely.

According to international human rights standards, any restrictions on travel should be issued in only exceptional circumstances, for reasons stated clearly and publicly, and be open to legal challenge. The refusal of the Israeli authorities to make public any evidence to substantiate the reasons for the travel ban means that Shawan Jabarin has been denied a meaningful opportunity to challenge the ban in court.

Shawan Jabarin's lawyer had filed a petition on 16 February asking the Israeli Supreme Court to overturn the ban.

It is the first time he has been allowed to leave the West Bank since he became the director of Al-Haq, a leading Palestinian human rights organization, in March 2006. Israel recently refused to allow Shawan Jabarin to travel abroad to receive human rights awards, including the Geuzen Medal in the Netherlands in 2010, and the Prize for Freedom in Denmark in 2011. He is also a member of the advisory committee of Human Rights Watch's Middle East and North Africa Division.

Amnesty International, Human Rights Watch, and numerous Palestinian and Israeli organizations have repeatedly urged the Israeli authorities to completely lift the travel ban, which is based on secret evidence that has never been disclosed to Shawan Jabarin or his lawyers.

Amnesty International and Human Rights Watch said that if the authorities deem that there is no security risk in Shawan Jabarin travelling to meet with Special Rapporteur Frank La Rue today, it is hard to understand why the travel ban should remain in place at all, especially in the absence of any public evidence justifying it.

The Israeli military has previously claimed in court, based on secret evidence, that Shawan Jabarin is an activist in the Popular Front for the Liberation of Palestine (PFLP), which Israel considers a terrorist organization, and that his travel abroad would endanger Israel's security. He served a nine-month sentence in 1985 after conviction of providing a service to the PFLP by facilitating the travel of two members abroad for training but denies having been a member since his release.

During the 1980s and 1990s, Israeli forces repeatedly held him as an administrative detainee without charge or trial and without presenting any public evidence that he was a PFLP member at that time.

In August 1990, during one of his administrative detention terms, he was adopted as a prisoner of conscience by Amnesty International. In November 1994, the UN Working Group on Arbitrary Detention declared his detention to be arbitrary.

Following his release in early 1998, the Israeli authorities allowed him to travel abroad eight times over seven years before imposing an indefinite travel ban in 2006, after he became Al-Haq's director. This ban has since been upheld by the Israeli Supreme Court on security grounds, which found in favour of the Israeli military, even though the Israeli authorities have never provided any public evidence justifying the sweeping ban on his travel outside the West Bank. Shawan Jabarin and his lawyers have never been able to see or contest the secret information cited by the court.

In a letter thanking Amnesty International members for their campaigning on his behalf, Shawan Jabarin wrote:

"[As] I prepare myself to depart to Geneva, I have many conflicting thoughts and emotions running through my mind. I am happy because I, albeit temporarily, have regained my freedom to travel. However, I am dismayed because of the thought that many others continue to have their liberties crushed.

"This latest decision to allow me just one chance to travel has reinforced my conviction that liberty should be held as inviolable and deepened my resolve to defend the liberty of others."

## **Background**

Article 12 of the International Convention on Civil and Political Rights (ICCPR), which the International Court of Justice and other legal bodies have determined applies to the Occupied Palestinian Territories, states that everyone shall be free to leave any country, including his or her own.

Under international law, states may restrict an individual's freedom of movement in only exceptional cases to protect national security, public order, public health or morals and the rights and freedoms of others, and the state must allow the person affected the opportunity to challenge the justifications for applying the restrictions, including the evidence supporting it, in a timely and open process.

In its recent General Comment 34, the UN Human Rights Committee, the authoritative body which interprets the ICCPR, stated that it would normally be incompatible with Article 19 of the ICCPR to restrict the freedom of those who seek to exercise their freedom of expression (such as persons who wish to travel to human rights-related meetings) to travel abroad.

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