



To:

Mr. President, Mahmoud Abbas, President of the State of Palestine

CC:

Dr. Mohammed Ibrahim Shtayyeh, Prime Minister of the State of Palestine

Mr. Ibrahim Khraishi, Permanent Delegate of Palestine to the UN Office at Geneva

Mr. Akram Al-Khateeb, Attorney General of the State of Palestine

Mr. Michael Lynk, UN Special Rapporteur on the situation of human rights in the Palestinian Territory occupied since 1967

Board

Ms. Mary Lawlor, UN Special Rapporteur on the situation of human rights defenders

Mr. Clément Nyaletsossi VOULE, UN Special Rapporteur on the rights to freedom of peaceful assembly and of association

Ms. Irene Khan, UN Special Rapporteur on the promotion and protection of freedom of opinion and expression

Prof. Nils Melzer, UN Special Rapporteur on torture and other cruel and inhuman treatments

Ms. Elina Steinerte, Chair-Rapporteur, UN Working Group on arbitrary detentions

Mr. Morris Tidball-Binz, UN Special Rapporteur on extrajudicial, summary or arbitrary executions

Mr. Eamon Gilmore, EU Special Representative for Human Rights

20 October 2021

Your excellency,

We are writing to you on behalf of ESCR-Net - International Network for Economic, Social and Cultural Rights.

A global network consisting of over 280 organizations and advocates across 75 countries, devoted to achieving economic, social, cultural and environmental justice through human rights.

We are writing to you to express our profound concern regarding the repression of peaceful protests sparked by the killing of Palestinian activist Nizar Banat while being detained by security forces from the Palestinian Authority.

According to credible sources, the political activist Nizar Banat was arrested at his relatives' house on Thursday, 24 June 2021, by approximately 14 members of Preventive Security. His family claims that Mr. Banat was pepper sprayed and severely beaten with rifle butts, wooden batons and an iron crowbar by security officers during his arrest. A short time later, his death

was announced at a nearby hospital.¹ According to the autopsy carried out for his body, his death was declared to be due to unnatural factors.

Nizar Banat was a vocal critic of the Palestinian National Authority and frequently published videos on social media denouncing corruption and more recently the handling of the Covid-19 pandemic by the authorities, among other issues. Similarly, Mr. Banat ran for the Legislative Council in the general elections of 2021 as an independent candidate under the Freedom and Dignity List. The elections were due to take place in May 2021 but were postponed indefinitely by your excellency in April 2021. During his life, Mr. Banat had been harassed and attacked, including arrests and death threats, in connection with his political activity, and in May 2021, unidentified gunmen fired bullets and tear gas inside his home, while his wife and children were inside.²

In response to Nizar Banat's killing, several peaceful protests were launched in various Palestinian provinces. The demonstrators were met with severe repression by members of the Palestinian National Authority security forces, some in uniform and others in civilian clothes. During multiple peaceful protests in Ramallah in late June, July and August 2021, staff from Al-Haq, an ESCR-Net member, documented the excessive use of force against demonstrators by Palestinian security forces, who dragged participants, violently assaulted them and passers-by with batons and stones and indiscriminately used tear gas in the city center in the presence of women, children and elderly people. These attacks against demonstrators took place despite the presence of security forces, including Palestinian police officers, who did not provide the demonstrators with any form of protection.

During the protests, journalists were targeted and their equipment confiscated while documenting the events. A member of the Office of the UN High Commissioner for Human Rights, who was present in his UN jacket, and members of Al-Haq team, who were also present in Al-Haq jackets as field observers, were also targeted during a protest, and some, including females, were beaten and their mobile phones confiscated by security forces.³ Female protesters, including female journalists, were also targeted by sexual harassment by members of the security forces in civilian clothes as well as by demonstrators who participated in counter-protests. Some female protesters also had their mobile phones confiscated, and their personal photos were later published.⁴

During peaceful protests to denounce the killing of Nizar Banat, Fatah supporters carried out other pro-Palestinian government protests near the first protests. Documents indicated that Fatah supporters beat peaceful demonstrators without any intervention to provide police protection, and even pro-Fatah

¹ Amnesty International (24 June 2021): Palestine: Investigation into death in custody of Palestinian activist must be transparent, effective. Available at <https://www.amnesty.org/en/latest/news/2021/06/palestine-investigation-into-death-in-custody-of-palestinian-activist-must-be-transparent-effective/>

Al Jazeera (24 June 2021): Palestinian Authority critic dies during arrest by PA. Available at <https://www.aljazeera.com/news/2021/6/24/critic-of-palestinian-authority-dies-during-arrest>

² Al Jazeera (24 June 2021): **Palestinian Authority critic dies during arrest by PA, available at** (<https://www.aljazeera.com/news/2021/6/24/critic-of-palestinian-authority-dies-during-arrest>)

³ Al-Haq (27 June 2021): Al-Haq Condemns the Palestinian Authority Security Forces Attack and Suppression of a Peaceful Assembly in Ramallah. Available at <https://www.alhaq.org/advocacy/18571.html>

⁴ Al-Haq (25 August 2021): Al-Haq, Human Rights and Civil Society Organizations Hold Head of the Executive Authority and Government Responsible for Rights and Freedoms' Violations and the Collapse of Official Institutions. Available at <https://www.alhaq.org/advocacy/18743.html>

demonstrators confiscated mobile phones from participants in other protests and handed them over to security forces on site.

During the ongoing protests, dozens of persons have been arrested by Palestinian security forces. Many have claimed to have suffered ill treatment at the hands of the security forces during detention. On 5 July 2021, security forces closed off parts of downtown Ramallah to prevent protests and arrested seven persons looking to attend a planned protest.⁵ As the families of the detained demonstrators held a peaceful vigil in front of the police station in Al-Balou area of Ramallah, activists and journalists joined them to demand respect for rights and freedoms and the release of the detainees. In response, Palestinian police officers severely beat participants, dragged them and pepper sprayed them.⁶ Twenty-two members of these families, along with human rights defenders, academics, journalists and prominent figures in the Palestinian society who were present before the police station in solidarity, were put in arbitrary detention, including women and elderly people.

Similarly, Palestinian Authority security forces have also taken additional steps to limit the right to freedom of expression and peaceful assembly. Later, on 21 August 2021, several protests were prevented and suppressed, and 12 activists were arrested even before the protests were carried out, including Khaldun Bishara, Mohammed Al-Attar, Fadi Quran, Zakaria Mohammed and Kawthar Abwainy.⁷

Several Palestinian human rights organizations condemned the suppression of the protests,⁸ and on 1 July 2021, Al-Haq and 33 other Palestinian organizations filed a criminal complaint with the Attorney General calling for an investigation into attacks by civilian-dress groups against citizens during peaceful protests on Thursday, 24 June 2021, Saturday, 26 June 2021 and Sunday, 27 June 2021, in Ramallah.⁹

The killing of activist Nizar Banat and the subsequent repression of peaceful protests appeared to be part of a broader campaign against civil society and the opposition in an effort to silence critics of the Palestinian National Authority.¹⁰ On 6 July 2021, three UN special rapporteurs expressed serious concern about attacks

⁵ Al-Haq (5 July 2021): Al-Haq Condemns the Security Forces Continued Attacks on Peaceful Protests and the Detention of Protestors. Available at <https://www.alhaq.org/ar/advocacy/18597.html>

⁶ Amnesty International (7 July 2021): Palestinian security forces escalate brutal campaign of repression. Available at <https://www.amnesty.org/en/latest/news/2021/07/palestinian-security-forces-escalate-brutal-campaign-of-repression/>

⁷ Middle East Eye (23 August 2021): Nizar Banat killing: Palestinian Authority arrests activists at Ramallah protests Available at <https://www.middleeasteye.net/news/palestine-authority-west-bank-ramallah-arrests-nizar-banat-protests>

⁸ Al-Haq (27 June 2021): Human rights organizations call for accountability for the perpetrators of attacks on peaceful protests and warn of a deteriorating human rights situation. Available at <https://www.alhaq.org/ar/advocacy/18583.html>

⁹ Al-Haq (5 July 2021), human rights organizations provide criminal notice to the Attorney General to investigate attacks against peaceful protests, available in <https://www.alhaq.org/ar/advocacy/18585.html>

¹⁰ Amnesty International (7 July 2021): Palestinian security forces escalate brutal campaign of repression. Available at <https://www.amnesty.org/en/latest/news/2021/07/palestinian-security-forces-escalate-brutal-campaign-of-repression/>

Human Rights Watch (2021): World Report 2021. Available at <https://www.hrw.org/world-report/2021/country-chapters/israel/palestine>

against government critics carried out by Palestinian security forces. They also called for a thorough and independent investigation into Nizar Banat's killing¹¹ and for accountability.

While Nizar Banat's killing was followed by the Palestinian military prosecution's filing of a lawsuit before the Palestinian Security Services against 14 accused members of the Palestinian Preventive Security, it is necessary to ensure all due process, procedures and legal guarantees to ensure a fair and just trial. To achieve universal justice, we call for an urgent and impartial trial that will hold accountable all those involved in the murder of Nizar Banat in procedures and principles that respect the rule of law.

In this regard, we would like to point out the need for the Palestinian National Authority to fulfil its obligations to promote, respect, protect and enforce human rights in accordance with its national laws, international standards and the basic international conventions on human rights to which it is signatory.

Specifically, the State of Palestine, as a state party to the International Covenant on Civil and Political Rights, is obliged to implement the following human rights, among others: The right to life; freedom from torture and cruel, inhuman or degrading treatment or punishment; the right to freedom and security, including freedom from unlawful or arbitrary arrest or detention; the right to due process; the right to freedom of association and peaceful assembly; and the right to participate in the management of public affairs as well as to vote and run in genuine periodic elections. This covenant also obliges signatory states to ensure available, adequate and effective remedies for violations of the rights contained in the treaty, which requires, among other things, the duty of the state to conduct prompt, comprehensive, impartial, effective and independent investigations into possible violations and to enable full accountability.

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which the State of Palestine is signatory, stipulates that it is the duty of each state party to take effective measures to prevent torture and other ill-treatment within the territories under its jurisdiction. No circumstances may be invoked to justify torture. The convention also stipulates that orders issued by a superior may not be invoked as justification. Furthermore, the convention obliges states parties to conduct a prompt and impartial investigation into suspected acts of torture and other ill-treatment within their jurisdiction. Any individual allegedly subjected to torture and other ill-treatment has the right to file a complaint and have their case investigated. States parties to this convention must also provide adequate redress to victims of torture and other ill-treatment within their jurisdictions.¹²

Here we also refer to the UN Declaration on the Rights of Human Rights Defenders, which, among other things, provides for commitments to take all necessary measures to ensure that all are protected from any violence, threat, retaliation or other arbitrary acts as a result of their actions to defend and promote human rights. This includes the prohibition of criminalizing human rights defenders, which constitutes a clear

¹¹ Office of the UN High Commissioner for Human Rights (6 July 2021): Occupied Palestinian Territory: Attacks against critics must stop, those responsible arrested – UN experts. Available at <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27267&LangID=E>

¹² Office of the UN High Commissioner for Human Rights (1987): Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Available in <https://www.ohchr.org/en/professionalinterest/pages/cat.aspx>

violation of criminal justice systems and aims to suppress dissent, which is condemned by international human rights bodies.¹³

Given the seriousness of this situation, ESCR-Net calls on the government of the State of Palestine to:

1. Carry out a prompt, thorough and independent investigation into all allegations of excessive use of force against demonstrators by Palestinian National Authority security forces. All those found to be involved, including supervisors, should also be held accountable.
2. Carry out an immediate, thorough and independent investigation into allegations of torture and other cruel, inhuman or degrading treatment or punishment against detained demonstrators, including sexual harassment of female demonstrators and detainees. All those involved should be held accountable.
3. Open a criminal investigation into attacks on protesters by civilian-dressed counter-demonstrators during protests in Ramallah since Thursday, 24 June 2021.
4. Ensure the right to freedom of expression and peaceful assembly in the State of Palestine and end all forms of violations committed on the basis of the exercise of rights and freedoms.
5. Hold accountable all those involved in Nizar Banat's killing as part of a fair and public trial that meets the right to due process and fair trial guarantees in accordance with international standards.
6. Stop all forms of attacks on civil society and government critics. Create an enabling environment for human rights defenders.
7. Ensure that the Palestinian people are empowered in the decision-making process and considered a partner. This is necessary to ensure respect for the principles of the rule of law, the individual and collective rights of the Palestinian people to political participation and the broader context of the right to self-determination.

We look forward to your response and briefing us if you take steps to address the above issues.

Sincerely,

Chris Grove

Executive Director

¹³ See, for example, Criminalizing Human Rights Defenders, report, Inter-American Commission on Human Rights, 2015, available at <http://www.oas.org/en/iachr/reports/pdfs/criminalization2016.pdf>