URGENT APPEAL - THE OBSERVATORY

ISR 002 / 1209 / OBS 198
Arbitrary detention / Judicial harassment
Israel / Occupied Palestinian Territory
December 23, 2009

The Observatory for the Protection of Human Rights Defenders, a joint programme of the World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH), requests your urgent intervention in the following situation in **Israel and the Occupied Palestinian Territory**.

Brief description of the situation:

The Observatory has been informed by reliable sources about the arbitrary detention of Mr. **Jamal Juma'**, Coordinator of the "Palestinian Grassroots Stop the Wall Campaign"[1] as well as a founding member of several Palestinian civil society networks and non-governmental organisations such as the Palestinian Agricultural Relief Committees.

According to the information received, on December 15, 2009, at 9 am, the Israeli police summoned Mr. Jamal Juma' for interrogation without providing any explanation. He was asked to come to the Qalandia checkpoint that same day at midnight. At 2.30 am on December 16, Mr. Juma' was brought handcuffed back to his home. In the presence of his wife and three young children, the army searched his house for two hours and confiscated his computer and cell phones. As the Israeli army was taking Mr. Juma' to the Moskobiyyeh Interrogation Centre in West Jerusalem, one of the soldiers said to his wife that she "would only see her husband again through a prisoners' exchange". Since then, Mr. Juma' has been detained and barred from having access to a lawyer, following a ban on lawyers' visits that was implemented by a court's decision on December 17.

On December 21, 2009, a court hearing at the Moskobiyyeh Interrogation Centre (Russian Compound) in West Jerusalem extended Mr. Jamal Juma's interrogation period for four days on the basis of "secret information" that was made available to him by representatives of the Israeli Security Agency (ISA). When Mr. Juma's legal counsel questioned the ISA officers about the content of the undisclosed information and the reasons for his detention, he received no answer. However, the Israeli interrogation police would have reportedly made vague accusations about his alleged involvement in activities supporting terror and threatening the security of the State that could be considered as incitement. However, so far no charges have been laid.

In addition, although Mr. Juma' was brought to court, he was prevented from speaking with his legal counsel, owing to the ban on lawyers' visits. As a result, his legal counsel was unable to ensure that he was detained in adequate conditions.

At the court hearing, Mr. Juma's legal counsel also argued that the military court did not have any jurisdiction over him as he should appear before an Israeli civil court. In response, the interrogation police answered that they received authority from both the Jerusalem Public Prosecutor's office and the military prosecution to interrogate Mr. Juma' under the military orders. Although the military judge was not satisfied with the interrogation police's justification, he still stated that the information provided was enough to apply military orders.

[1] The Campaign voices opposition to the Israeli occupation of the Palestinian territory, Israel's continuation of land confiscation as well as to Israel's human rights violations in the occupied Palestinian territory, including those resulting from the construction of the Annexation Wall inside the West Bank.

Through his work as the "Stop the Wall" Campaign Coordinator, Mr. Juma' regularly met with foreign diplomats, members of the European Parliament and Government officials. In recent months, Mr. Juma' has in particular been raising with European Union (EU) representative offices to the Palestinian Authority in Ramallah and EU consulates in East Jerusalem the issue of the administrative detention of Mr. **Mohammad Othman**, another volunteer with the "Palestinian Grassroots Stop the Wall Campaign", who remains detained since September 22, 2009 without charges or being able to know the reason for his arrest[2].

The Observatory expresses its deepest concern about Mr. Jamal Juma's arbitrary detention, which seems to merely aim at sanctioning his human rights activities, and calls upon the Israeli authorities to release him immediately and unconditionally.

The Observatory is particularly concerned by the military judge's decision to interrogate Mr. Jamal Juma' under the military court system, which could imply that his interrogation period be extended up to 90 days.

The Observatory further urges embassies of EU Member States in Israel and in the Occupied Palestinian Territory to follow Mr. Jamal Juma's case and to attend all the hearings on his case in accordance with the EU Guidelines on Human Rights Defenders, as well as to urge the Israeli authorities to comply with the relevant international norms and standards, including the UN Declaration on Human Rights Defenders, in order to create an environment where human rights defenders can operate freely.

Actions requested:

Please write to the authorities in Israel urging them to:

i. Guarantee in all circumstances the physical and psychological integrity of Mr. Jamal Juma';

ii. Release Mr. Jamal Juma' immediately and unconditionally since his detention is arbitrary as it only aims at sanctioning his human rights activities;

iii. Put an end to any kind of harassment - including at the judicial level - against Mr. Jamal Juma' as well as all human rights defenders in Israel and the Occupied Palestinian Territory and ensure in all circumstances that they are able to carry out their work without unjustified hindrances;

iv. Comply with the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly on December 9, 1998, in particular Article 1, which states that "everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels" and Article 12(2), which provides that "the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually or in association with others, against any violence, threats, retaliation, *de facto* or *de jure* adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the [...] Declaration";

v. More generally, ensure in all circumstances the respect for human rights and fundamental freedoms throughout the country and the Occupied Palestinian Territories in accordance with international human rights instruments ratified by Israel, including the International Covenant on Civil and Political Rights and the

[2] See Observatory Urgent Appeals ISR 001/1109/OBS 162 and 162.1.

UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Addresses:

- Mr. Benjamin Netanyahu, Prime Minister, Office of the Prime Minister, 3 Kaplan Street, PO Box 187, Kiryat Ben-Gurion, Jerusalem 91919, Israel. Fax: + 972 2 651 2631 / 02-670-5475, E-mail: rohm@pmo.gov.il, pm_eng@pmo.gov.il
- Mr. Ehud Barak, Deputy Prime Minister and Minister of Defence, Ministry of Defence, 37 Kaplan Street, Hakirya, Tel Aviv 61909, Israel. Fax: +972 3 691 6940, Email: minister@mod.gov.il.
- Mr. Avigdor Lieberman, Deputy Prime Minister and Minister of Foreign Affairs, Ministry of Foreign Affairs, 9 Yitzhak Rabin Boulevard, Kiryat Ben-Gurion, Jerusalem 91035, Israel. Fax: +972 2 628 7757 / +972 2 628 8618 / + 972-2-5303367. Email: sar@mfa.gov.il
- Mr. Yaakov Ne'eman, Minister of Justice, Ministry of Justice, 29 Salah al-Din Street, Jerusalem 91010, Israel. Fax: + 972 2 628 7757 / + 972 2 628 8618 / + 972 2 530 3367. Email: sar@justice.gov.il / tifereth@justice.gov.il
- Ambassador Aharon Leshno-Yaar, Permanent Mission of Israel to the United Nations in Geneva, Avenue de la Paix 1-3, CH-1202, Geneva, Switzerland, E-mail: mission-israel@geneva.mfa.gov.il, Fax: +41 22 716 05 55
- Embassy of Israel in Brussels, 40 avenue de l'Observatoire, 1180 Uccle, Belgium, Fax: + 32 2 373 56 17, Email: brussels@israel.org

Please also write to the diplomatic mission or embassy of Israel in your respective country as well as to the EU diplomatic missions or embassies in Israel.

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Geneva-Paris, December 23, 2009

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.

The Observatory, a FIDH and OMCT venture, is dedicated to the protection of Human Rights Defenders and aims to offer them concrete support in their time of need. The Observatory was the winner of the 1998 Human Rights Prize of the French Republic.

To contact the Observatory, call the emergency line:

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