

THE OBSERVATORY  
for the Protection of Human Rights  
Defenders

a joint programme

**fidh**  
Fédération internationale  
des ligues des droits de l'Homme

**OMCT**  
SOS-Torture Network



EURO-MEDITERRANEAN HUMAN RIGHTS NETWORK  
RÉSEAU EURO-MÉDITERRANÉEN DES DROITS DE L'HOMME  
الشبكة الأوروبية - المتوسطية لحقوق الإنسان



avocats sans frontières  
advocaten zonder grenzen

Mr Bernard Kouchner  
Minister of Foreign Affairs  
37 quai d'Orsay  
75700 Paris  
France

23 September 2008

**Re: Gaza - Human rights defenders prevented from travelling to international conferences and meetings in Europe**

Dear Minister,

Four Human Rights Defenders (HRDs) from Gaza were recently prevented from travelling to Brussels to attend major conferences and meetings with counterparts in Europe. On 11 September 2008, the Israeli authorities informed European diplomats that they rejected the applications for permission to exit Gaza submitted by four HRDs, including two winners of human rights awards, denying their right to freedom of movement. The applicants were **Mr Issam Younis**, Director of the Al Mezan Center for Human Rights, who has recently received the Weimar International Human Rights Award, **Mr Mahmoud Abu Rahma**, who works for Al Mezan Center for Human Rights, **Mr Raji Sourani**, Director of the Palestinian Center for Human Rights (PCHR), and **Mr Iyad Nasr**, employee of the International Committee of the Red Cross.

The HRDs have been invited by the Swedish organization Diakonia and the Belgian organization Avocats Sans Frontières (ASF) to take part in a conference on the enforcement of international humanitarian law with regard to the Occupied Palestinian Territories (OPT). The conference was scheduled to take place on 13 and 14 September 2008. In addition, they were invited by the Irish organization Trocaire to take part in a review session on its work on Israel and the OPT, scheduled to take place between 14 and 19 September. Mr Raji Sourani was also invited by the Euro-Mediterranean Human Rights Network (EMHRN) and the International Federation of Human Rights (FIDH) to take part in a delegation, composed of Israeli and Palestinian organizations that planned to meet officials from the European Union and member states, including cabinet members in Belgium, in order to raise human rights issues with them.

On 2 September 2008, the Israeli military informed the applicants, via the inviting organizations, that their applications to exit Gaza were denied "**as travel abroad was involved**". No security argument was raised, and it was even mentioned that if the events would take place in Israel the request might be considered. Palestinian and European human rights organizations requested the European Union and Member States to intervene and facilitate the HRDs' participation in the

events, where their presence, as representatives of the Palestinian civil society, is crucial. On 10 September following interventions by several EU Member States officials, Israeli officials said that the applications for permits of two out of the four HRDs were accepted and that they could exit Gaza in a vehicle belonging to the Belgian Consulate. **Despite this official agreement, the refusal to deliver the necessary authorizations to exit Gaza to the four HRDs was confirmed on 11 September 2008.**

Israel has frequently declined applications by Gazan HRDs to attend human rights related events in the West Bank and abroad, most of the time based on “security concerns” which are impossible to verify given that the evidence used by the relevant military bodies is not accessible. Since the siege on Gaza in June 2007 almost no HRD has been allowed to leave the Strip to participate in HR activities or events. In order to exit the Gaza strip, an application must be submitted two weeks prior to the intended exit date, but even with the right documentation, the application process is uncertain because of unannounced rules and procedures decided by the Israeli military. Moreover, many human rights defenders, who received a permit at one moment in time, have afterwards seen their permit refused, putting in doubt the security reasons invoked by Israel.

The Euro-Mediterranean Human Rights Network (EMHRN), Avocats Sans Frontières (ASF) and the Observatory for the Protection of Human Rights Defenders (a joint programme of FIDH and the World Organisation Against Torture - OMCT) strongly condemn the decision of the Israeli authorities that not only denies the right of HRDs to freedom of movement, but prevents independent and widely recognized Palestinian members of the civil society, with serious commitment to defend human rights and tolerance, to raise their voices and concerns in international fora. Preventing HRDs from carrying out their work freely is totally unacceptable and an important reason of concern. It is also all the more counter-productive in the current context of conflict and of political instability in the Palestinian Territories.

**In accordance with the EU Guidelines on Human Rights Defenders, which recognise the importance “to ensure the safety and protect the rights of human rights defenders”, the EMHRN, ASF and the Observatory call upon the EU and its Member States to:**

1. Hold Israel accountable for this type of incident, and other incidents concerning the freedom of movement of HRDs.
2. Request from Israel that, since it maintains its control on the movement of people travelling in and out of the Palestinian Territories, it ensures that permits are delivered at each and every legitimate request of HRDs to leave Gaza to carry out their work, including the participation in conferences within the OPT and abroad, in accordance with international conventions, including:
  - Article 12 of the International Covenant on Civil and Political Rights (ICCPR), which states that: *“Everyone shall be free to leave any country, including his own, and that “no one shall be arbitrarily deprived of the right to enter his own country.”*
  - Article 5 of the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized international convention: *“For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels:(a) To meet or assemble peacefully;(b) To form, join and participate in non-governmental organizations, associations or groups;(c) To communicate with non-governmental or intergovernmental organizations.”*
  - Article 13 (1) and (2) of the Universal Declaration of Human Rights (UDHR), which states that *“Everyone has the right to freedom of movement and residence within the borders of each State.”* and (2): *“Everyone has the right to leave any country, including his own, and to return to his country.”*

We would appreciate getting information on actions taken by the European Union and on any replies received from the authorities in Israel.

Sincerely yours,



Kamel Jendoubi  
President of the EMHRN



Souhayr BELHASSEN  
FIDH President



Francesca Boniotti  
General Director of ASF



Eric SOTTAS  
Directeur de l'OMCT

Cc: Ms Riina Kionka, Personal Representative of the Secretary General/High Representative of the EU on Human Rights; Mr Marc Otte, Special Representative of the European Union for the Middle East Peace Process; Mr Leonidas Tezapsidis, Head of Unit Near East, European Commission; Mr Ramiro Cibrian Uzul, Head of the European Commission Delegation in Israel; Mr John Kjaer, Representative of the European Commission technical Assistance Office for the West bank and Gaza, Ms Hélène Flautre, Chairwoman of the European Parliament sub-committee on human rights; Ms Jana Hybaskova, Chairwoman of the EP Delegation for relations with Israel; Mr Kyriacos Triantaphyllides, Chairman of the Delegation for relations with the Palestinian Legislative Council.