

NATIONAL LAWYERS GUILD

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October 8, 2013

A. Elizabeth Jones
Acting Assistant Secretary of State for Near East Affairs
U.S. Department of State
2201 C Street NW
Washington, DC 20520

Dear Ms. Jones,

The National Lawyers Guild (NLG) writes today with deep concern for Palestinian lawyer and human rights defender Anas Barghouti, who was arrested by the Israeli military on September 15, 2013. He has been brought before the military court three times, and will return on October 9, 2013. The charges against him relate entirely to the peaceful expression of political views. Amnesty International has recognized Anas Barghouti as a prisoner of conscience.¹ We call upon the US State Department to take action to uphold its commitment to human rights defenders and demand Barghouti's immediate release.

Anas Barghouti, 30, previously worked with Addameer Prisoner Support and Human Rights Association, a major Palestinian nongovernmental legal and advocacy organization that defends the human rights of Palestinian political prisoners. He has worked on cases of Palestinian political prisoners held in Israeli jails and those held in Palestinian Authority jails. Barghouti was arrested at the Container checkpoint near Ramallah on September 15.

"Human rights defender" is a term used to describe people who, individually or with others, act peacefully to promote or protect human rights.² Anas Barghouti is clearly a human rights defender. He is a Palestinian lawyer and an activist and writer engaged in extensive advocacy for Palestinian human rights, including directly defending political prisoners, writing articles, and participating in campaigns and demonstrations against violations of Palestinian human rights, particularly political detention and imprisonment.

Addameer, Barghouti's former employer, has been subjected to a campaign of harassment, including the arrest of its employee Ayman Nasser, the recent arrest on September 23 of its accountant Samer Arbid, and the travel ban imposed on Abdellatif Gheith, a member of its board of directors. In light of this ongoing harassment, the charges against Barghouti should also be seen as direct attacks on his legal work to defend Palestinian prisoners' human rights.

¹ Amnesty International, "Palestinian Human Rights Lawyer Charged: Anas Barghouti"
<http://www.amnesty.org/en/library/asset/MDE15/017/2013/en/7f91100f-4185-46a5-a920-c7a44c13e627/mde150172013en.html>.

² Office of the United Nations High Commissioner for Human Rights, "Human Rights Defenders: Protecting the Right to Defend Human Rights," <http://www.ohchr.org/Documents/Publications/FactSheet29en.pdf>.

The protection of human rights defenders is an individual and collective right and responsibility, as recognized by the United Nations and enshrined in such key international covenants as the International Covenant on Civil and Political Rights and the UN Declaration on Human Rights Defenders.

The rights of human rights defenders include the right to seek the protection of human rights at national and international levels; to conduct human rights education individually and with others; to form associations and nongovernmental organizations; to meet and assemble peacefully; to seek, obtain, receive and hold information relating to human rights; to develop and discuss new human rights ideas and principles and to advocate their acceptance; to submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may impede the realization of human rights; to make complaints about official policies and acts relating to human rights and to have such complaints reviewed; to offer and provide professionally qualified legal assistance or other advice and assistance in defense of human rights; to unhindered access to and communication with non-governmental and intergovernmental organizations and to effective protection under national law in reacting against or opposing, through peaceful means, acts or omissions attributable to the State that result in violations of human rights.³

The US State Department has repeatedly expressed its commitment to supporting human rights defenders, including presenting an annual award for human rights defenders. In the announcement of the 2011 Awards, the State Department's official statement read, "The United States stands with these and all human rights defenders and civil society activists who work hard every day, in every part of the world, to make real the promise of the Universal Declaration of Human Rights."⁴ At the presentation of the 2012 Awards, Deputy Secretary of State William Burns stated, "This is why the promotion of human rights and democracy is not only the right thing to do -- it is also the smart thing to do... we will remain steadfast in our commitment to human rights."⁵

States have the responsibility to protect these rights, as well as to affirmatively implement human rights. In the case of Israel, not only is it maintaining an illegal military occupation, it has a long record of persecution of Palestinian human rights defenders, including arrests, detentions, travel bans and harassment, including the cases of Ayman Nasser⁶, Hassan Karajah⁷, Abdullatif Ghaith⁸, Shawan Jabarin⁹, Ahmed Qatamesh¹⁰, Yousef Abdulhaq¹¹, Jamal Juma¹², Abdallah Abu Rahmah¹³, and numerous others.

³ Id.

⁴ Office of the Spokesperson, U.S. State Department, "Winners of the Human Rights Defenders Award," <http://www.state.gov/r/pa/prs/ps/2012/05/190315.htm>.

⁵ William J. Burns, Deputy Secretary of State, U.S. State Department, "Remarks at Human Rights Defenders Award Ceremony," <http://www.state.gov/s/d/2013/211421.htm>.

⁶ Front Line Defenders, "Profile: Ayman Nasser," <http://www.frontlinedefenders.org/AymanNasser>.

⁷ Amnesty International, "Rights Defender Denied Access to Lawyer: Hassan Karajah," <http://www.amnesty.org/en/library/asset/MDE15/002/2013/en/2a2d124f-6a29-4bc2-b69f-4db838bba21a/mde150022013en.html>.

Israel is the US' largest recipient of international aid dollars, and in particular military aid.¹⁴ Considering the US' expressed commitment to human rights defenders and their protection, it is particularly critical for the State Department's voice to be heard in pressuring the government of Israel to release Anas Barghouti and end its practices and policies of persecution of Palestinian human rights defenders.

Indeed, if the US condones this conduct it would either be setting a terrible precedent or treating Israel as an exceptional country, exempt from international norms. The US State Department has a responsibility to condemn Israel's arbitrary detention of Anas Barghouti and other Palestinian human rights defenders.

Anas Barghouti is a Palestinian human rights defender whose arbitrary detention clearly violates and contravenes human rights standards. We urge the State Department to act quickly to pressure Israel for his immediate release.

The National Lawyers Guild, founded in 1937, is the oldest and largest public interest/human rights bar organization in the United States. Its headquarters are in New York and it has chapters in every state.

Sincerely,



Azadeh Shahshahani
President

⁸ Palestinian Council of Human Rights Organizations, "Yet another Palestinian civil society leader targeted by Israel," <http://www.alhaq.org/advocacy/topics/human-rights-defenders/615-yet-another-palestinian-civil-society-leader-targeted-by-israel-addameer-chairperson-abdullatif-ghaith-receives-ban-from-leaving-the-country>.

⁹ Human Rights Watch, "Israel: Revoke Rights Defender's Travel Ban," <http://www.hrw.org/news/2012/03/02/israel-revoke-rights-defender-s-travel-ban>.

¹⁰ Amnesty International, "Palestinian writer detained without charge," <http://www.amnesty.org/en/news-and-updates/palestinian-writer-detained-without-charge-israeli-authorities-2011-05-10>.

¹¹ Tanweer Forum, "Extension of administrative detention of Dr. Yousef Abdul Haq for the second time," <http://palsolidarity.org/2012/04/extension-of-administrative-detention-of-dr-yousef-abdul-haq-for-the-second-time/>.

¹² Palestinian Grassroots Stop the Wall Campaign, "Grassroots activist and human rights defender Jamal Juma arrested," <http://electronicintifada.net/content/grassroots-activist-and-human-rights-defender-jamal-juma-arrested/1012>.

¹³ Mohammed Khatib, "Jailed for Activism," <http://www.zcommunications.org/jailed-for-activism-by-mohammed-khatib>.

¹⁴ Jeremy M. Sharp, Congressional Research Service, "U.S. Foreign Aid to Israel," http://assets.opencrs.com/rpts/RL33222_20100916.pdf.