



RESOLUTION ON ISRAEL

The climate for freedom of expression in Israel has continued to deteriorate in 2018. Of particular concern is the violent repression - including the unlawful killings - of protesters, the crackdown on dissenting voices of writers, journalists and human rights defenders, the introduction and implementation of laws and practices repressing free expression, the lack of progress in the peace process and the ongoing systematic violations of Palestinian rights.

Israel's occupation of Palestinian territory¹, the establishment of illegal settlements² and the inhuman conditions imposed by Israeli authorities on Palestinians are unacceptable and have been recognised as violations of international human rights law.³ Palestinians are discriminated against in Israel⁴, and subjected to regular military attacks and dire humanitarian conditions in Gaza. This situation has heavily impacted on the enjoyment of human rights of Palestinians, including the right to freedom of expression.⁵

PEN has been campaigning on behalf of Dareen Tatour, a Palestinian poet and citizen of Israel, who was convicted by the Nazareth Magistrate's Court on 3 May 2018 on charges of incitement to violence and support for terror organisations. Tatour's conviction is mainly related to a video, which Tatour posted on YouTube, in which she recites one of her poems entitled, 'Qawim ya sha'abi, qawimhum (Resist, my people, resist them)'. Tatour spent more than two years in jail or under house arrest since October 2015. On 31 July 2018 Dareen Tatour was sentenced to five months imprisonment (six months suspended), but as she has already served three months in custody she was released on 20 September 2018, after two months.⁶ PEN considers that Dareen Tatour has been subjected to judicial harassment due to the peaceful exercise of her right to free expression.

The Israeli authorities continue to use the practice of administrative detention, which is a form of detention without charge or trial imposed for periods of up to six months, renewable an infinite number of times. Many writers have been victims of this practice, among them the journalist Muhammed al-Qiq. He had been repeatedly detained by Israel, and was finally released in November

¹ The government of Israel is recognized by the United Nations (UN) as "the occupying Power", see Israel's Settlements Have No Legal Validity, Constitute Flagrant Violation of International Law, Security Council Reaffirms, UN, SC/12657, 23 December 2016, available on:

<https://www.un.org/press/en/2016/sc12657.doc.htm>

² <https://www.un.org/press/en/2016/sc12657.doc.htm>

³ Human Rights Watch, Israel: 50 Years of Occupation Abuses, 4 June 2017, available on: <https://www.hrw.org/news/2017/06/04/israel-50-years-occupation-abuses>

⁴ Sami Aldeeb, Discriminations contre les non-juifs en Israël, *Pax Christi*, 1992, 41 p, available on: <https://sami-aldeeb.com/french-discriminations-contre-les-non-juifs-en-israel-1992/>

⁵ PEN Writers for Peace Committee statement on the Gaza demonstrations, 18 May 2018, available on: <http://pen-international.org/news/writers-for-peace-committee-statement-on-the-gaza-demonstrations>

⁶ PEN International, Israel: Poet Dareen Tatour released from prison, 20 September 2018, <http://pen-international.org/news/israel-poet-dareen-tatour-released-from-prison>

2017 after undertaking several hunger strikes in protest at his conditions of detention and to negotiate his release⁷.

Israel has also targeted journalists reporting on protests, including those sparked by the decision of the President of the United States, Donald Trump, to recognise unified Jerusalem as the capital of Israel and move the US Embassy there. The use of excessive force against protestors by the Israeli forces in May 2018, and thereafter⁸, has led to the deaths and the injuries of hundreds of people including journalists and other activists⁹.

In July 2018, the Israeli parliament also approved a controversial law which codifies Israel as the "historical homeland" and "national home of the Jewish people". The law recognises in its provisions the exercise of national self-determination as "unique to the Jewish people" and declares Hebrew as the "state's language". It is evident this law affects the rights of non-Jews as well as the Arab community,¹⁰ and it has been described as clearly discriminatory¹¹. It has also been criticised by the EU Foreign Affairs Chief, Federica Mogherini.¹²

The Assembly of Delegates of PEN International urges the Israeli government to:

- End the practice of administrative detention, and release all journalists and other writers detained solely in connection with the peaceful exercise of their right to freedom of expression and assembly;
- Ensure that the right to freedom of expression and assembly are fully respected in law and practice as provided for under the International Covenant on Civil and Political Rights, to which Israel is a state party;
- Conduct prompt and impartial investigations into the unlawful killings during 2018 protests in Gaza;
- Ensure that excessive force is not used to suppress protests and to impinge on the press's right to cover protests;
- Ensure all domestic law respect the human rights, including the right of Palestinians to self-determination, regardless of religion and on the basis of non-discrimination, in line with international law;
- Take immediate steps to re-engage in meaningful dialogue aimed at a peaceful resolution to the Israeli-Palestinian conflict and put an end to the suffering and systematic human rights violations against the Palestinian people.¹³

⁷ For more information, see PEN International, Palestinian journalist released following hunger strike, 30 November 2017, available on : <http://pen-international.org/news/palestinian-journalist-released-following-hunger-strike>

⁸ Human Rights Watch, Israel: Apparent War Crimes in Gaza, 13 June, 2018, available on: <https://www.hrw.org/news/2018/06/13/israel-apparent-war-crimes-gaza>

⁹ PEN International, Israel: PEN International condemns appalling attack on journalists and protestors, 16 May 2018, available on: <http://pen-international.org/news/israel-pen-international-condemns-attack-on-journalists-and-protestors>

¹⁰ BBC News, Jewish nation state: Israel approves controversial bill, 19 July 2018, available on : <https://www.bbc.com/news/world-middle-east-44881554>. See also Raoul Wootliff, Final text of Jewish nation-state law, approved by the Knesset early on July 19, *The Times of Israel*, 18 July 2018, available on: <https://www.timesofisrael.com/final-text-of-jewish-nation-state-bill-set-to-become-law/>

¹¹ Ilene Prusher, A New Law Shifts Israel Away From Democracy, *Time*, 24 July 2018, available on: <http://time.com/5345963/israel-nation-state-law-democracy/>

¹² Maayan Lubell, Israel adopts divisive Jewish nation-state law, *Reuters*, 19 July 2018, available on : <https://www.reuters.com/article/us-israel-politics-law/israel-adopts-divisive-jewish-nation-state-law-idUSKBN1K901V>

¹³ Including UNGA resolution 181(II) A/RES/3236 1974 UNGA Resolution 3236 on the Question of Palestine, reaffirmed annually and UN Security Council resolution 1397 (2002)