

Prime Minister Benjamin Netanyahu
Prime Minister's Office
3 Kaplan St. Hakirya
Jerusalem 91950, Israel

Brussels, 22 September 2014

Re: Concerns regarding the arrest and detention of Ms Shireen Essawi, a Palestinian human rights lawyer

Your Excellency,

I am writing to you on behalf of the Council of Bars and Law Societies of Europe (CCBE), which, through the national Bars and Law Societies of the Member States of the European Union and the European Economic Area, represents more than 1 million European lawyers. In addition to membership from EU bars, it also has observer representatives from a further thirteen European countries' bars.

The CCBE, through its Human Rights Committee, places great emphasis on respect for human rights and the rule of law. The CCBE is particularly concerned by the situation of human rights defenders in the world.

The CCBE writes to you to express its concern over the detention of Ms Shireen Essawi, a human rights lawyer who has participated in monitoring and documenting human rights violations committed against Palestinians held in Israeli prisons, especially children, women and those from the Gaza Strip. She also reported that certain practices adopted by Israeli authorities for Palestinian and Arab prisoners are in violation of human rights laws, such as the prevention of visits by lawyers.

The CCBE was informed that on 8 May 2014, Ms Essawi was transferred from Al-Muskubīya prison, after being initially detained there following her arrest at her home in Jerusalem, to HaSharon women's prison, where she was then kept in solitary confinement for nearly three months. The reasons for her solitary confinement are unclear. Ms Essawi is charged with cooperating with forces that are working against the State of Israel. On 7 August 2014, the Israeli High Court of Justice rejected the request of Ms Essawi's lawyer for her release, despite releasing Ms Essawi's four colleagues – all lawyers – on the condition of house arrest and the payment of a large bail sum. Given the release of her colleagues, it is believed that the court's decision may be related to Ms Essawi's human rights advocacy efforts.

The CCBE is concerned by the decision to reject Ms Essawi's request for release and by the conditions of the human rights defender's imprisonment. In this context, the CCBE wishes to draw to your Excellency's attention the following Articles of the United Nations Basic Principles on the Role of Lawyers (1990):

Article 16 states that:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 18 states that:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

Furthermore, Article 23 states that:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the rights to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organisations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organisation. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognised standards and ethics of the legal profession.

In view of the above, the CCBE would sincerely appreciate information related to the reasons for the rejection of Ms Essawi's release. The CCBE also requests that you to take all necessary measures to ensure that Palestinian lawyers are able to perform their professional duties without any fear of intimidation or harassment.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Aldo Bulgarelli', with a long vertical line extending downwards from the end of the signature.

ALDO BULGARELLI
CCBE President