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COMMITTEE ON THE HUMAN RIGHTS OF PARLIAMENTARIANS

► CASE N° PAL/04 - HUSSAM KHADER - PALESTINE / ISRAEL

PROCEEDINGS ON MR. HUSSAM KHADER'S PETITION FOR EARLY RELEASE

Report by Mr. Sadakat Ullah Kadri, barrister-at-law and expert appointed by the Committee on the Human Rights of Parliamentarians

I. Introduction

1. I write this report pursuant to my recent mission to Be'er Sheva Prison, where I had the opportunity to meet Mr Hussam Khader on behalf of the IPU's Governing Council. It deals with his (ultimately unsuccessful) application for early release, and the conditions in which he is currently detained.

2. At the outset, I would like to express appreciation to the Israeli authorities for the assistance they afforded me during my three visits to the country. I am particularly grateful to the staff at Be'er Sheva Prison, and to the personnel of its Prison Release Committee, who displayed unfailing courtesy throughout. They permitted me unhindered access to the three hearings that I attended, even though early release applications are ordinarily closed to the public. I was also allowed to have face-to-face meetings with Mr Khader on each occasion.

3. I am also grateful to Tamar Fox, who acted as my Hebrew-English interpreter and provided me with a written translation of the committee's final ruling. I would also like to thank Mr Riad Anes, Mr Khader's Arabic-speaking lawyer, who facilitated my discussions with his client and provided useful background information about the case.

II. Background

4. It will be recalled that the International Parliamentary Union first began monitoring Mr Khader's case soon after his seizure at the Balata refugee camp near Nablus by Israeli soldiers during the night of 16/17 March 2003. It mandated the French lawyer Mr Simon Foreman to attend his trial before the Samaria Military Court, and Mr Foreman set down his observations and conclusions in a report dated 19 October 2005.

5. It will further be recalled that Mr Khader's trial came to a premature end with a plea bargain on 4 September 2005, after Israeli military prosecutors dropped all the most serious charges against him and amended the indictment to reflect this change. It was no longer alleged that Mr Khader had assisted any banned organisations, nor that he had planned or directed any acts of violence. At its highest, the prosecution case was now that he had known about certain illicit activities (none of which resulted in violence) and had failed to inform the Israeli authorities about them.¹

6. Whereas Mr Khader had previously faced the possibility of life imprisonment, the new indictment carried a maximum ten year sentence, and on this basis, Mr Khader agreed to enter a guilty plea. On 27 November 2005, he was sentenced to seven years imprisonment, to be followed by five years parole (breach of which would be punishable by up to twelve more months in jail).

7. An Israeli statute of 2001 allows convicts who have received jail terms of longer than six months (but less than life) to petition a 'prison release committee' for early release after completion of two-thirds of

¹ For a detailed account of the evolution of the charges, see Mr Foreman's report at paras. 14-16.

their sentence. Such committees are made up of a judge, two social scientists, and a representative of the prison service. They may grant an application if convinced both that the prisoner concerned is 'worthy of release' and that his or her release will not 'endanger public peace'.

8. Mr Khader therefore became eligible for early release in late 2007, and his application came up for consideration at Be'er Sheva Prison on 22 November 2007. The release committee decided on that date to seek further information and postponed any ruling to 13 December 2007. The sitting on that date was adjourned in turn, and the application was finally heard and refused on 17 February 2008. I attended the proceedings on all three occasions.

III. The Release Committee Proceedings and Ruling

A. The first hearing

9. At the hearing of 22 November 2007, the state's representative Guy Zehavi urged the committee to deny Mr Khader early release. Relying on the summary of a secret report prepared by Israel's General Security Services (known in Hebrew as the Shabak, or Shin Bet), Mr Zehavi portrayed him as a continuing danger who was responsible for considerably more criminality than his indictment might suggest. He told the committee that Mr Khader had been a supporter of violent attacks against Israeli targets for over two decades, and that he had longstanding links with Hizbollah which he maintained even in jail. He retained a 'leadership' role within the prison population, and had not 'changed his ways'.

10. After unsuccessfully seeking disclosure of the Shabak report, Mr Khader's lawyer, Riad Anes, objected to several aspects of this characterisation. In particular, he argued that the prosecutor's claims concerning Hizbollah and acts of violence attributed to Mr Khader crimes of which he had never been convicted. The allegations had either formed no part of the case against him, or were aspects of the original indictment that had been specifically abandoned by the military prosecutor at the time of the plea bargain of 4 September 2005. Holding him to account for them was therefore improper, argued Mr Khader.

11. The committee decided that this constituted a factual dispute which required that it examine the full Shabak file. It ruled in addition that Mr Anes should be given a summary of such parts of the file as could be safely be disclosed, in advance of the next hearing. The case was adjourned to 13 December 2007.

B. The second hearing

12. At the next hearing, the prosecutor gave Mr Anes an edited copy of the Shabak's summarised report, while the release committee was provided with the security service's entire confidential file on Mr Khader. The summary maintained the earlier assertions made by the prosecutor without identifying the sources of its information (even in general terms), and Mr Anes renewed his objections to its contents. He further argued that, although he had no access to the full file, its apparent focus on Mr Khader's past ignored the crucial question that the release committee had to answer – namely, whether he remained a risk to the public in the future. The committee agreed with this last point, and it adjourned once again, on the following terms:

13. '[W]e think that in order to obtain a complete picture which will enable the committee to reach a conclusion about the danger posed by the prisoner, the committee ought to receive an updated report from Shabak, to include specific reference to the existence or lack of existence of concrete information about the prisoner, and the danger he poses during his current imprisonment.'

C. The third (final) hearing

14. The final hearing took place on 17 February 2008 before a release committee comprising Judge Israel Axelrad, Hannah Gordon (a psychologist), Eli Berman (a criminologist) and Rosi Breitman (a non-voting chief warden of the prison service). Once again, the state was represented by Guy Zehavi, and Mr Khader by Riad Anes.

15. At the outset, Mr Zehavi again handed the committee a secret Shabak report on Mr Khader. It was said to be updated, but because it was classified, the extent and nature of the new information was not revealed to anyone other than the committee members. He gave Mr Anes what he called an unclassified

synopsis of this secret file, but it turned out to be virtually identical to the summarised report that he had provided at the previous hearing.

16. After Mr Anes had reiterated his earlier objections to the allegations that were set out in the unclassified report (about relations with Hezbollah and so on), the committee indicated that it needed to be 'persuaded that [Mr Khader] has left his earlier ideology'. Addressing itself directly to the prisoner, it asked him, among other things, to explain his 'ideology' and to describe what he now thought about 'what he had done'.

17. Mr Khader, expressing himself in Arabic that Mr Anes then translated into Hebrew, replied that he was a longstanding supporter of the peace process, and remained committed to non-violence. He contended that this stance had sometimes been unpopular and had cost him support among certain sections of the Palestinian population, but that he had always thought it important to reduce tension between Israeli Jews and Arabs. In relation to his past conduct, he asked the court to note that he had never been convicted of the more serious charges that he originally faced. The official transcript records that he also said 'it would certainly be different today, it wouldn't have happened to me, although even then I did not know the details of the event' (*sic*).

18. After deliberating for some fifteen minutes, the release committee handed down a typed ruling in which it rejected Mr Khader's application for early release. Its contents included the following assertions and findings:

19. The committee found that Mr Khader had had 'relations with Hizbollah' prior to his arrest. It acknowledged that such a relationship had not formed part of the case against him at his trial, but it regarded this as irrelevant. It had authority 'to base itself upon various sources of information even if they are from a time preceding the indictment and even if they are not referred to in the indictment'.

20. The committee also found that Mr Khader 'continued to hold contact with hostile elements' in prison. It did not explain this phrase in any greater detail. The basis for its finding was 'classified', and the committee gave no dates for the alleged contact, observing only that 'the most serious information, from the more reliable sources, is from 2004'. The lapse of time since then did not affect the cogency of the reports, according to the release committee, because 'we saw fit to attribute much weight to them'.

21. The committee concluded by making clear that it considered the statements made by Mr Khader in court to be objectionable. His words showed a lack of 'remorse', and indicated a failure to 'shake off his ideologies and abandon the path of the past'.

IV. Observations

22. Although Mr Khader's original trial and conviction fell short of international law standards in several respects, this aspect of his case was extensively considered in Mr Foreman's report of 19 October 2005. I do not propose to repeat the points made there, important though they are. I shall confine myself to five matters which strike me as being of particular importance during my recent mission. The first relates to the proceedings of the release committee, while the other four concern the circumstances and conditions of Mr Khader's detention.

A. The committee's reliance on secret reports

23. Mr Khader's lawyer, Riad Anes, was given an edited summary of certain portions of the report on which the release committee based its decision, but the state – and more specifically the Shabak security service – unilaterally decided which parts were to be disclosed to him. Mr Anes was given no opportunity to make any submissions that might affect its decision. The release committee then accepted without apparent question Shabak's assessment of what should remain hidden, and told Mr Anes only in the vaguest terms what was being secretly said about his client.

24. This procedure contravened the requirements of due process in two ways. At a general level, it necessarily demands so high a degree of collaboration between the secret police, prosecutor, and release committee members – and a corresponding disregard for defence interests – that the system's institutional integrity is compromised. I do not mean to suggest that committee members were actively biased, because there is no evidence at all to support such a claim, and their reluctance to reach a decision at the first two sittings arguably undercuts it. It is a basic principle of natural justice, however, that any tribunal with the

power to determine legal rights and obligations should be independent and impartial in appearance as well as in fact.² In Mr Khader's case, the pivotal significance attached to the Shabak report combined with the total absence of any defence right to disclosure created the clear appearance of an imbalance in favour of the state.

25. The procedural deficiencies created tangible injustice in Mr Khader's case. The Shabak report floated allegations which had never been tested in court, effectively condemning him without granting him even the minimal safeguards that are given to defendants who appear before Israeli military tribunals. Whatever the basis of those allegations may have been – and it is literally impossible to know – Mr Khader was thereby kept ignorant of the factual basis for the committee's decision.

26. This is not to suggest that a degree of secrecy might not be appropriate in such cases. International standards of fairness, as reflected in the laws of democratic countries across the world, might allow for the non-disclosure of sensitive material in certain circumstances – if, for example, this were required to protect informants from serious physical harm. The rule of law requires, however, that such risks cannot simply be assumed, and that tribunals should be particularly keen to test any claims that security organs may advance to justify the punishment of individuals. The more indirect the inculpatory effects of the secret material, the more important it also is to have in place procedures that will allow those effects to be countered. In Mr Khader's case, the accusations relied upon by the committee simply assumed guilt by association, in that he was condemned for supposedly maintaining 'contact with hostile elements'. In addition, one of the matters that was regarded with particular concern – Mr Khader's supposed link with Hizbollah – rested on unidentified 'sources' that were at least three years old. I have little doubt that the committee's reliance on such material constitutes another fundamental breach of natural justice.

27. There are particularly strong reasons to suspect the accuracy of secret accusations in Mr Khader's case. Although he began his political life as a Fatah supporter, he was elected to the Palestinian Legislative Council in 1996 as an independent, and he soon became an outspoken critic of corruption within the Palestinian Authority. One consequence is that several Fatah leaders might have an interest in his continued detention – and, incidentally, Mr Khader himself believes that this is the reason that he was excluded from two recent mass prisoner releases brokered between Israel and the Palestinian Authority. Another consequence is that there are countless reasons why informants or fellow detainees might have told lies about him. To point out this possibility is not to say that it definitely happened. It does, however, illustrate how the nebulous iniquity of secret denunciations might easily have inflicted a concrete injustice on Mr Khader.

B. The ongoing illegality of Mr Khader's detention

28. Mr Khader's morale seemed high, and he reported himself to be in relatively good health. Although he has a history of heart problems and had had his medication changed without explanation by the prison doctor in late 2007, he felt that his condition was currently stable.

29. Mr Khader's physical state appears therefore to have improved since his interrogation and trial, but it is important to recall that his continued incarceration in Israel is, in itself, a *prima facie* violation of international law.

30. As Mr Foreman has previously explained, Mr Khader's seizure at Nablus and interrogation in Israel constituted a violation of the Fourth Geneva Convention, which prohibits 'individual or mass forcible transfers ... from occupied territory to the territory of the Occupying Power ... regardless of ... their motive.'³ Although the Israeli Supreme Court has ruled that the term 'individual or mass forcible transfers' does not include the transfer of individuals, this interpretation is, as Mr Foreman has noted, highly contentious. It does not have the backing of any international body, and is opposed by the International Committee of the Red Cross, among others.

31. In a similar way, Mr Khader's ongoing imprisonment gives rise to a further breach of the Fourth Geneva Convention. He is clearly a 'protected person' under Article 4, which applies to anyone 'who, at a

² This concern for procedural propriety is reflected in international law. See Art. 14 of the International Covenant on Civil and Political Rights ('In the determination of ... his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law'); Art. 10 of the Universal Declaration of Human Rights ('Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations ...').

³ Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War (1949), Art. 49; Simon Foreman's report on Mr Khader's trial at para. 29 (cf para. 17); para. 3(c) of his report for the IPU on the case of Marwan Barghouti.

given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of ... [an] Occupying Power of which they are not nationals.' Article 76 then goes on to provide as follows:

31. Protected persons accused of offences shall be detained in the occupied country, and if convicted they shall serve their sentences therein.

33. As long as Israel keeps Mr Khader in an Israeli jail, it will remain in continuing breach of this provision.

34. For the sake of completeness, I note that Israel's domestic law may regard Mr Khader as an 'unlawful combatant' who can be denied some or all of the protections of international humanitarian law. But although such an argument is tenable under Israeli jurisprudence,⁴ the term 'unlawful combatant' appears in no international treaties, and no war crimes court from Nuremberg onwards has ever had occasion to consider or use it.

C. The failure to guarantee Mr Khader's right to correspond with his family

35. Mr Khader has been in custody ever since his arrest on 17 March 2003. Like all Palestinian 'security prisoners', he is denied access to both the telephone and the internet. This makes it all the more serious that the Israeli authorities also appear to be obstructing his postal communications with the outside world. Mr Khader told me that he still tries to write frequently to members of his family – up to three times a week – but that very few of his letters make it to their destination. One of his brothers informed me that Mr Khader's five siblings and three children have received fewer than ten letters from him in total during his nearly five years in custody. At the same time, Mr Khader has not received a single item of correspondence from relatives since August 2005, though his brother tells me that they all post him letters on a regular basis.

36. The only communication to have reached Mr Khader is in fact a single letter from the International Parliamentary Union, containing a copy of the resolution about his case passed by the Governing Council on 10 October 2007. This reached him on 28 December 2007, following a request made by me not long after my second visit to Israel, and at a time when my third was still pending. Although the delivery of this official communication has to be welcomed, it only makes it more notable that the Israeli Prison Service appears to be systematically choosing to delay or block all other personal correspondence between Mr Khader and his family.

37. It was established well over half a century ago by the Fourth Geneva Convention that state parties to a conflict or occupation must make efforts to facilitate correspondence between affected civilians (including detainees) and members of their families.⁵ Even if one were to assume, as Israel does, that this treaty is inapplicable to the Israeli occupation of Palestinian territory, customary international law makes it eminently clear that the right to send and receive mail is not lost at the prison gates. Rule 37 of the UN Standard Minimum Rules for the Treatment of Prisoners states that:

38. Prisoners shall be allowed under necessary supervision to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits.

39. This rule does not form part of a treaty, but it is nowadays regarded as an authoritative guide to binding international standards. It is complemented in this regard by the UN General Assembly's Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, Principle 19 of which provides that:

⁴ The term 'unlawful combatant' was introduced in a statute presented to the Knesset in the summer of 2000 and enacted two years later: Incarceration of Unlawful Combatants Law, 5762-2002. It was then used to deny the applicability of the Geneva Conventions to Marwan Barghouti: see the 12 December 2002 ruling by Judge Zvi Gurfinkel in *State of Israel v. Marwan Barghouti*, archived at the Israeli Ministry of Foreign Affairs website (www.mfa.gov.il, MFA Library, December 2002). The same stance has been adopted by the United States government since late 2001 to justify detentions at offshore prison camps such as Guantanamo Bay.

⁵ Article 25 of the Fourth Geneva Convention provides, insofar as is relevant, that: 'All persons in the territory of a Party to the conflict, or in a territory occupied by it, shall be enabled to give news of a strictly personal nature to members of their families, wherever they may be, and to receive news from them. This correspondence shall be forwarded speedily and without undue delay... If the Parties to the conflict deem it necessary to restrict family correspondence, such restrictions shall be confined to the compulsory use of standard forms containing twenty-five freely chosen words, and to the limitation of the number of these forms despatched to one each month.'

40. A detained or imprisoned person shall have the right to be visited by and to correspond with, in particular, members of his family and shall be given adequate opportunity to communicate with the outside world, subject to reasonable conditions and restrictions as specified by law or lawful regulations.⁶

41. The right enumerated in the aforementioned provisions are not absolute, and there is no doubt that Israeli authorities could properly restrict Mr Khader's correspondence for reasons of security. Any such restrictions would have to be necessary, reasonable, and proportionate to the end sought, however – and in the total absence of any justifying arguments by the Israeli authorities, the all but total ban on Mr Khader's ability to send and receive mail must be considered a violation of his rights under international humanitarian law.

D. The failure to guarantee Mr Khader's right to receive family visitors

42. Mr Khader's visiting rights also remain a cause for concern. Although three of his siblings have now been allowed to see him, one brother and two sisters have not been granted permission since his arrest in March 2003. Another brother died in Germany in July 2006 without having even received a reply to his request for a visitor's permit. Mr Khader's 71-year old mother was allowed to see him in December 2007, but she had been denied a visitor's permit for over a year before that. His three minor children are the only family members who may visit him regularly, though because they need to be accompanied by Red Cross officials on the long journey from Nablus, it is only practical for them to do so every two to three months. Even then, they are forbidden direct contact with their father, and have to communicate with him via a telephone handset, separated by a glass screen.

43. I note that the Israeli authorities permitted two of Mr Khader's siblings and his mother to pay him a visit in December 2007. This is welcome news. It must be hoped that it also signals an easing of the visiting restrictions to which he has been subject, because their arbitrary and irregular nature breach both the letter and the spirit of international law in this field.

44. As with correspondence, a prisoner's right to receive visits is guaranteed at an international level, and the protection is particularly strong when the visitors concerned are family members. Under the Fourth Geneva Convention, even people interned without trial are entitled 'to receive visitors, especially near relatives, at regular intervals and as frequently as possible,'⁷ and Rule 37 of the Standard Minimum Rules, already referred to in paragraph 32 above, states that:

45. Prisoners shall be allowed under necessary supervision to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits.

46. Principle 19 of the UN General Assembly's Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, also mentioned above, further states that:

47. A detained or imprisoned person shall have the right to be visited by and to correspond with, in particular, members of his family ... subject to reasonable conditions and restrictions as specified by law or lawful regulations.

48. Mr Khader's rights are underpinned by more general guarantees for human dignity, family life, and correspondence enshrined within cornerstone declarations of international humanitarian law such as the International Covenant on Civil and Political Rights⁸ (a treaty ratified by Israel in 1991), and the United Nations Human Rights Committee has emphasised that these protections are not excluded by reason of a person's imprisonment.

49. [P]ersons deprived of their liberty [may] not be ... subjected to any hardship or constraint other than that resulting from the deprivation of liberty; respect for the dignity of such persons must be guaranteed under the same conditions as for that of free persons. Persons deprived of their liberty enjoy all the rights set forth in the [ICCPR], subject to the restrictions that are unavoidable in a closed environment.'⁹

⁶ Principle 19, Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, G.A. res. 43/173, annex, 43 U.N. GAOR Supp. (No. 49) at 298, U.N. Doc. A/43/49 (1988).

⁷ Art. 116 of the Fourth Geneva Convention.

⁸ See Art. 10(1) of the ICCPR ('All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person') and Article 17 ('No one shall be subjected to arbitrary or unlawful interference with his ... family ... or correspondence').

⁹ See UNHRC, General Comment 21 (1992), paragraph 3. The General Assembly has expressed itself to similar effect in Principle 5 of the Basic Principles for the Treatment of Prisoners, G.A. res. 45/111, annex, 45 U.N. GAOR Supp. (No. 49A) at 200, U.N. Doc. A/45/49 (1990): 'Except for those limitations that are demonstrably necessitated by the fact of incarceration, all prisoners

50. As the provisions enumerated in paragraphs 37 and 38 make clear, restrictions on correspondence to and from prison are not unlawful in themselves. Any limitations must however, be 'necessary' and 'reasonable', which implies in turn that they should be narrowly tailored measures designed to achieve a legitimate purpose, proportionate to that end.

51. Even if one were to assume that the prison service was motivated by genuine reasons of national security, it would be hard to understand why it was either necessary or proportionate to make his 71-year old mother wait for a year between visits. Unless the underlying purpose is a punitive one – which would compound the illegality under international law – it is even more puzzling why three siblings have been granted sporadic permission to visit Mr Khader, while four others (if one includes the brother now deceased) have been denied it every time.

52. Given all these provisions, along with the positive obligation that international law imposes on states to safeguard family life,¹⁰ the onerous and apparently arbitrary restrictions placed on Mr Khader's family visits call for an immediate explanation from the Israeli authorities. Absent any such explanation, they constitute a clear *prima facie* violation of international law.

E. The discriminatory effect of the limits on Mr Khader's contact with the outside world

53. The restrictions on Mr Khader's rights to correspond and receive visitors are additionally objectionable, in that they appear to be discriminatory. The restrictions that he faces are shared by all other Palestinians who have been designated 'security prisoners' by Israel's prison service. On the other hand, Jewish inmates convicted of politically-motivated offences (who are also considered 'security prisoners' under Israeli law) have access to telephones and a legally enforceable right to receive visitors – and the recognition of their rights to family life is such that Israeli courts have even held them potentially entitled to conjugal visits. The most notorious beneficiary of the law in this field is Yigal Amir, sentenced to life imprisonment in 1996 for the murder of former prime minister Yitzhak Rabin, who won a judicial order permitting him not only to keep a mobile telephone in his jail cell, but also to father a child from there.¹¹

54. It is important to note that the granting of these privileges to criminals like Yigal Amir has been vociferously criticised by many Israelis. The fact remains, however, that Israel's legal system operates to sanction differential treatment of security prisoners according to whether they are Jewish or Palestinian. Unless a compelling justification for this can be advanced, it appears to violate the rights to equal treatment and non-discrimination protected by some of the most fundamental norms and well-established treaties of international humanitarian law.

V. Conclusion

55. The serious concerns that Mr Foreman expressed in his report about the fairness of Mr Khader's trial have been compounded by release committee's refusal to grant him early release. Although the adjournments that preceded the committee's final decision suggest that its members were concerned not simply to rubber-stamp the security service's views about Mr Khader, their eventual reliance on the Shabak's secret report ultimately left him in a hopeless position. The committee's ruling was founded on allegations made by unidentified people for unidentifiable reasons, which Mr Khader and his lawyer were not permitted to know, let alone test. The only additional input came from Mr Khader himself, and the committee's insistence that he satisfactorily explain his 'ideology' to obtain release effectively turned his offence into a thought crime – imposing a demand for mental capitulation that his vocalised support for peace could not satisfy.

56. The prison regime to which Mr Khader has been subjected gives rise to additional concerns. His incarceration in Israel is itself a *prima facie* violation of the Fourth Geneva Convention, while the severe restrictions placed on his rights to correspond and to receive visits from family members represent clear breaches of international humanitarian law.

shall retain the human rights and fundamental freedoms set out in the Universal Declaration of Human Rights, and, where the State concerned is a party, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights and the Optional Protocol thereto, as well as such other rights as are set out in other United Nations covenants.'

¹⁰ See Articles 12 and 16(3) of the Universal Declaration of Human Rights; Articles 17 and 23(1) of the International Covenant on Civil and Political Rights; Article 10(1) of the International Covenant on Economic, Social and Cultural Rights.

¹¹ Rebecca Anna Stoil and Sheera Claire Frenkel, 'Panel Blasts Amir's 'Cushy' Conditions', *Jerusalem Post*, 4 December 2007, p.5; 'Son Born to Wife of Rabin's Assassin', *Jerusalem Post*, 29 October 2007, p.5.

57. By way of closing, I would like to reiterate my thanks to the Israeli authorities for making to possible to monitor the Be'er Sheva release committee's proceedings, and to record my gratitude to the several Israeli and Palestinian human rights lawyers who helped explain the broader legal context against which those proceedings took place. Lest it be necessary to say so, my report does not seek to pass comment on the legitimacy or otherwise of any security concerns that Israel may have. It simply assumes that a country committed to the respect of universal human rights should be scrutinised according to the standards that those rights impose.