



PHROC and PNGO

Position Paper on the Ongoing Campaign to Silence, Delegitimize, and De-fund Palestinian Civil Society Organizations and Human Rights Defenders

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As Israel's fifty-year military occupation of the West Bank, including East Jerusalem, and the Gaza Strip persists, its vicious repression of Palestinian civil society activists and human rights defenders continues to deepen.¹ For more than five decades, civil society has played a key role in monitoring and documenting the impacts of Israel's occupation, which affects every aspect of Palestinian life in the Occupied Palestinian Territory (OPT).² As highlighted by the United Nations (UN) Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Michael Lynk, '[t]o perpetuate an alien rule over almost five million people, against their fervent wishes, inevitably requires the repression of rights' and 'the scorning of those civil society organizations that raise uncomfortable truths about the disfigured state of human rights under occupation.'³ In recent years, Israel has increasingly targeted civil society organizations and human rights defenders for their involvement in exposing and challenging violations of international human rights and humanitarian law, including those amounting to international crimes, committed in the OPT.⁴ As a result of their effectiveness, civil society organizations and human rights defenders have faced attacks in the form of false accusations, defamation, and smear campaigns intended to delegitimize their independent voices and undermine their message, de-funding strategies targeting the donor community, and a wide range of policies and practices imposed by Israel, the Occupying Power, to restrict civil society space in the OPT.

I. Shrinking Civil Society Space

¹ UN Doc A/HRC/34/70, 13 April 2017, para. 64.

² UN Doc A/72/556, 23 October 2017, para. 7.

³ UN Doc A/HRC/34/70, 13 April 2017, para. 62.

⁴ UN Doc A/HRC/34/70, 13 April 2017, para. 30 ("Human rights defenders in Palestine and Israel who investigate the grave human rights situation in the Occupied Palestinian Territory are facing a steadily shrinking space for their indispensable work.")

In the words of Michael Lynk, while Israel continues to entrench its occupation, human rights defenders ‘will continue to be among the prime targets of those who are intolerant of their criticisms, yet alarmed by their effectiveness.’⁵ Since 1967, Israel has used arbitrary detentions and arrests as a tool to suppress Palestinian activism and opposition to the occupation.⁶ Over the past few decades, the Israeli Occupying Forces (IOF) have increasingly used administrative detention without charge or trial to target Palestinian activists and defenders as a result of their work,⁷ including staff members of Palestinian human rights organizations,⁸ and members of the Palestinian Legislative Council (PLC).⁹ The Palestinian Authority (PA) has also played a role in restricting civil society space in the OPT, through the adoption of legislation such as the Law by Decree on Cybercrimes,¹⁰ which limits freedom of expression and is used to arbitrarily detain defenders and activists challenging human rights violations committed by the PA.¹¹

In recent years, Israel has adopted additional measures that severely shrink civil society space and limit the ability of activists and defenders to document human rights violations committed in the OPT, including through ‘the use of criminal, legal and security tools to obstruct the legitimate work of human rights defenders.’¹² In July 2016, Israel’s Parliament, the Knesset, adopted the so-called ‘NGO Disclosure Law’, which directly targets Israeli non-governmental organizations (NGOs), mostly human rights organizations, requiring organizations who receive a majority of their funding from foreign public sources to indicate these on all publications, which UN human rights experts have stressed ‘has a chilling effect on human rights work and skews public

⁵ UN Doc A/HRC/34/70, 13 April 2017, para. 64.

⁶ Addameer, *Administrative Detention in the Occupied Palestinian Territory: A Legal Analysis Report* (2nd Edition 2010, first published in 2008), pp. 6-7.

⁷ OHCHR, “UN expert warns of deteriorating situation for human rights defenders in Palestine and Israel” (21 March 2017): <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21417>. See, for example, cases described in UN Doc A/HRC/34/70, 13 April 2017, para. 43.

⁸ Addameer’s field researcher Salah Hammouri has been held in administrative detention since August 2017. As of February 2018, his six-month administrative detention order is now pending renewal for the second time. See Addameer, “Call to Action: 22 Days to Free Salah Hamouri” (05 February 2018): <http://www.addameer.org/news/call-action-22-days-free-salah-hamouri>. See also Addameer, “Administrative detention order issued against Addameer’s field researcher Salah Hamouri” (29 August 2017): <http://www.addameer.org/news/administrative-detention-order-issued-against-addameers-field-researcher-salah-hamouri>.

⁹ In December 2017, nine PLC members were held in Israeli administrative detention. See Addameer, “Arrest of Legislative Council Members” (December 2017): http://www.addameer.org/the_prisoners/plc_member.

¹⁰ Al-Haq, “Al-Haq’s Comments on the Draft Law by Decree Amending the Law by Decree on Cybercrimes” (25 January 2018): <http://www.alhaq.org/advocacy/topics/palestinian-violations/1176-al-haqs-comments-on-the-draft-law-by-decree-amending-the-law-by-decree-on-cybercrimes>.

¹¹ See, for example, Amnesty International, “Palestinian human rights activist charged under repressive new cybercrimes law” (7 September 2017): <https://www.amnesty.org/en/latest/news/2017/09/palestinian-human-rights-activist-charged-under-repressive-new-cybercrimes-law/>.

¹² UN Doc A/HRC/WG.6/29/ISR/2, 10 November 2017, para. 38. UN Doc A/HRC/34/70, 13 April 2017, para. 66(b).

perception of human rights organizations.’¹³ Indeed, foreign funding is a standard practice in the work of NGOs across the globe and Israel’s targeting of international funds represents a threat to the checks and balances and Governmental oversight required in a functioning democracy. Through ‘inadequate oversight of the human rights-infringing activity of Israeli surveillance companies’,¹⁴ the Israeli Government further resorts to harassment and targeted surveillance of Palestinian and Israeli civil society organizations.¹⁵ On 14 March 2017, the Knesset enacted Amendment No. 28 to the Entry into Israel Law, to the effect that:

‘A visa and residence permit of any kind shall not be issued to a person who is not an Israeli citizen or has a permanent residence permit in the State of Israel if he, the organization or body for which he is acting, knowingly published a public call for a boycott of the State of Israel [...] or has undertaken to participate in such a boycott.’¹⁶

As of 7 January 2018, Israel’s Ministry of Strategic Affairs announced a travel ban against 20 international organizations supporting the Boycott, Divestment and Sanctions (BDS) movement for Palestinian rights,¹⁷ which emerged as a form of non-violent resistance in response to Israel’s institutionalised impunity for grave breaches of international law committed in the OPT.¹⁸ The same Ministry also established ‘a public-benefit corporation’, which has been allocated Government funding ‘to implement part of the ministry’s activities related to the struggle against the phenomena of delegitimization and boycotts against the State of Israel.’¹⁹ International human rights law supports the right to call for and engage in boycotts,²⁰ which the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression recognised in 2012, noting: ‘calling for or participating in a peaceful boycott is a legitimate form of

¹³ OHCHR, “UN rights experts denounce Israel’s growing constraints on human rights defenders” (3 March 2017): <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21279&LangID=E>. UN Doc A/HRC/34/70, 13 April 2017, paras. 54-57. UN Doc A/HRC/WG.6/29/ISR/2, 10 November 2017, para. 39.

¹⁴ UN Doc A/HRC/WG.6/29/ISR/3, 3 November 2017, para. 34.

¹⁵ UN Doc A/HRC/WG.6/29/ISR/3, 3 November 2017, para. 29.

¹⁶ Entry into Israel Law (Amendment No. 28), 5767 – 2017, unofficial translation, available in Hebrew at: <http://main.knesset.gov.il/Activity/Legislation/Laws/Pages/LawBill.aspx?t=lawsuggestionssearch&lawitemid=565532>. See also UN Doc A/HRC/34/70, 13 April 2017, para. 60. UN Doc A/HRC/WG.6/29/ISR/2, 10 November 2017, para. 40.

¹⁷ Noa Landau, “Israel Publishes BDS Blacklist: These Are the 20 Groups Whose Members Will Be Denied Entry” (7 January 2018): <https://www.haaretz.com/israel-news/1.833502>.

¹⁸ See BDS Movement, “Ongoing injustice” (accessed 17 February 2018): <https://bdsmovement.net/what-is-bds>.

¹⁹ Noa Landau, “Israel Sets Up Secret Firm With Top Ex-generals, Envoys for Online ‘Mass Awareness’ Campaign ‘To Fight Delegitimization’” (9 January 2018): <https://www.haaretz.com/israel-news/.premium-1.833817>.

²⁰ Addameer, “Palestinian Human Rights Organizations Council (PHROC) statement on BDS movement” (9 February 2016): <http://www.addameer.org/news/palestinian-human-rights-organizations-council-phroc-statement-bds-movement>.

expression which is internationally recognized.²¹ As of 2 February, the BDS movement has been nominated for the 2018 Nobel Peace Prize.²²

II. Nature of the Attacks

While acts of intimidation and smear campaigns against Palestinian and Israeli human rights defenders have increased in recent years,²³ the protection and respect accorded to human rights organizations both in Israel and the OPT has continued to decline.²⁴ In April 2017, Special Rapporteur Michael Lynk highlighted Israel's increasing attacks on civil society organizations in Israel and the OPT, reporting to the UN Human Rights Council that:

*'As a result of their effectiveness, human rights defenders have been subjected to a range of physical attacks, incarceration and threats to their lives and safety. They have experienced sophisticated interference and toxic denunciations aimed at silencing their voices and discouraging their supporters, and engendering an increasingly hostile public atmosphere in Israel and in particular among the settlement movement, stoked by the political leadership and the media of the occupying Power and obstructive legislation enacted or being considered by the Knesset.'*²⁵

Palestinian human rights organizations such as Al-Haq and Al-Mezan have been publicly attacked by Israel's UN ambassador, Danny Danon, who falsely branded them as 'supporters of terrorism' and 'inciters of violence' in a statement on the occasion of a media stake-out in front of the UN Security Council on 29 June 2017.²⁶ Palestinian civil society representatives have further been subjected to vicious attacks in the form of character assassinations, such as defamatory statements smearing Al-Haq's General Director, Shawan Jabarin, and Al-Haq's representative in Europe and at the International

²¹ UN Doc A/HRC/20/17/Add.2, 11 June 2012, para. 34.

²² See, for example, Times of Israel Staff, "Norwegian MP defends nominating 'peaceful' BDS movement for Nobel prize" (11 February 2018): <https://www.timesofisrael.com/norwegian-mp-defends-nominating-peaceful-bds-movement-for-nobel-prize/>.

²³ UN Doc A/HRC/WG.6/29/ISR/3, 3 November 2017, para. 29.

²⁴ UN Doc A/HRC/WG.6/29/ISR/2, 10 November 2017, para. 38. For more information, see the PHROC statement at: Al Mezan, "Palestinian Human Rights Organizations Council Calls for Immediate Investigations into Threats against Human Rights Defenders" (14 August 2016): <http://mezan.org/en/post/21477>. See also Human Rights Watch, "Israel/Palestine: Palestinian Rights Defenders Threatened" (14 August 2016): <https://www.hrw.org/news/2016/08/14/israel/palestine-palestinian-rights-defenders-threatened>.

²⁵ UN Doc A/HRC/34/70, 13 April 2017, para. 30. UN Doc A/HRC/WG.6/29/ISR/2, 10 November 2017, para. 38. OHCHR, "UN expert warns of deteriorating situation for human rights defenders in Palestine and Israel" (21 March 2017): <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21417>.

²⁶ FIDH, "Open Letter to UN Secretary General Re Slandering statements against Palestinian NGOs Al-Haq and Al-Mezan" (4 July 2017): <https://www.fidh.org/en/issues/human-rights-defenders/open-letter-to-un-secretary-general-re-slandering-statements-against>.

Criminal Court (ICC), Nada Kiswanson.²⁷ As recognized by Special Rapporteur, Michael Lynk, the hostile environment for civil society organizations has ‘become even more overtly toxic and harsh since 2015, in the aftermath of operation ‘Protective Edge’ in Gaza in 2014 and the subsequent initiation by the International Criminal Court of a ‘preliminary investigation’ into allegations of war crimes and crimes against humanity committed in the OPT since 13 June 2014.’²⁸ Since 2015, Palestinian human rights organizations providing submissions to the ICC have been subjected to increasing threats. In its 2016 ‘Activities Report’, the Office of the Prosecutor (OTP) expressed serious concern that:

‘staff members of certain organisations that have gathered information of relevance to the OTP preliminary examination, such as Al-Haq and Al-Mezan Center for Human Rights, have been subjected to threats and other apparent acts of intimidation and interference.’²⁹

The campaign against Palestinian human rights defenders has also targeted State officials and representatives, especially in Europe, in an effort to end their funding of Palestinian human rights organizations and civil society. Human rights defenders advocating on issues related to Palestine in the United States and Europe have faced intensifying pressure for bringing attention to Israeli human rights violations in the OPT. Israel’s Prime Minister Benjamin Netanyahu has repeatedly called on European Government officials, most recently in a January 2018 meeting with the Norwegian Foreign Minister,³⁰ to halt their funding of Palestinian human rights organization Al-Haq, accused of engaging in BDS activities or ‘lawfare’ against the State of Israel. This followed a similar meeting between Prime Minister Netanyahu and the Danish Foreign Minister in May 2017, which led Denmark to reconsider its funding of Palestinian NGOs.³¹

III. Actors involved in the Attacks

Palestinian civil society organizations, notably human rights organizations, have faced pressure and threats for decades as a result of their work challenging Israel’s occupation. While the source of the ongoing attacks against them have long been unknown, seemingly involving individuals acting in the absence of a concerted effort, a more sophisticated campaign is now being led to undermine their credibility of and silence the

²⁷ UN Doc A/HRC/34/70, 13 April 2017, paras. 40 and 44.

²⁸ UN Doc A/HRC/34/70, 13 April 2017, para. 38.

²⁹ International Criminal Court, “Report on Preliminary Examination Activities 2016” (14 November 2016), para. 144: <https://www.icc-cpi.int/Pages/item.aspx?name=161114-otp-rep-PE>.

³⁰ Herb Keinon, Greer Fay Cashman, “Netanyahu, Norwegian FM at odds over Palestinian NGO” (7 January 2018): <http://www.jpost.com/Arab-Israeli-Conflict/Netanyahu-Norwegian-FM-at-odds-over-Palestinian-NGO-533054>. See also Middle East Monitor, “Netanyahu thanks Denmark for cutting aid to Palestinian NGOs” (25 December 2017): <https://www.middleeastmonitor.com/20171225-netanyahu-thanks-denmark-for-cutting-aid-to-palestinian-ngos/>.

³¹ Times of Israel Staff, “After investigation, Denmark to cut funding from some Palestinian NGOs” (23 December 2017): <https://www.timesofisrael.com/after-investigation-denmark-to-cut-funding-from-some-palestinian-ngos/>.

legitimate voices of Palestinian civil society. Foreign representatives supportive of Palestinian civil society organizations, notably European States, now face increasing pressure from Israeli organizations, such as NGO Monitor, to defund Palestinian civil society. In a 27 December 2017 newsletter, NGO Monitor described some of its accomplishments for 2017: “[I]n December, Denmark ended funding to anti-Israel NGOs via a European funding framework (“the Secretariat”). This decision came after NGO Monitor travelled to Denmark and met with government officials, where we presented our research exposing funding to NGOs with links to terror groups and that support BDS.”

NGO Monitor was founded in 2002, as a web-based project of the Jerusalem Centre for Public Affairs, and has a long record of vilifying, smearing, and intimidating Israel’s critics by ‘deliberately spreading false and misleading information about organizations in an attempt to discredit them’.³² In a 2009 article published in Haaretz, NGO Monitor was criticized for being ‘a partisan operation that suppresses its perceived ideological adversaries through the sophisticated use of McCarthyite techniques’, including blacklisting, guilt-by-association and the selective filtering of facts.³³ By accusing Palestinian civil society groups, including human rights organizations, of terrorism-related affiliations, NGO Monitor effectively discredits the work of Palestinian activists and human rights defenders. Although NGO Monitor states that it ‘receives no governmental support’,³⁴ the organization appears to be working as part of a wider well-financed campaign aimed at muzzling any criticism of Israel’s persistent violations of human rights in the OPT and has previously ‘partnered with the Institute for Zionist Strategies, led by Israel Harel, a founder of the Gush Emunim settler movement.’³⁵

Israeli intelligence firms have also played into the campaign targeting Palestinian civil society. In October 2017, the Meir Amit Intelligence and Terrorism Information Center, which is named after the former chief of Israel’s intelligence agency, the Mossad, published a defamatory article on Al-Haq’s General Director, stating that “Jabarin wears two hats, one as a terrorist operative and the other as an activist in an organization that presents itself as a human rights organization.”³⁶ The Observatory for the Protection of

³² Yacoub Kahlen and Robert E. Foxsohn, “NGO Monitor should not be taken seriously” (The Electronic Intifada, 18 October 2005): <https://electronicintifada.net/content/ngo-monitor-should-not-be-taken-seriously/5773>.

³³ Didi Remez, “Bring on the Transparency” (Haaretz, 26 November 2009): <https://www.haaretz.com/1.5098567>.

³⁴ NGO Monitor, “Who Funds NGO Monitor?” (last accessed 14 February 2018): <https://www.ngo-monitor.org/about/who-funds-ngo-monitor/>.

³⁵ Didi Remez, “Bring on the Transparency” (Haaretz, 26 November 2009): <https://www.haaretz.com/1.5098567>. The Institute for Zionist Strategies is a non-profit Israeli organization, funded mainly through private contributions and engaged in advocacy to promote the Zionist character of the State of Israel. See Institute for Zionist Strategies, “Donate” (accessed 17 February 2018): <http://izs.org.il/donate/>.

³⁶ Meir Amit Intelligence and Terrorism Information Center, “Shawan Jabarin, former PFLP operative and current head of a Palestinian human rights NGO, recently submitted a report to the prosecutor of the ICC accusing Israel of “war crimes,” expecting the prosecutor to launch an investigation against Israel” (22 October 2017):

Human Rights Defenders criticized the article as part of the ongoing smear campaign against Palestinian human rights organizations, noting:

'[t]he increased attacks against Al-Haq coincide with progress achieved at the level of the ICC and decisions at the EU level regarding the labelling of settlement products. As a result of such advances, several Israeli newspapers, organisations and institutions have attacked Al-Haq and sought to discredit the organisation. Officials at the highest level have also been reportedly attempting to prevent donors from working with Al-Haq'.³⁷

The campaign led by organizations such as NGO Monitor and the Meir Amit Intelligence and Terrorism Information Center, is complemented by similar efforts to undermine the credibility and legitimacy of UN bodies, resolutions, and reports criticizing Israel for its violations of international law, such as those led by UN Watch. UN Watch has previously issued defamatory statements on experts on Palestine, including UN Special Rapporteur Michael Lynk, pressuring the university where he teaches to cut his funding.³⁸ Overall, the research conducted by some of these actors is disingenuous, defamatory, and politically charged, which supports Israel's agenda in targeting Palestinian civil society, including human rights organizations in the OPT.

IV. Conclusion and Recommendations

In light of the above, the undersigned organizations call on the international community, in particular the Member States of the European Union (EU), to maintain their support in respecting and fulfilling the human rights of Palestinians, including by facilitating the work of Palestinian civil society organizations in the pursuit of justice and respect for human rights and the rule of law in the OPT. The undersigned organizations further call on States to promptly and effectively respond to the escalation of Israeli-led attacks against Palestinian and international human rights defenders and civil society and to:

1. **Condemn and reject the Israeli campaign** against Palestinian human rights defenders and civil society organizations, which aims to delegitimize, intimidate, silence, and de-fund their organizations, as well as legislation adopted by Israel in

<http://www.terrorism-info.org.il/en/shawan-jabarin-former-pflp-operative-current-head-palestinian-human-rights-ngo-recently-submitted-report-prosecutor-icc-accusing-israel-war-crimes-expe/>.

³⁷ FIDH, "Israel / Occupied Palestinian Territory: ongoing smear campaign against Al-Haq staff members Mr. Shawan Jabarin and Ms. Nada Kiswanson" (10 November 2017): <https://www.fidh.org/en/issues/human-rights-defenders/israel-occupied-palestinian-territory-ongoing-smear-campaign-against>.

³⁸ Palestinian Return Centre, "Israel-funded group launches smearing campaign against UN Special Rapporteur and PRC" (26 July 2017): <https://prc.org.uk/en/post/3727/israel-funded-group-launches-smearing-campaign-against-un-special-rapporteur-and-prc>.

contravention with international law, democratic principles and EU guidelines on freedom of expression;³⁹

2. **Protect and provide support to human rights defenders** working on and in Palestine, in line with international law and the EU guidelines on human rights defenders;⁴⁰
3. **Preserve and provide sufficient funding** to Palestinian human rights organizations and ensure fair, impartial and transparent access funding.
4. **Respect and defend our right to freedom of expression**, which is one of the basic freedoms any free society should safeguard and guarantee and one of Europe's core values.
5. **Affirm and support the right of Palestinians and conscientious citizens worldwide to “participate in peaceful activities against violations of human rights and fundamental freedoms”**, as confirmed by UN General Assembly resolution 53/144⁴¹.
6. **Refrain from conditioning any funding on the relinquishment by Palestinians of their right to resist** foreign domination, exploitation, oppression and occupation by the means permitted under international law.
7. **Ensure accountability for Israel's use of criminal, legal and security tools to obstruct the legitimate work of human rights defenders**, including the use of arbitrary arrests and detentions to silence them.

END

³⁹Article 19(2), International Covenant on Civil and Political Rights (ICCPR), 1966. *See also* European Union, EU Human Rights Guidelines on Freedom of Expression Online and Offline (12 May 2014):https://eeas.europa.eu/sites/eeas/files/eu_human_rights_guidelines_on_freedom_of_expression_online_and_offline_en.pdf.

⁴⁰UN Doc A/RES/53/144, 8 March 1999. EU, Ensuring Protection – European Union Guidelines on Human Rights Defenders (14 June 2004): https://eeas.europa.eu/sites/eeas/files/eu_guidelines_hrd_en.pdf.

⁴¹UN Doc A/RES/53/144, 8 March 1999, Article 12(1).