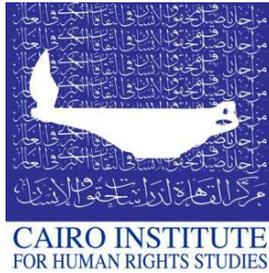


Joint Submission to the UN Secretary-General on Intimidation and Reprisals for Cooperation with the UN

Submitted by:

- The Palestinian Human Rights Organizations Council, comprising of:
 - Al-Haq, Law in the Service of Mankind
 - Al Mezan Center for Human Rights
 - Addameer Prisoner Support and Human Rights Association
 - Palestinian Centre for Human Rights
 - DCI - Defense for Children International – Palestine
 - Jerusalem Legal Aid and Human Rights Center
 - Aldameer Association for Human Rights
 - Ramallah Center for Human Rights Studies
 - Hurryyat - Center for Defense of Liberties and Civil Rights
 - The Independent Commission for Human Rights (Ombudsman Office)Observer Member
 - Muwatin Institute for Democracy and Human Rights - Observer Member
- Cairo Institute For Human Rights Studies (CIHRS)
- Civic Coalition for Palestinian Rights in Jerusalem (CCPRJ)
- Community Action Center (Al Quds University)
- Human Rights and Democracy Media Centers (SHAMS)
- The Palestinian Initiative for the Promotion of Global Dialogue and Democracy- MIFTAH

مجلس منظمات حقوق الإنسان الفلسطينية
Palestinian Human Rights Organizations Council



الائتلاف الاهلي لحقوق الفلسطينيين في القدس
The Civic Coalition for Palestinian Rights in Jerusalem



Date: 15 April 2021

1. Introduction

1. Since its establishment, Israel has created and maintained an institutionalised regime of racial domination and oppression, amounting to apartheid, over the Palestinian people as a whole, including Palestinians living on both sides of the Green Line, and as refugees and exiles abroad, through a plethora of discriminatory laws, policies, and practices designed to systematically fragment, isolate, and oppress Palestinians.¹ In order to maintain its apartheid regime over the Palestinian people as a whole and to prevent Palestinians from exercising their individual and collective rights, the Israeli government, in close coordination with government-operated non-governmental organisations (GONGOs),² have pursued a systematic campaign of silencing, intimidation, harassment, and delegitimisation of human rights defenders, activists, and organisations seeking to challenge Israel’s widespread and systematic human rights violations against the Palestinian people and calling for justice and accountability under international law.³
2. It is important to recall that Article II(f) of the 1973 *International Convention on the Suppression and Punishment of the Crime of Apartheid* (or Apartheid Convention) considers the “Persecution of organisations and persons, by depriving them of fundamental rights and freedoms, because they oppose apartheid” to be an element of the crime of apartheid.⁴ Such acts may further be considered as indicative of the “intention of maintaining that regime,” within the meaning of the 1998 *Rome Statute of the International Criminal Court*. Importantly, under both the Apartheid Convention and Rome Statute, apartheid is categorised as a crime against humanity, giving rise to individual criminal responsibility at the International Criminal Court (ICC),⁵ and in domestic courts through the universal jurisdiction provisions in the Apartheid Convention. Moreover, as a *jus cogens* (peremptory) norm of international law, giving rise to obligations *erga omnes*,⁶ the presence of an apartheid regime triggers the responsibility of all states to refrain from recognising the unlawful situation as legitimate, and to further refrain from such acts which would contribute towards its maintenance.⁷

¹ Al-Haq, Al Mezan Center for Human Rights, Addameer Prisoner Support and Human Rights Association, BADIL Resource Center for Palestinian Residency and Refugee Rights, Civil Coalition for Palestinian Rights in Jerusalem, Cairo Institute for Human Rights Studies, and Habitat International Coalition, “Joint Parallel Report to the United Nations Committee on the Elimination of Racial Discrimination on Israel’s Seventeenth to Nineteenth Periodic Reports,” 10 November 2019, available at: <https://www.alhaq.org/advocacy/16183.html>, (hereinafter ‘Joint Parallel Report to the United Nations Committee on the Elimination of Racial Discrimination on Israel’s Seventeenth to Nineteenth Periodic Reports’).

² See, notably, Ben White, “Delegitimizing Solidarity: Israel Smears Palestine Advocacy as Anti-Semitic,” *Journal of Palestine Studies*, Vol. 49 No. 2, Winter 2020, pp. 65-79, available at: <https://jps.ucpress.edu/content/49/2/65>.

³ See, for example, Joint Parallel Report to the United Nations Committee on the Elimination of Racial Discrimination on Israel’s Seventeenth to Nineteenth Periodic Reports, Al-Haq, “Three Palestinian Civil Society Organisations Send Submission to UN Expert on Israel’s Smear Campaigns and Disinformation,” 3 March 2021, available at: <https://www.alhaq.org/advocacy/17958.html>.

⁴ Article II(f), Apartheid Convention.

⁵ Article 7(2)(h), Rome Statute of the International Criminal Court.

⁶ See John Dugard and John Reynolds, “Apartheid, International Law, and the Occupied Palestinian Territory,” *European Journal of International Law*, Vol. 24 No. 3, 2013, pp. 883.

⁷ ILC, Draft articles on Responsibility of States for Internationally Wrongful Acts, 2001, in particular Articles 40-41, available at: https://legal.un.org/ilc/texts/instruments/english/commentaries/9_6_2001.pdf.

3. The present submission, prepared by The Palestinian Human Rights Organizations Council, comprising of Al-Haq, Law in the Service of Mankind, Al Mezan Center for Human Rights, Addameer Prisoner Support and Human Rights Association, Palestinian Centre for Human Rights, DCI - Defense for Children International – Palestine, Jerusalem Legal Aid and Human Rights Center, Aldameer Association for Human Rights, Ramallah Center for Human Rights Studies, Hurryyat - Center for Defense of Liberties and Civil Rights, The Independent Commission for Human Rights (Ombudsman Office) Observer Member, Muwatin Institute for Democracy and Human Rights - Observer Member; Cairo Institute For Human Rights Studies (CIHRS); Civic Coalition for Palestinian Rights in Jerusalem (CCPRJ); Community Action Center (Al Quds University); Human Rights and Democracy Media Centers (SHAMS); and the Palestinian Initiative for the Promotion of Global Dialogue and Democracy- MIFTAH (hereinafter the ‘organisations’), addresses Israel’s attacks on civil society organisations and human rights defenders for their work in the field of human rights, including with the United Nations (UN). Israeli attacks include systematic smear and disinformation campaigns that, *inter alia*, violate the right to freedom of opinion and expression, with the aim to silence opposition to the unlawful policies and practices constituting its apartheid regime. With our trust that it will be of use to the UN Secretary-General for his annual report on intimidation and reprisals for cooperation with the UN, this submission comes in response to a call for inputs issued by the Secretary-General,⁸ and as a continuation of civil society’s efforts to address Israel’s apartheid regime, including Israel’s systematic policy of silencing opposition, to maintain its regime of racial domination and oppression, including by creating a climate of fear and intimidation and preventing Palestinian human rights organisations from carrying out their advocacy work.

2. Overview

4. To shrink civil society space, silence and delegitimise Palestinian human rights groups and defenders, Israel relies on both its official bodies—including its governmental, judicial, military and diplomatic apparatus—and various entities affiliated with the Israeli government. For decades, Palestinian human rights groups and defenders have endured systemic intimidation and attacks on them, including death threats,⁹ arbitrary arrests,¹⁰ travel bans and severe restrictions on freedom of movement,¹¹ such as those

⁸ OHCHR, “Call for inputs on intimidation and reprisals for the annual report of the Secretary-General,” available at: <https://www.ohchr.org/EN/Issues/Reprisals/Pages/Call-for-submissions-to-annual-SG-report.aspx>.

⁹ See, for example, Al-Haq, “Israel’s Ongoing and Systematic Smear Campaign against Al-Haq and its Staff Members,” 22 October 2020, available at: <https://www.alhaq.org/advocacy/17466.html>, Al Haq, “Al-Haq Under Attack – Staff Member’s Life Threatened,” 3 March 2016, available at:

<https://www.alhaq.org/advocacy/6432.html>, Al Mezan, “Al Mezan Condemns Continued Death Threats to Staff Members and Calls on the International Community to Intervene”, 11 August 2016, available at:

<http://www.mezan.org/en/post/21475/>, Frontline Defenders, “Death Threats Against Staff Members of Al Mezan Organisation,” 16 August 2016, available at: <https://www.frontlinedefenders.org/en/case/death-threats-against-staff-membersal-mezan-organisation>.

¹⁰ See, for example, Al-Haq, “Israel’s Policy of Arbitrary Arrest of Human Rights Defenders Continues,” 24 July 2008, available at: <http://www.alhaq.org/advocacy/7256.html>, and Al-Haq, “Israeli Attacks on Human Rights Defenders Must End,” 16 February 2010, available at: <http://www.alhaq.org/advocacy/7161.html>.

¹¹ See, for example, Al-Haq, “PHROC Condemns Israeli Imposed Movement Restrictions and Travel Ban against Amnesty International Staff Laith Abu Zeyad”, 6 November 2019, available at: <https://www.alhaq.org/advocacy/16170.html>, and Al-Haq “PHROC Condemns Israel’s Policy of Silencing Those Who Raise the Voice of Justice,” 8 June 2020, available at: <http://www.alhaq.org/palestinian-human-rights-organizations-council/16957.html>.

imposed on Palestinian staff member of Amnesty International, Mr. Laith Abu Zeyad,¹² and Mr. Issam Younis,¹³ Al Mezan's General Director and commissioner general of the Independent Commission of Human Rights because of their human rights work, punitive residency revocation,¹⁴ forcible transfers and deportations,¹⁵ harassments and intimidations, raids on offices,¹⁶ cyber-attacks and hacking.¹⁷

5. Currently, Salah Hammouri, a Palestinian human rights defender working at Addameer, is under the imminent threat of deportation, since September 2020, following the Israeli Ministry of Interior's decision to revoke his residency status in Jerusalem for "breach of allegiance" to the State of Israel.¹⁸ In the case of Amnesty campaigner Laith Abu Zeyad, who has lived under arbitrary restrictions for over 500 days, the Jerusalem District Court upheld the government's unlawfully imposed travel ban on 6 April 2021.¹⁹

¹² Amnesty International, "ISRAEL/ OPT: End cruel travel ban on Amnesty staff member," 25 March 2020, available at: <https://www.amnesty.org/en/latest/news/2020/03/israel-opt-end-cruel-travel-ban-on-amnesty-staff-member/>.

¹³ Communication to the State of Israel by Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967 (Ref: AL ISR 12/2019) 28 August 2019, available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24813>.

¹⁴ Al Haq, "Punitive Residency Revocation: the Most Recent Tool of Forcible Transfer", 17 March 2018, available at: <https://www.alhaq.org/advocacy/6257.html>, and Al-Haq, "Omar Barghouti at Imminent Risk of Deportation as Israeli Interior Minister Initiates Proceedings to Punitively Revoke his Residency Status," 4 November 2019, available at: <http://www.alhaq.org/advocacy/16156.html>.

¹⁵ See, Human Rights Watch, "Israel Expels Human Rights Watch Director Today", 25 November 2019, available at: <https://www.hrw.org/news/2019/11/25/israel-expels-human-rights-watch-director-today>, and Al-Haq, "PHROC Condemns Israel's Order to Deport Human Rights Watch Director, Omar Shakir, as a Grave Violation of Right to Freedom of Expression, and Systematic Shrinking of Civil Society Space," 23 May 2018, available at: <http://www.alhaq.org/advocacy/6199.html>.

¹⁶ See, for example, Addameer, "Israeli Occupation Forces Raid Addameer's Office and Steal its Belongings," 19 September 2019, available at: <https://www.addameer.org/news/israeli-occupation-forces-raid-addameers-office-andsteal-its-belongings>; Al-Haq, "Al-Haq Condemns Israeli Occupation Forces Raid on Addameer Prisoner Support and Human Rights Association," 20 September 2019, available at: <https://www.alhaq.org/advocacy/15199.html>; Amnesty International, "Israel ramps up assault on civil society with chilling raid on Palestinian NGO Addameer," 19 September 2019, available at: <https://www.amnesty.org/en/latest/news/2019/09/israel-ramps-up-assault-on-civilsociety-with-chilling-raid-on-palestinian-ngo-addameer/>; and Al-Haq, "Al-Haq condemns Israeli raids against Palestinian organisations in Ramallah," 11 December 2012, available at: <https://www.alhaq.org/advocacy/6806.html>.

¹⁷ See, for example, Human Rights Council, "Report of the Special Rapporteur on the situation of human rights in the Palestinians territories occupied since 1967, Michael Lynk," 16 March 2017, A/HRC/34/70, para. 39, and Al Mezan, "Al Mezan Condemns Continued Death Threats to Staff Members and Calls on the International Community to Intervene", 11 August 2016, available at: <http://www.mezan.org/en/post/21475/>.

¹⁸ Al-Haq, "Human Rights Organisations Send Urgent Appeal to UN Special Procedures on the Imminent Threat of Forcible Transfer of Hammouri," 5 October 2019, available at: <https://www.alhaq.org/advocacy/17385.html>; Al-Haq, "Addressing the Human Rights Council, 56 Civil Society Organisations Highlight the Imminent Threat of Forcible Transfer/Deportation of Salah Hammouri," 15 October 2020, available at: <https://www.alhaq.org/advocacy/17447.html>; and Al-Haq, "Civil Society Organize Webinar "HRD Salah Hammouri at Imminent Threat of Deportation from Jerusalem: Israel Must Be Held Accountable," 15 December 2020, available at: <https://www.alhaq.org/advocacy/17650.html>.

¹⁹ Amnesty International, "Israel/OPT: 'Chilling repercussions' of travel ban on Amnesty campaigner must be a wake-up call for all," 6 April 2021, available at: <https://www.amnesty.org/en/latest/news/2021/04/israelopt-chilling-repercussions-of-travel-ban-on-amnesty-campaigner-must-be-a-wake-up-call-for-all/>.

6. In conjunction with human rights violations targeting human rights defenders, the Israeli government, through the Israeli Ministry of Strategic Affairs and surrogate groups working in symbiosis,²⁰ has carried out ongoing, systematic, carefully orchestrated, and organised attacks amounting to concerted smear and delegitimisation campaigns against human rights defenders and organisations advocating for the realisation of the rights of the Palestinian people, an end to Israeli impunity, and the pursuit of international justice and accountability. For example, MIFTAH was attacked, by the NGO Monitor and various media sources, while the organisation was preparing to host a congressional delegation that includes Congresswomen Rashida Tlaib and Ilhan Omar for a trip to the occupied Palestinian territory in August 2019.²¹ As a result of the incitement and the ban by the Israeli government to allow the aforementioned Congresswomen from entering Israel,²² MIFTAH had to postpone the trip indefinitely and release statements condoning the ban and incitement.²³
7. Notably, staff of Palestinian human rights organisations actively engaged in seeking justice at the ICC for Palestinian victims of suspected war crimes and crimes against humanity have even received death threats directed at themselves and their families because of their work. Prominent examples of Palestinian human rights defenders targeted in an effort to prevent them from carrying out their work include that of Ms. Nada Kiswanson, Al-Haq's former representative in Europe and at the ICC, Mr. Shawan Jabarin, Al-Haq's general director²⁴ and a member of Al Mezan staff.²⁵
8. Over the years, Palestinian human rights groups and their staff members have been targeted by Israeli government officials, Israeli newspapers, and Israeli organisations and institutions both at the local and international levels in an attempt to derail their work. Clearly constituting an attempt to maintain Israel's apartheid regime, the attacks directed at human rights organisations and defenders have also been used to divert attention from important human rights work carried out on the ground and to entrench impunity for systematic human rights violations. Through systematic incitement to racial hatred and violence, character assassinations, defamation, seeking to brand Palestinian human rights defenders as "terrorists" to delegitimise their message, as well as direct attacks on human rights organisations and their funding, Israel has sought to

²⁰ See, for example, Amal Jamal, German Institute for International Affairs, "The Rise of Bad Civil Society in Israel," January 2018, available at: https://www.swp-berlin.org/fileadmin/contents/products/comments/2018C02_jamal.pdf. See also Policy Working Group, "NGO Monitor: Shrinking Space," September 2018, available at: http://policyworkinggroup.org.il/report_en.pdf.

²¹ See, for example, NGO Monitor, "NGO Sponsorship and Involvement in Reps. Tlaib and Omar Trip to Israel/West Bank," 15 August 2019, available at: <https://www.ngo-monitor.org/reports/ngo-sponsorship-and-involvement-in-reps-tlaib-and-omar-trip-to-israel-west-bank/>; NGO Monitor, "Miftah", last updated 25 October 2020, available at: <https://www.ngo-monitor.org/ngos/miftah/>.

²² MIFTAH, "On Israeli ban of Congresswomen Rashida Tlaib and Ilhan Omar," 15 August 2019, available at: <http://www.miftah.org/Display.cfm?DocId=26578&CategoryId=2>.

²³ MIFTAH, "Miftah to postpone the visit of the rest of the Congressional delegation," 16 August 2019, available at: <http://www.miftah.org/Display.cfm?DocId=26579&CategoryId=2>.

²⁴ See, for example, Al-Haq, "Al-Haq Under Attack – Staff Member's Life Threatened," 3 March 2016, available at: <http://www.alhaq.org/advocacy/6432.html>. For similar attacks on Al Mezan's staff, see also: Al Mezan, "Al Mezan Condemns Continued Death Threats to Staff Members and Calls on the International Community to Intervene" 11 August 2016, available at: <http://www.mezan.org/en/post/21475>

²⁵ Al Mezan, "Al Mezan Condemns Continued Death Threats to Staff Members and Calls on the International Community to Intervene," 11 August 2016, available at: <http://mezan.org/en/post/21475>.

fundamentally undermine key human rights and accountability work and thereby further entrenched impunity for its apartheid regime over Palestinians.²⁶

3. Smear Campaigns

9. During the reporting period, Palestinian civil society organisations have continued to be the subject of an intensified online disinformation and smear campaign by Israel, through its Ministry of Strategic Affairs and its government-affiliated organisations. In particular, the attacks targeting Palestinian human rights organisations deliberately sought to defund and delegitimise civil society organisations and human rights defenders seeking to achieve justice and accountability for international crimes committed by Israeli Occupying Forces and authorities.²⁷
10. On 1 October 2020, during the 45th regular session of the Human Rights Council, the government of Israel attempted to silence civil society for condemning Israel's establishment and maintenance of an apartheid regime over the Palestinian people. While a representative from the Cairo Institute for Human Rights Studies was delivering a statement on Israeli apartheid under Item 9 on behalf of a group of organisations, the Israeli representative interrupted the statement and took the floor through a Point of Order accusing the NGOs of using inappropriate language that contradicts UN standards.²⁸ While the President of the Council affirmed the point of order, she allowed Cairo Institute for Human Rights Studies to continue delivering the statement. Through the Rights of Reply, South Africa and Namibia defended civil society's use of the legal terminology of apartheid in the context of the UN.
11. While state-sanctioned harassment is not new, these smear campaigns are distinguished by their reactionary and aggressive nature and are often launched shortly after publicised acts of cooperation between Palestinian civil society and UN human rights mechanisms. One prominent example came in response to the publication of the UN database of businesses operating in illegal Israeli settlements by the Office of the High Commissioner for Human Rights (OHCHR) in February 2020 pursuant Human Rights Council resolution 31/36.²⁹ Immediately following the publishing of the UN database, Israel's Ministry of Foreign Affairs published a response "examining" four NGOs, including Addameer, Al-Haq, PCHR, and Norwegian People's Aid, which advocated for the publication of the UN database.³⁰ The smear-publication details individual

²⁶ See, for example, Al-Haq, "Al-Haq submits a joint urgent appeal to the United Nations Special Procedures on the ongoing Israeli smear campaign against Al-Haq," 24 August 2019, available at: <http://www.alhaq.org/advocacy/14857.html>. See also Al-Haq, "Israeli Ministry of Strategic Affairs Campaign of Institutionalised Harassment Continues with the Alleged Closure of Palestinian NGOs' Financial Accounts," 19 June 2019, available at: <http://www.alhaq.org/advocacy/6039.html>.

²⁷ Badil, "PNGO & PHROC Position Paper on the Ongoing Campaign to Silence, Delegitimize, and De-Fund Palestinian Civil Society Organizations and Human Rights Defenders," 22 March 2020, available at: <https://badil.org/en/publication/press-releases/87-2018/4852-pr-en-220318-06.html>.

²⁸ For additional information and video, See CIHRS, "United Nations: Israel attempts to silence growing condemnation of its apartheid regime," 8 October 2020, available at: <https://cihrs.org/united-nations-israel-attempts-to-silence-growing-condemnation-of-its-apartheid-regime/?lang=en>.

²⁹ OHCHR, "UN rights office issues report on business activities related to settlements in the Occupied Palestinian Territory, 2020, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25542>.

³⁰ Israel Ministry of Foreign Affairs, "Behind the Headlines: The Terror behind the UNHRC Database," 13 February 2020, available at: <https://mfa.gov.il/MFA/ForeignPolicy/Issues/Pages/The-terror-behind-the-UNHRC-database-13-February-2020.aspx>.

instances of the organisations' cooperation with and advocacy for the compilation and release of the report, and included false allegations of "ties to terrorism."

12. A few months later, in May 2020, the Israeli Ministry of Strategic Affairs and Public Diplomacy published a case study of Addameer titled, "*Terrorists In Suits, Blood Money, European-funded Palestinian NGOs & their terror operatives.*" Beyond the obviously inflammatory and false accusations targeting multiple Palestinian civil society organisations, the report directly cites Addameer's participation in the Council's discussions on Israel, including Addameer's call for the ICC to investigate possible war crimes committed by Israel.³¹
13. NGO Monitor, a project of The Institute for NGO Research, is an Israeli proxy organisation which purports to be "an independent and nonpartisan research institute dedicated to promoting transparency and accountability of NGOs claiming human rights agendas, primarily in the context of the Arab-Israeli conflict,"³² is one of the leading GONGOs in targeting Palestinian civil society organisations. Notably, the Institute for NGO Research is an Israeli GONGO that actively works to discredit and undermine organisations and individuals advocating for Palestinian rights, which nevertheless holds a special consultative status as an NGO with the UN Economic and Social Council (ECOSOC) since 2013,³³ despite its members continuously and systematically harassing Palestinian human rights defenders and representatives of Palestinian civil society organisations during and after Human Rights Council sessions.³⁴ Such tactics are part and parcel of Israel's concerted silencing and smear campaign targeting individuals and organisations that criticise its policies of systematic racial domination and oppression over the Palestinian people, including in their engagement with UN mechanisms, mandates, and offices.
14. On 31 August 2020, NGO Monitor issued a smear and intimidation publication entitled "*Al Mezan Center for Human Rights' Ties to the PFLP Terror Group*", which contains entirely false, unfounded, and glaringly inaccurate allegations concerning Al Mezan staff members and Al Mezan's alleged ties to proscribed organizations.³⁵ In particular, the report publicly displays the names of Al Mezan staff and board members, falsely accusing them of having ties with the PFLP or other political parties classified as terrorist groups by Israel and listed as such by the EU, based on erroneous and biased information that misconstrues and misrepresents the human rights and international law-based work of Al Mezan.
15. The deliberate aim of this publication was not only to intimidate individual human rights defenders but also to attempt to undermine Al Mezan's credibility at the international level and deter its donors. To this end, NGO Monitor argued that Al Mezan "does not publish annual income or funding amounts, reflecting a lack of

³¹ Israel Ministry of Strategic Diplomacy and Public Affairs, "Terrorists In Suits Blood Money European-funded Palestinian NGOs & Their Terror Operatives, A Case Study: Addameer," May 2020, available at: <https://4il.org.il/wp-content/uploads/2020/05/blood-money-European-funding-palestinian-ngod-A-case-study-Addameer.pdf>.

³² NGO Monitor, Official Website, FAQs Section, available at: <https://www.ngo-monitor.org/about/faqs/>.

³³ See NGO Monitor, "About NGO Monitor", available at: <https://www.ngo-monitor.org/about/>.

³⁴ See NGO Monitor, "NGO Monitor Analysis: 41st Session of the UN Human Rights Council," 22 July 2019, available at: <https://www.ngo-monitor.org/ngo-monitor-analysis-41-session-of-the-un-human-rights-council/>.

³⁵ NGO Monitor, "Al Mezan Center For Human Rights' Ties to the PFLP Terror Group", 31 August 2020, available at: <https://www.ngo-monitor.org/reports/al-mezan-center-for-human-rights-ties-to-the-pflp-terror-group/>.

transparency.”³⁶ This statement is entirely unfounded as Al Mezan’s financial statements are publicly available on Transparency Palestine,³⁷ in accordance with Palestinian law and international donors’ standards. Although Al Mezan has thoroughly refuted every single allegation in confidential correspondence with its donors, the Dutch government had to reply to a parliamentary question targeting Al Mezan, which was based on the false information provided by NGO Monitor’s defamatory report.³⁸

16. In the months that followed, NGO Monitor continued its disinformation campaign against Al Mezan on various social media platforms, posting false information on Facebook³⁹ and Twitter.⁴⁰ In doing so, NGO Monitor further increased the spread of false information, with the deliberate aim to directly harm Al Mezan’s work and staff.
17. On 10 September 2020, NGO Monitor published its “*Al-Haq and GLAN’s Not-So-Subtle BDS Agenda: Analysis of Submission on “Business and Human Rights in Occupied Territory”*” report, which attempts to associate Al-Haq with the Boycott Divestment and Sanctions movement (BDS).⁴¹ Denying the Business and Human Rights legal framework Al-Haq utilises in its work, including with regards to corporate accountability in which Al-Haq has been recognised internationally as a prominent actor,⁴² NGO Monitor continues to label Al-Haq as “a leader in BDS and lawfare campaigns targeting Israel, with its advocacy focusing on anti-Israel activities,”⁴³ with the objective of undermining and discrediting its work based on international law.
18. While Al-Haq supports the rights of other organisations and individuals to support the BDS movement, the organisation has never endorsed the 2005 call for BDS. Rather, Al-Haq continuously advocates for Third States to uphold their obligations under international law in relation to trade and investment with illegal Israeli settlements in the occupied West Bank, including East Jerusalem, including by taking measures to ensure that multinational corporations are not involved in gross human rights abuses, to protect and promote the rule of law, to ensure equal access to remedy and adequate accountability, and to protect against human rights abuses within their territory and/or jurisdiction by business enterprises.⁴⁴

³⁶ *Ibid*, p. 1.

³⁷ Transparency Palestine, “Financial Reports”, available at: <https://www.aman-palestine.org/en/financial-and-administrative-reports/financial-reports>.

³⁸ Al Mezan, “Al Mezan welcomes Dutch government’s dismissal of Israeli smear campaign”, 21 October 2020 available at: <http://mezan.org/en/post/23836>.

³⁹ Examples of the Facebook posts: <https://www.facebook.com/NgoMonitor/posts/3357354840952593>, and <https://www.facebook.com/NgoMonitor/posts/3367382606616483>.

⁴⁰ Examples of the tweets: <https://twitter.com/ngomonitor/status/1300318474779136000>, and <https://twitter.com/ngomonitor/status/1321070977258786817>.

⁴¹ NGO Monitor, “Al-Haq and GLAN’s Not-So-Subtle BDS Agenda: Analysis of Submission on ‘Business and Human Rights in Occupied Territory,’” 10 September 2020, available at: <https://www.ngo-monitor.org/reports/al-haq-and-glanbds-agenda-business-human-rights/>.

⁴² Al-Haq, “Al-Haq Receives the Gwynne Skinner Human Rights Award,” 1 October 2020, available at: <http://www.alhaq.org/advocacy/17372.html>, and Al-Haq, “Al-Haq Attends 8th Annual UN Forum on Business and Human Rights, Receives the Human Rights and Business Award,” 3 December 2019, available at: <http://www.alhaq.org/advocacy/16269.html>.

⁴³ NGO Monitor, “Al-Haq and GLAN’s Not-So-Subtle BDS Agenda: Analysis of Submission on ‘Business and Human Rights in Occupied Territory,’” 10 September 2020, available at: <https://www.ngo-monitor.org/reports/al-haq-and-glanbds-agenda-business-human-rights/>.

⁴⁴ See, for example, Al-Haq, “Database Letters: Al-Haq Calls on Home States to Businesses Listed in the United Nations Database as Engaged in Activities with Israeli Settlements to Take Action,” 1 July 2020, available at:

19. Notably, the protracted smear and disinformation campaign orchestrated by Israel and its affiliated organisations have intensified since early 2020, i.e., when the ICC Prosecutor requested the Pre-Trial Chamber to rule on the scope of the Court’s territorial jurisdiction in the Situation in Palestine.
20. For instance, the Jerusalem Center for Public Affairs, which purports to be “a leading independent research institute specializing in public diplomacy and foreign policy,”⁴⁵ published a report in May 2020, which aims to discredit the Prosecutor of the ICC, her office, Al-Haq, PCHR, Al Mezan and Al-Dameer.⁴⁶ Critically, the report, which is authored by a former Director General of Israel’s Ministry of Strategic Affairs and a former Secretary General of the World Jewish Congress, fails to provide information on the Situation before the ICC, and instead reuses claims and allegations previously made by the Israeli government, and its proxy organisations, while openly naming staff of the Palestinian civil society organisations.⁴⁷
21. The attacks on Palestinian civil society working for international accountability and justice through the ICC continued as NGO Monitor issued, on 23 September 2020, a report titled “*PCHR’s Role in the ICC ‘Investigation,’*” smearing PCHR and its legal advocacy and human rights work.⁴⁸ The report uses the same rhetoric and arguments, which are used in an empty, baseless manner, attempting to undermine the work of PCHR and lobbying for donors to cut funding, while attacking both the organisation and its staff members.
22. In a similar effort, following the landmark decision of the ICC Pre-Trial Chamber affirming that the Court has full territorial jurisdiction over the occupied Palestinian territory on 5 February 2021,⁴⁹ NGO Monitor issued an intimidatory publication entitled “*Examples of German Funding to Palestinian NGOs: Terror Ties and ICC Lobbying*”. The publication lists a number of Palestinian NGOs—including Al Mezan, Al Haq, and PCHR, all actively engaging with the ICC—and falsely accuses them of having ties with an EU-designated terrorist group.⁵⁰ On another page, titled “*Government Funding to NGOs Active in Lobbying the ICC*”, NGO Monitor provides a list of organisations receiving funding from international donors, intended for their engagement and activities with the ICC—including Addameer, Al-Haq, Al Mezan, and

<http://www.alhaq.org/advocacy/17042.html>, and Al-Haq, “World Tourism Day: Al-Haq calls for Corporate Accountability for Adverse Human Rights Impacts on Palestinian Host Communities,” 26 September 2020, available at: <http://www.alhaq.org/advocacy/17360.html>.

⁴⁵ The Jerusalem Center for Public Affairs, About the Jerusalem Center for Public Affairs, available at: <https://jcpa.org/about/>.

⁴⁶ The Jerusalem Center for Public Affairs, “Legal Assault: How the ICC Has Been Weaponized Against the U.S. and Israel,” 5 May 2020, available at: <https://jcpa.org/legal-assault-how-the-icc-has-been-weaponized-against-the-u-s-and-israel/>.

⁴⁷ Al-Haq, “Al-Haq Condemns Attempt to Smear Al-Haq, Its Staff, and Partners in Recent Report,” 11 May 2020, available at: <http://www.alhaq.org/advocacy/16854.html>.

⁴⁸ NGO Monitor, “PCHR’s Role in the ICC ‘Investigation,’” 23 September 2020, available at: <https://www.ngo-monitor.org/reports/pchrs-role-icc-investigation/>.

⁴⁹ International Criminal Court, Pre-Trial Chamber I, Decision on the ‘Prosecution request pursuant to article 19(3) for a ruling on the Court’s territorial jurisdiction in Palestine’, (ICC-01/18-143), 05 February 2021.

⁵⁰ NGO Monitor, “Examples of German Funding to Palestinian NGOs: Terror Ties and ICC Lobbying”, 28 February 2021, available at: <https://www.ngo-monitor.org/reports/german-funding-palestinian-ngos-terror-icc-lobbying/#germangovernmentalfundingtoproblematicpalestinianngosviaunframeworks>.

PCHR—and continue to push the false and baseless accusations of links to proscribed groups.⁵¹

23. Moreover, Addameer’s documentation of torture and ill-treatment in Israeli interrogation centres, specifically the case of Samer Arbeed,⁵² led to numerous, ongoing, state and non-state media allegations of Addameer’s association with and funding of “terrorist activities.”⁵³ While Addameer documented the torture of Samer Arbeed and conducted international advocacy around the case, the Israeli Attorney-General closed the investigations of torture. This led to a statement by UN human rights experts repudiating Israel’s failure to prosecute the case, calling for a revision of policies authorizing practices of torture and ill-treatment.⁵⁴ Nevertheless, past and current smear campaigns,⁵⁵ retaliate against such advocacy and cooperation by publishing organisational charts of Addameer employees with allegations of membership to an organization deemed unlawful under Israeli military orders, and more incendiary, involvement in military operations, despite evidence to the contrary,⁵⁶ and disclose international donors and donations, including UN grants and grants with relation to the ICC, alleging the funnelling of funds.⁵⁷ These allegations have been repeated by Israeli governmental reports,⁵⁸ as well as non-state media reports.⁵⁹

⁵¹ NGO Monitor, “Government Funding to NGOs Active in Lobbying the ICC”, available at: <https://www.ngo-monitor.org/key-issues/international-criminal-court-icc-and-ngos/government-funding-to-ngos-active-in-lobbying-the-icc/>.

⁵² Addameer, “The Systematic use of Torture and Ill-Treatment at Israeli Interrogation Centers, Cases of Torture Committed at al-Mascobiyya Interrogation Center” 23 January 2020, available at: <https://www.addameer.org/index.php/publications/systematic-use-torture-and-ill-treatment-israeli-interrogation-centers-cases-torture>.

⁵³ NGO Monitor, “Samer Arbid’s Alleged Terror Activities, Arrests, and NGO Affiliations,” 2 October 2019, 2019, available at: <https://www.ngo-monitor.org/samer-arbid/>, Israel Ministry of Foreign Affairs, “Behind the Headlines: The Terror behind the UNHRC Database.” 13 February 2020, and Israel Ministry of Strategic Diplomacy and Public Affairs, “Terrorists In Suits Blood Money European-funded Palestinian NGOs & Their Terror Operatives, A Case Study: Addameer,” May 2020.

⁵⁴ OHCHR, “Israel must end impunity for torture and ill-treatment - UN experts,” 8 February 2021, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26729&LangID=E>.

⁵⁵ NGO Monitor “Addameer’s Ties to the PFLP Terror Group,” January 2020, available at: http://ngo-monitor.org/pdf/Addameer_0120.pdf, NGO Monitor, “Samer Arbid’s Alleged Terror Activities, Arrests, and NGO Affiliations,” 2 October 2019, Israel Ministry of Foreign Affairs, “Behind the Headlines: The Terror behind the UNHRC Database.” 13 February 2020, and Israel Ministry of Strategic Diplomacy and Public Affairs, “Terrorists In Suits Blood Money European-funded Palestinian NGOs & Their Terror Operatives, A Case Study: Addameer,” May 2020.

⁵⁶ Mauro, Ryan, and Alex Vanness, “Army of NGOs, Iran-linked Terror Group Uses Fronts to Operate in America & Europe.” Clarion Project, 2 March 2021, available at: <https://clarionproject.org/army-of-ngos/>. *In response*, see, Addameer’s press release on the Ofer Israeli military prosecutor that amended charges against Khalida Jarrar to clear her of involvement in military operations, and limited her involvement to political involvement with the group, “Continued Targeting of PLC Member Khalida Jarrar,” 1 March 2021, available at: <https://www.addameer.org/news/press-release/en/khalidajarra>.

⁵⁷ Israel Ministry of Strategic Diplomacy and Public Affairs, “Terrorists In Suits Blood Money European-funded Palestinian NGOs & Their Terror Operatives, A Case Study: Addameer,” May 2020.

⁵⁸ *Ibid.*

⁵⁹ *For example*, see, NGO Monitor, “Addameer’s Ties to the PFLP Terror Group,” January 2020, NGO Monitor, “Samer Arbid’s Alleged Terror Activities, Arrests, and NGO Affiliations,” 2 October 2019, Levick, Adam, “Guardian Promotes Anti-Israel Propaganda by Terrorist Affiliated NGO,” CAMERA UK, 9 March 2021, available at: <https://camera-uk.org/2021/03/07/guardian-promotes-anti-israel-propaganda-by-terrorist-affiliated-ngo/>, and Mauro, Ryan, and Alex Vanness. “Army of NGOs, Iran-linked Terror Group Uses Fronts to Operate in America & Europe.” Clarion Project, 2 March 2021.

24. Non-state media actors, based in Israel and abroad, contribute to public smear campaigns targeting Addameer and in response to Addameer's international human rights advocacy, often co-opting the Israeli government's rhetoric. For example, Israel's public rebuke of Belgium's invitation of Brad Parker, representing the NGO Defense for Children International-Palestine (DCI-P) to speak to the UN Security Council, included an accusation of links to an organisation deemed unlawful under Israeli military orders because of their association to Addameer. Media organisations further published individual names of Addameer attorneys and board members who held former or current positions in DCI-P.⁶⁰ Ultimately, the Israeli state's public campaign, aided by news media, succeeded in having Parker's invitation rescinded.⁶¹

4. Conclusion and recommendations

25. These campaigns serve to further repress and exclude from human rights processes Palestinian civil society organisations and human rights defenders in the occupied Palestinian territory. They are designed to silence Palestinian and other human rights organisations and human rights defenders, maintain Israel's apartheid regime, and frustrate efforts to monitor and document Israeli violations and ensure accountability, particularly for perpetrators of war crimes and crimes against humanity, including at the ICC.

26. In light of the above, our organisations offer the following recommendations:

- i. Examine Israel, as the Occupying Power, and its conduct, including through its Ministry of Strategic Affairs and government-affiliated organisations, in smearing human rights defenders and activists, restricting their work and the right to freedom of expression, and threatening their right to life, amongst other rights, both offline and online, including on social media platforms;
- ii. Demand that Israel immediately cease all practices and policies intended to intimidate and silence human rights defenders, in violation of their right to freedom of expression, including through arbitrary detention, torture and other ill-treatment, institutionalised hate speech and incitement, residency revocation, deportations, and other coercive or punitive measures;
- iii. Engage with online platforms such as Facebook and Twitter to ensure that posts containing death threats and misinformation about human rights defenders are removed, that their best efforts are taken to guarantee that their platforms are not employed in coordinated attacks within organised campaigns that aim at denigrating Palestinian human rights defenders, that they test their policies and procedures periodically to ensure that they do not discriminate against any person or group nor influenced by political whims and systematic incitement

⁶⁰ Jewish News Syndicate, "Israel Rebukes Belgium over Inviting 'terror Supporter' to Address UN Security Council," 13 February 2020, available at: <https://www.jns.org/israel-rebuked-belgium-over-inviting-terror-supporter-to-address-un-security-council/>.

⁶¹ The Times of Israel, "Pro-Palestinian activist: Belgium rescinded my UN invite after Israeli pressure," 22 February 2020, available at: <https://www.timesofisrael.com/activist-says-belgium-rescinds-invite-to-un-after-israeli-pressure/>.

campaigns, and that Facebook, Twitter and other online platforms adhere to their human rights responsibilities; and

- iv. Highlight the root causes underpinning Israel's disinformation campaign and quashing of freedom of opinion and expression in the occupied Palestinian territory, and call for an immediate and unconditional lifting of the 13-year land, air and sea closure of the Gaza Strip, an end to the 53-year occupation of the West Bank, including East Jerusalem, and the Gaza Strip, and an end to the 72-year apartheid over the Palestinian people as a whole on both sides of the Green Line, and as refugees and exiles abroad denied the right of return.