



Position Paper



**Dangerous Designations, Israel's Authoritarian
Dismantling of Palestinian Civil Society, an Attack on
Human Rights and the Rule of Law**

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1. Introduction

On 19 October 2021, the Israeli Minister of Defense Benny Gantz announced the designation of six leading Palestinian civil society organizations (CSOs) as “terror organizations” under Israel’s domestic Anti-Terrorism Law (2016), effectively outlawing the organizations and placing them at risk of imminent reprisals. The six targeted organizations are: Addameer Prisoner Support and Human Rights Association (Addameer), Al-Haq Law in the Service of Man (Al-Haq), Bisan Center for Research and Development, Defence for Children International-Palestine (DCI-P), the Union of Agricultural Work Committees (UAWC), and the Union of Palestinian Women’s Committees (UPWC).

For decades, these organizations have been at the forefront of the Palestinian civil society and significantly contributed to the advancement of human rights, prisoners’ and children rights, women empowerment, socio-economic, agricultural and environmental development, in an effort to represent Palestinian voices, in Palestine and the world. Addameer provides legal support to Palestinian political prisoners, exposing human rights violations committed against them by Israel, the Occupying Power.¹ Al-Haq works to protect the rule of law and human rights, documenting human rights violations and seeking accountability for Israel’s war crimes and crimes against humanity.² Bisan Center defends the socio-economic, political, and civil rights of the poor and marginalized in the Palestinian society.³ DCI-P supports the rights of Palestinian children, through the provision of legal services to the most vulnerable, as well as national and international advocacy.⁴ UAWC seeks agricultural development through empowering Palestinian farmers within a sustainable community-based framework.⁵ UPWC is a feminist organization aimed at empowering Palestinian women to build a progressive Palestinian society free from all forms of discrimination.⁶

Israel’s designation constitutes the latest in an escalating series of smear attacks and institutionalized violence against defenders of the Palestinian people’s human rights and fundamental freedoms that form part of Israel’s strategy to maintain its apartheid regime of institutionalized racial discrimination and domination over the Palestinian people as a whole, by

¹ See Addameer’s website, <https://www.addameer.org/>

² See Al-Haq’s website, <https://www.alhaq.org/>

³ See Bisan Center’s website, <https://www.bisan.org/>

⁴ See DCI-P’s website, <https://www.dci-palestine.org/>

⁵ See UAWC’s website, <https://www.uawc-pal.org/UAWCAbout.php>

⁶ See UPWC’s website, <http://www.upwc.org.ps>

silencing human rights defenders. The arbitrary designation targets six of the most eminent Palestinian CSOs and Human Rights Defenders (HRDs) engaged in critical human rights work in the Occupied Palestinian Territory (OPT), placing serious obstacles on their documentation and monitoring of human rights violations, accountability work to prosecute Israel's war crimes and crimes against humanity, and legal and advocacy efforts to bring Israel's occupation, settler-colonialism and apartheid regime to an end.

2. Criminalization and Repression of Palestinian Human Rights Defenders

The designation represents an unprecedented and ominous attempt by the Israeli occupying authorities to silence and criminalize Palestinian CSOs that challenge Israel's prolonged military occupation, entrenched settler-colonization and apartheid of Palestine. For decades, the organizations have relentlessly promoted the inalienable human rights of the Palestinian people, and challenged injustices perpetrated against the protected Palestinian population resulting from Israel's prolonged military occupation, colonization and apartheid. For decades, the organizations have gained wide recognition as professional, transparent and credible organizations.⁷

The designations of the CSOs as "terror organizations" constitutes the latest step of a long-standing campaign aiming at constructing a key narrative of linking Palestinian HRDs with "terrorism," with the ultimate goal of delegitimizing, undermining, controlling, and oppressing the work of the Palestinian HRDs, while advancing an aggressive and escalating colonization of the occupied Palestinian territory. As the CSOs have pursued their efforts to hold the Israeli authorities accountable for their crimes before the International Criminal Court, Israel, endangered by their work, attempts once again to silence them.⁸ Their criminalization is based on a range of unjustified allegations, whose unfounded character is confirmed by the use of the purposely vague and baseless "anti-terrorism" clauses.

3. The Latest Development of an Ever-Intensifying Smear Campaign aimed at Discrediting and Thwarting the Work of Palestinian Human Rights Organizations

The designations represent the latest effort of a systematic, carefully orchestrated, and institutionalized smear disinformation campaign targeting Palestinian human rights organizations and defenders. This campaign has included defamation, attacks on funding, incitement to racial hatred, hate speech, violence, and death threats, with the ultimate goal of creating a coercive environment and "shrinking space" wherein their work becomes impossible.⁹ This campaign has

⁷ Lynn Welshmen, Al-Haq: A Global History of the First Palestinian Human Rights Organization (New Directions in Palestinian Studies Book 2).

⁸ Al-Haq, "Israeli Minister for Strategic Affairs Continues Attack on Al-Haq" (22 July 2019), available at: <https://www.alhaq.org/advocacy/14703.html>

⁹ OBS, OMCT, FIDH, "Target Locked: ISRAEL: Smear campaigns to stifle human rights defenders from the Golan, Israel, and Palestine" available at: <https://target-locked-obs-defenders.org/>

widely affected Palestinian HRDs ability to operate, including, for many Palestinian NGOs, their ability to access foreign funding.¹⁰

The most recent egregious of these smears has come in the form of three reports published by the Israeli Ministry of Strategic Affairs in 2018 and 2019, including: “The Money Trail 1” (May 2018),¹¹ “The Money Trail 2” (January 2019), and “Terrorists in Suits” (January 2019). Those reports contain a number of defamatory attacks against human rights organizations. Notably, these reports called on the European Union (EU) and European states to halt their direct and indirect financial support and funding to Palestinian and international human rights organizations that “have ties to terror and promote boycotts against Israel.”¹²

Palestinian HRDs have also been targeted with a smear campaign and incitement to violence carried out by the Israeli Ministry of Strategic Affairs online, notably on Facebook and other public platforms.¹³ The Israeli authorities have themselves had recourse to incitement to violence. In March 2016, Intelligence Minister Yisrael Katz’s called for engaging in “targeted civil eliminations” of Palestinian civil society leaders with the help of Israeli intelligence, “using language that deliberately evoked the Hebrew term for ‘targeted assassinations.’”¹⁴

The smear campaign has dramatically intensified since 2015, when the Prosecutor of the International Criminal Court (ICC) opened a preliminary examination into the Situation in Palestine. Since then, the attacks and harassment campaigns, including death threats,¹⁵ have targeted staff members of the CSOs, that are the most actively engaging in international justice mechanisms, aiming at holding Israeli perpetrators accountable for violations of international law.¹⁶

¹⁰ Joint Submission to the UN Secretary-General on Intimidation and Reprisals for Cooperation with the UN (15 April 2021), available at: https://www.alhaq.org/cached_uploads/download/2021/04/20/210415-reprisals-submission-final20-1618902115.pdf

¹¹ Ministry of Strategic Affairs and Public Diplomacy, ‘The Money Trail – The Millions Given by EU Institutions to NGOs with Ties to Terror and Boycotts against Israel – An In-Depth Analysis’ (May 2018)

¹² Ministry of Strategic Affairs and Public Diplomacy, ‘The Money Trail – The Millions Given by EU Institutions to NGOs with Ties to Terror and Boycotts against Israel – An In-Depth Analysis’ (May 2018)

¹³ Al-Haq, “Israeli Minister for Strategic Affairs Continues Attack on Al-Haq” (25 July 2019), available at: <https://www.alhaq.org/advocacy/14498.html>

¹⁴ Michael Schaeffer Omer-Man, “Senior Israeli minister: Make BDS activists in Israel ‘pay a price’” (+972 Magazine, 16 June 2016), available at: <https://972mag.com/senior-israeli-minister-says-working-to-make-bds-activists-in-israel-pay-a-price/120084/> .

¹⁵ Open Society Foundation, “Threats against Palestinian Lawyer Over ICC Work Must End” (11 August 2016), available at: <https://www.opensocietyfoundations.org/newsroom/threats-against-palestinian-lawyer-over-icc-work-must-end>

¹⁶ 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>

4. Muffling Accountability for International Crimes

The Israeli designations amount to a targeted assault on those organizations most actively engaging in international justice mechanisms, aiming at holding Israeli perpetrators accountable for violations of international law, especially the ICC. Al-Haq, for example, has engaged in a constant and constructive manner with the Office of the Prosecutor (OTP) of the ICC for over a decade.¹⁷ For example, in 2017, Mr. Shawan Jabarin, Al-Haq's General Director, submitted with human rights lawyer Ms. Nada Kiswanson, a 700-page communication that provided a "compelling and reasonable basis for the Prosecutor to open an investigation into crimes alleged to be committed against the Palestinian population in the occupied West Bank including East Jerusalem."¹⁸ In 2018, Al-Haq, Al Mezan and the Palestinian Center for Human Rights (PCHR) submitted a 500-page file on alleged crimes committed by Israelis, in particular high-level Israeli officials, and individuals associated with corporations that are extracting and destroying Palestinian natural resources.¹⁹ The organizations provided a reasonable basis to believe that Israelis and private actors have committed the war crimes of extensive destruction and appropriation of property, pillage, and destruction and seizure of property.²⁰ In 2020, Al-Haq, PCHR, Al Mezan and Al-Dameer submitted their joint *amicus curiae* observations to the Pre-Trial Chamber of the ICC, in which the organizations reiterated that there is a "compelling and urgent need for the opening of a formal investigation into the Situation in Palestine."²¹ Al-Haq continues to engage with the OTP in a constant and constructive manner regarding the investigation in the Situation in Palestine.

Notably, in its Report on Preliminary Examination Activities (2016), the OTP noted that "staff members of certain organizations 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."²² The OTP added that this situation was being taken "very seriously".²³ Further, the report stated that the OTP had "consulted with the organizations and persons affected as well as liaised with the Dutch authorities, as the Host State to the Court, in order to ensure that appropriate steps and measures are taken to

¹⁷ Al-Haq also engaged with the court in other situations. For example, in March 2020, Al-Haq submitted an *amicus curiae* submission to the Appeals Chamber of the ICC, in the case of the *Prosecutor v Bosco Ntaganda*. Al-Haq Submits Amicus Curiae Submission to International Criminal Court on International Humanitarian and Criminal Law, <https://www.alhaq.org/advocacy/17399.html>

¹⁸ Palestinian Human Rights Organisations Submit Evidence to the ICC Prosecutor on Crimes Committed in West Bank, <https://www.alhaq.org/advocacy/6318.html>

¹⁹ Palestinian Human Rights Organisations Submit File to ICC Prosecutor: Investigate and Prosecute Pillage, Appropriation and Destruction of Palestinian Natural Resources, <https://www.alhaq.org/advocacy/6144.html>

²⁰ *Ibid.*

²¹ Palestinian Human Rights Organisations Submit Amicus on Territorial Jurisdiction of the State of Palestine, to the Pre Trial Chamber of the International Criminal Court, <https://www.alhaq.org/advocacy/16609.html>

²² The Office of the Prosecutor, Report on Preliminary Examination Activities 2016, p. 32, para. 144, available at: https://www.icc-cpi.int/iccdocs/otp/161114-otp-rep-PE_ENG.pdf

²³ The Office of the Prosecutor, Report on Preliminary Examination Activities 2016, p. 32, para. 144, available at: https://www.icc-cpi.int/iccdocs/otp/161114-otp-rep-PE_ENG.pdf

address the situation.”²⁴ This continuous targeted assault on Palestinian civil society and human rights organizations is once again, aimed at interfering with their accountability work, to prevent the ICC from obtaining any information and documentation of Israel’s human rights violations, especially those that may constitute war crimes and crimes against humanity.

5. Arbitrary Arrest and Detention to Stifle Human Rights Defenders Exposure of Israel’s Apartheid

For decades, Palestinians, including HRDs, have mobilized against Israel’s occupation and settler colonialism, and struggled for the realization of their inalienable human rights, including rights to self-determination of the Palestinian people, and the right of return of Palestinian refugees, exiles in the diaspora and internally displaced persons.²⁵ Over the years, there has been a growing recognition of the reality that Israel has established and maintained an apartheid system over the Palestinian people as a whole, including Palestinians in the OPT.²⁶ Israel’s systematic use of arbitrary detention, torture, and other ill-treatment targets Palestinians, including HRDs, who mobilize to challenge Israel’s policies, laws and practices of racial domination and oppression.²⁷

HRDs’ work exposes the Israeli occupation’s evasion of its responsibilities as an Occupying Power and highlights the consistent violations of International Human Rights Law (IHRL) and International Humanitarian Law (IHL) in the OPT. The designations should therefore be understood and acknowledged within Israel’s systematic policy of silencing of opposition to maintain its apartheid system over the Palestinian people as a whole. Notably, Article II(f) of the Apartheid Convention of 1973, recognises as an element of the crime of apartheid the “*Persecution of organizations and persons, by depriving them of fundamental rights and freedoms, because they oppose apartheid.*” Further, Article 13 of the UN Declaration on Human Rights Defenders stipulates that, everyone has the right to solicit, receive and utilise resources to protect and promote human rights through peaceful means. While, Article 9 of the Universal Declaration of Human Rights (UDHR) and Article 9(1) of the International Covenant on Civil and Political Rights (ICCPR), to which Israel is a State Party, guarantees to everyone the right not to be subjected to arbitrary detention.

²⁴ The Office of the Prosecutor, Report on Preliminary Examination Activities 2016, p. 32, para. 144, available at: https://www.icc-cpi.int/iccdocs/otp/161114-otp-rep-PE_ENG.pdf

²⁵ Al-Haq, Q&A The Great Return March: One Year On (25 May 2019), available at: <https://www.alhaq.org/advocacy/6044.html>

²⁶ See, e.g., Al-Haq *et al*, ‘[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; OHCHR, ‘[Israeli annexation of parts of the Palestinian West Bank would break international law – UN experts call on the international community to ensure accountability](#)’, 16 June 2020

²⁷ See Al-Haq *et al*, ‘[Joint Submission to the United Nations Special Rapporteur on the Situation of Human Rights Defenders, Ms Mary Lawlor, in Response to a Call for Input on Long-Term Detention of Human Rights Defenders](#)’, 19 March 2021.

Palestinian HRDs and healthcare providers have been increasingly targeted in recent years.²⁸ The examples of the latest arbitrary arrests of Ms. Shatha Odeh Abu Fannouneh,²⁹ and Mr. Farid al-Atrash,³⁰ and the residency revocation of Palestinian lawyer Salah Hammouri,³¹ demonstrate Israel's latest and continuous attempts to discourage HRDs from monitoring, documenting and exposing Israel's continuing violations.³² Meanwhile, the harsh sentences in Israel's Anti-Terror Law, 2016, of 25 years for heading or directing a designated "terror organization" alone, 15 years for managing and 5 years for working in a so-called designated "terror organization", places the Palestinian human rights defenders working in these organizations at extreme risk of arbitrary detention and abuse of process, for conducting their human rights work.³³

6. Conclusion: A Troubling Confirmation of the Entrenchment of Israel's Settler-Colonial and Apartheid Rule over Palestine and the Palestinian People

Israel's arbitrary designation of Palestinian human rights organizations as "terrorist organizations" under its domestic legal regime shall clearly be analyzed as another attempt to discredit, delegitimize, and undermine their work for the furtherance of justice and accountability. As such, it falls within the prohibition of inhumane acts listed under Article II(f) of the 1973 Apartheid Convention as the "persecution of organizations and persons by depriving them of fundamental rights and freedoms, because they oppose apartheid." Thwarting resistance and opposition to its discriminatory laws, policies and practices is an essential mainstay of the maintenance of its regime of colonial domination and systematic oppression over the Palestinian people and their lands.

By silencing Palestinian civil society, and those who defend human rights, and provide healthcare in such critical times in the occupied Palestinian territory, Israel maintains its repressive and prolonged military occupation, and institutionalized apartheid regime, while rapidly expanding its colonisation and annexation of occupied Palestinian territory, and denying the Palestinian people their inalienable basic human rights.

²⁸ Al-Haq, DEPRIVED A VOICE: An Investigation into Shrinking Space in Area C (14 December 2020), available at: <https://www.alhaq.org/publications/17636.html>

²⁹ See Al-Haq, '[Urgent Appeal for the Immediate Release of Human Rights Defender, Ms. Shatha Odeh Abu Fannouneh, General Director of the Health Work Committee](#)', 23 July 2021

³⁰ See Al-Haq, '[Urgent Appeal to United Nations Special Procedures on the Arbitrary Detention of the Human Rights Defender Farid al-Atrash](#)', 6 July 2021.

³¹ Mondoweiss, Israel revokes Jerusalem residency of Palestinian human rights lawyer Salah Hamouri (19 October 2021), available at: <https://mondoweiss.net/2021/10/israel-revokes-jerusalem-residency-of-palestinian-human-rights-lawyer-salah-hamouri/>

³² Al-Haq, "Al-Haq Sends an Urgent Appeal on the Arbitrary Detention and "Severe Suffering" of Human Rights Defender Ms. Shatha Odeh Abu Fannouneh, General Director of the Health Work Committee" (24 July 2021), available at: <https://www.alhaq.org/advocacy/18644.html>

³³ THE COUNTER-TERRORISM LAW, 5776-2016, para. 20-22.

Notwithstanding, the Palestinian civil society have received tremendous position support at the levels of the European Union, United States and the United Nations, as well as from individuals and groups of the international civil society, including human rights organizations and networks, legal experts and scholars.

At the EU level, Manu Pineda, President of the EU Parliament delegation for the EU-Palestine relations, describes Israel's designation as "the last step in a campaign to delegitimise Palestinian human rights organisations and civil society,"³⁴ while the EU parliament Socialists and Democrats Group have called it an "unacceptable decision."³⁵ EU officials admitted that Israel's designation could likely be an attempt to pressure EU donors' decision-making,³⁶ further noting that "[p]ast allegations of the misuse of EU funds in relation to certain of our Palestinian CSO partners have not been substantiated."³⁷ Eamon Gilmore, EU Special Representative for Human Rights tweeted that "the EU will continue to stand by international law and support civil society organizations [...]."³⁸

A number of EU states also expressed their support to the six organisations, commencing with Per Olsson Fridh, Swedish Minister of International Development Cooperation and Humanitarian Affairs, who underlined Sweden's concerns "about the rapidly shrinking space for Palestinian CSOs" and stressing that "[c]ivil society is a key player in working towards good governance and a sustainable development in Palestine."³⁹ Irish Minister of Foreign Affairs, Coveney later stated that "[C]ivil Society Organisations and human rights defenders play a critical role in promoting international law, peace, human rights and democratic values. Ireland will continue to support such efforts bilaterally and at EU and UN level."⁴⁰

At the UN level, in a statement dated 25 October 2021, the UN Special Procedures experts condemned "Israel's designation of Palestinian human rights defenders as terrorist organizations," further calling on the international community to use "its full range of political and diplomatic

³⁴ See "Statement of the Chair Manu Pineda on the Designation of Palestinian Rights Groups as 'Terrorist Organizations,' by Israel," 25 October 2021, <https://www.europarl.europa.eu/delegations/en/statement-of-the-chair-manu-pineda-on-th/product-details/20211025DPU31524>

³⁵ See Socialists & Democrats Group's tweet, <https://mobile.twitter.com/TheProgressives/status/1452590055499911171>

³⁶ Andrew Carey and Abeer Salman, "Israel Labels Six Palestinian Civil Society Groups 'Terrorist,' Setting Challenge for International Donors, CNN, 23 October 2021, <https://edition.cnn.com/2021/10/22/europe/israel-palestinian-civil-society-groups-intl/index.html>

³⁷ See Tom Bateman, BBC Middle East correspondent, <https://twitter.com/tombateman/status/1451611335108792322?s=20>

³⁸ See Eamon Gilmore's tweet, <https://twitter.com/EamonGilmore/status/1452600646243344393?s=20>

³⁹ See Per Olsson Fridh's tweet, <https://twitter.com/thinkper/status/1452232552597577737>

⁴⁰ Irish Department of Foreign Affairs, "Statement by Minister Coveney on the Designation of Palestinian NGOs as Terrorists Organisations," 27 October 2021, <https://www.dfa.ie/news-and-media/press-releases/press-release-archive/2021/october/statement-by-minister-coveney-on-the-designation-of-palestinian-ngos-as-terrorist-organisations.php>

tools to request that Israel review and reverse this decision.”⁴¹ Mary Lawlor UN Special Rapporteur on Human Rights Defenders underlined that “Human Rights Defenders are not terrorists and should never be smeared like this,”⁴² and Clement Voule, UN Special Rapporteur on the Freedom of Association, added that “[d]efending human rights, calling for accountability, fighting against arbitrary arrests, is a legitimate work and must be respected [...]”⁴³

Lynn Hastings, United Nations Resident and Humanitarian Coordinator, expressed her concerns about the designations, stating that “these [...] add to increasing pressures on civil society organisations across the OPT more broadly and have the potential to seriously undermine their humanitarian development and human rights work.”⁴⁴ The Committee on the Exercise of the Inalienable Rights of the Palestinian People conveyed “its deep concern at Israel’s decision” and underlined that “[t]he work of these organizations [...] is essential to the advancement of human rights and the respect of international law in our collective efforts to achieve a just solution for the Palestine question [...]”⁴⁵

The six Palestinian organizations warmly welcome such statements of support that are consistent with their shared commitment to the pursuance of the rule of international law, human rights, and justice in Palestine. However, given the gravity of the designations and the dire impact and contagion this precedent may have in dismantling civil society organizations under Israel’s effective control, statements of support are not enough, and further proactive measures are much needed, especially when it comes to the financial repercussions of the designation of Palestinian human rights and civil society organizations.

In light of the above, the six Palestinian organisations recommend that the international community, UN Member States and civil society:

1. Call on Israel, to urgently rescind the designations as acts which violate the freedoms of opinion and expression, and freedom of association, and amount to an acts of apartheid prosecutable under Article 7(2)(h) of the Rome Statute;
2. Publish a bulletin to banks and financial institutions, putting them on notice to dismiss as inapplicable, Israel’s terrorist designation of the six Palestinian organizations;

⁴¹ UNHCR, “UN Experts Condemn Israel’s Designation of Palestinian Human Rights Defenders as Terrorist Organizations,” 25 October 2021, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27702&LangID=E>

⁴² See Mary Lawlor’s tweet, <https://twitter.com/MaryLawlorhrds/status/1451549710184026127?s=20>

⁴³ See Clement Voule’s tweet, <https://twitter.com/cvoule/status/1452226671499751427>

⁴⁴ See “Statement by the United Nations Resident and Humanitarian Coordinator, Lynn Hastings, on the Israeli Designation of Civil Society Organizations in the Occupied Palestinian Territory,” 25 October 2021, <https://www.ochaopt.org/content/statement-united-nations-resident-and-humanitarian-coordinator-lynn-hastings-israeli-designation-civil-society>

⁴⁵ See “Statement of the Bureau of the Committee on the Exercise of the Inalienable Rights of the Palestinian People,” 27 October 2021, <https://www.un.org/unispal/document/ceirpp-bureau-statement-israels-designation-of-six-palestinian-csos-as-terrorist-organizations/>

3. Communicate directly with, and recommend, that the European Union and Third States remove “terrorism” clauses as internal conditions placed on donor funding of civil society organizations in the occupied Palestinian territory;
4. Call on UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Ms. Fionnuala Ní Aoláin, to examine the compatibility of the Anti-Terror Law, 2016 with International Human Rights Law and International Humanitarian Law;
5. Denounce the application of the Anti-Terror Law, 2016 to civil society organizations in the OPT as an overreaching of Israel’s domestic law to the OPT;
6. Call on Israel to repeal the Anti-Terror Law, 2016 effectively used to institutionalize the persecution of human rights defenders and entrench its colonial domination over the Palestinian people and their lands;
7. Urge Israel to immediately cease its systematic and ongoing policies and practices aimed at intimidating and silencing Palestinian civil society and human rights defenders, in breach of their right to freedom of expression, including through arbitrary detention, torture and other ill-treatment, institutionalized hate speech and incitement, residency revocation, deportations, and other forms of coercive or punitive measures.