

Designated Shrinking Space

Israel's
Systematic
Harassment
Campaigns
Against Al-Haq,
are the Acts of
an Illegal
Apartheid
Regime



AL-HAQ

Designated Shrinking Space: Israel’s Systematic Harassment Campaigns Against Al-Haq, are the Acts of an Illegal Apartheid Regime

“The recent allegations against Al-Haq and fellow organisations are a result of the Israeli failure to challenge the work of the organisation on the basis of law or evidence, deciding instead to use its political power as an occupying colonial regime with the ability to create the law that serves its illegal interests.”

(Shawan Jabarin, General Director, Al-Haq)
#StandWithThe6

Date: 1 November 2021

1. Introduction

Since the Nakba that led to its establishment in 1948, Israel has progressively implemented an apartheid regime of discriminatory laws, policies and practices aimed at institutionalizing and normalizing its systematic subjugation, domination and exploitation of the Palestinian people on both sides of the Green Line, as well as Palestinian refugees and exiles abroad.¹ In order to maintain its apartheid system, Israel has pursued a policy of systematic persecution of Palestinian civil society organisations that confront its apartheid laws, policies and practices. Such acts of persecution have included various forms of intimidation and institutionalized harassment ranging from death threats, arbitrary detention, torture and other ill-treatment, collective punishment, travel bans, residency revocation, deportation, and Government-led smear campaigns, in an effort to shrink Palestinian civil society space.

In a latest bid to discredit and undermine the work of Palestinian civil society organisations, on 19 October 2021, the Israeli “Defense” Ministry Benny Gantz issued a military order designating Al-Haq and five fellow Palestinian civil society organisations as “terror organisations,” under Israel’s domestic Counter-Terrorism Law 5776-2016. The decision was only made public three days after, on the afternoon of Friday 22 October 2021, which is a non-working day in Palestine.² The six designated organisations are: Al-Haq, Law in the Service of Man (Al-Haq); Addameer Prisoner Support and Human Rights Association (Addameer), Bisan Center for Research and Development

¹ See Al-Haq and Palestinian partner organizations, “Joint Parallel Report to the United Nations Committee on the Elimination of Racial Discrimination on Israel’s Seventeenth to Nineteenth Periodic Reports, 100th Session,” 10 November 2019, https://www.alhaq.org/cached_uploads/download/2019/11/12/joint-parallel-report-to-cerd-on-israel-s-17th-19th-periodic-reports-10-november-2019-final-1573563352.pdf

² Al-Haq, “Palestinian Human Rights NGOs Will Not Be Silenced, and Call on the International Community to Take Concrete Actions to Rescind Barbarous Israeli Designations,” 23 October 2021, <https://www.alhaq.org/advocacy/19009.html>; Al-Haq, “PNGO & PHROC: Israel’s Sinister Designation of 6 Leading Palestinian Organizations As “Terror Organizations” is an Attempt to Silence and Control Palestinians,” 23 October 2021, <https://www.alhaq.org/advocacy/19006.html>; Al-Haq, “Al-Haq Calls on Third States to Publicly Condemn and Call for the Full Rescinding of Palestinian Human Rights NGOs as ‘Terrorist Organizations,’” 24 October 2021, <https://www.alhaq.org/advocacy/19050.html>

(Bisan Center), Defense for Children International-Palestine (DCI-P), the Union of Agricultural Work Committees (UAWC) and the Union of Palestinian Women's Committees (UPWC).³

The shrinking of the Palestinian civil society space to altogether discredit their image, efforts and initiatives, delegitimize and criminalize their actions, and cut their sources of funding, on both regional and international stages, is nothing new, but has been accelerating at a worrying pace over the last decade. Israel governmental, para-governmental and affiliated entities have continued to orchestrate smear campaigns, threats and harassment measures against Palestinian organisations who promote a critical narrative, including of their own Palestinian leadership, and are involved in issues spanning from the Israeli occupation, annexation, apartheid and colonisation of Palestinian lands, business and settlement activities, environmental and natural resources, political prisoners, asylum and refugees to accountability before the International Criminal Court (ICC).

The overall strategy of Israel, its government and affiliates, is premised on the institutionalization of its regime of laws, policies and practices aimed at delegitimising Palestinian dissenting voices, isolating them from the international and regional arenas, and effectively cutting their funding sources. As the first and leading Palestinian human rights organisation, Al-Haq's work aims at supporting the Palestinian people's struggle for freedom, justice and their right to self-determination, and has long been the preferred target of such attacks.

This brief provides an overview of past and recent attacks perpetrated by the Israel government and its affiliates against Al-Haq, replacing them within the context of the shrinking space imposed on the Palestinian civil society as a whole. The brief further analyzes such attack through the lens of international human rights, and argues that the persecution of Palestinian human rights defenders and critical voices is a main tenet of the maintenance of its apartheid regime over the Palestinian people and their lands.

2. Al-Haq, a Trailblazing and Internationally Recognised Palestinian Human Rights Organisation

Within the global decolonisation context and the birth of the modern international human rights movement in the sixties and seventies, Al-Haq was established as the first Palestinian human rights organisation in 1979 to remedy the lack of human rights-based protection in the occupied Palestinian territory (OPT). The Palestinian human rights movement has developed and expanded since then. Palestinian human rights organisations have been working jointly to document the widespread and systematic violations by Israel's settler-colonial regime. Palestinian human rights organisations, have served to amplify Palestinian voices, raise awareness of the horrendous catastrophes of displacement, killings, arbitrary arrests and collective punishment, while calling for accountability and effective remedies and an end to Israel's impunity for international crimes. In doing so, Al-Haq advocates for a dignified future for the Palestinian people and the liberation of Palestine from the shackles of Israel's unlawful colonial rule. Al-Haq promptly gained significant influence on the local, regional and international arenas in the struggle for Palestinian self-determination, human rights and the rule of law free of settler-colonial dogmas. Its trailblazing lines of thinking and methodologies in [reporting](#), [documenting](#), and analyzing human rights

³ Al-Haq, <https://www.alhaq.org/>; Addameer, <https://www.addameer.org/>, Bisan Center <https://www.bisan.org/>, DCP-I, <https://www.dci-palestine.org/>; UAWC, <https://www.uawc-pal.org/index.php?&lang=en>; UPWC, http://upwc.org.ps/?page_id=4150

violations without complacency across occupied Palestine have left a powerful legacy and continue to inspire many human rights defenders in Palestine and elsewhere.⁴

Al-Haq has spearheaded the [production of legal analysis](#) based on the application of international humanitarian and human rights laws to the Israeli occupation of Palestine, and continues to lead legal debates on the development and entrenchment of Israel's settler-colonial and apartheid regime in Palestine. It became an affiliate of the [International Commission of Jurists](#) in 1979. Through its special consultative status with the [United Nations Economic and Social Council](#) acquired in 1999, Al-Haq actively participates and contributes to the work of the Human Rights Council. Al-Haq is also fully active in several regional and international networks of civil society organisations. Al-Haq belongs to seven working groups of the [Economic, Social and Cultural Rights-Net network](#), namely the Women and Economic, Social and Cultural Rights, Corporate Accountability, Strategic Litigation, Economic Policy, Environment and Climate, and the Monitoring and Optional Protocol to the International Covenant on Economic, Social and Cultural Rights working groups. It is also a regular member of the [EuroMed Rights network](#), and an active member of the International Federation for Human Rights (FIDH), and the Coalition for the International Criminal Court (CICC).

Its longstanding commitment to the furtherance of human rights in Palestine has been widely hailed, and Al-Haq has been awarded:

1. the 1986 [Fayez A. Sayegh Memorial Award](#);
2. the 1986 [Rothko Chapel Award for Commitment to Truth and Freedom](#);
3. the 1989 [Carter-Menil Human Rights Foundation Prize](#);
4. the 1990 [Reebok Award to Shawan Jabarin](#)
5. the 2010 [Geuzenpenning Prize for Human Rights Defenders](#);
6. the 2010 [Welfare Association's NGO Achievement Award](#);
7. the 2011 [Danish PL Foundation Human Rights Award](#);
8. the 2018 [Human Rights Prize of the French Republic](#);
9. the 2019 [Human Rights and Business Award](#);
10. the 2020 [Gwynne Skinner Human Rights Award](#);
11. the 2021 [Award of the Center for Islam and Global Affairs \(CIGA\)](#).

Two of Al-Haq's significant achievements have sparked the most backlash on behalf of Israel's government and affiliates: Al-Haq's business and human rights activities, and its engagement with the International Criminal Court.

Al-Haq has spearheaded the documentation of corporate violations of human rights in the occupied West Bank and Gaza Strip in an effort to seek corporate accountability with regard to international law, and was awarded the Gwynne Skinner Human Rights Award presented by the International Corporate Accountability Roundtable to commend its work in September 2020.⁵ Al-Haq's

⁴ For a full history of Al-Haq, see Lynn Welchman, *Al-Haq: A Global History of the First Palestinian Human Rights Organization* (University of California Press, June 2021), <https://www.ucpress.edu/book/9780520379756/al-haq>

⁵ See Al-Haq, "Al-Haq Receives the Gwynne Skinner Human Rights Award," 1 October 2020, <https://www.alhaq.org/advocacy/17372.html>

research has led to a fruitful array of thematic publications on the topic.⁶ Thanks to the collective efforts of Palestinian, regional and international organisations, the United Nations published the database on settlement business activities in February 2020.⁷

Al-Haq has and continues to be at the forefront of efforts to end Israel's impunity and hold the Israeli authorities and military agents accountable for war crimes and crimes against humanity perpetrated against the Palestinian people. Throughout the long, fraught with many pitfalls, juridical process that led to the formal opening of a full criminal investigation into the Situation in Palestine on 3 March 2021,⁸ Al-Haq and its partners remained determined and consistently reiterated its support to the investigation. Between November 2015 and September 2017, together with partner human rights organisations, Al-Haq submitted confidential communications to Fatou Bensouda, Prosecutor of the International Criminal Court, documenting crimes perpetrated by Israel during its 2014 offensive against the Gaza Strip, as well as war crimes and crimes against humanity perpetrated in the West Bank including east Jerusalem, including illegal acts facilitating settlement construction and the appropriation and pillage of natural resources.⁹ On 19 March 2020, Al-Haq and its partner organisations submitted an amicus on the territorial jurisdiction of the State of Palestine to the Pre-Trial Chamber of the International Criminal Court.¹⁰ Following the opening of the investigation, Al-Haq has continued to support, notably the promotion and advancement of cooperation between the United Nations Security Council and the International Criminal Court.¹¹

3. Israel's Defamation and Persecution of Palestine Human Rights Defenders in Recent Years: A Shrinking Space to Palestinian Voices

As part of Israel's systematic protracted, and institutionalised efforts to silence the challenging of its widespread violations against the Palestinian people, Israel through its official bodies within the government, such as its Ministry of Strategic Affairs, has coordinated efforts with several Israeli government-affiliated organisations, lobby groups and individuals, to carry out systematic and organised smear and delegitimization campaigns. Such attacks are intended to shrink civil society space, delegitimise, repress and dominate the work of human rights defenders and organisations, drain their resources and undermine their will.

⁶ See https://www.alhaq.org/publications/Al-Haq_Publications ; Al-Haq, "Al-Haq Receives the Gwynne Skinner Human Rights Award. Acceptance Speech by Shawan Jabarin," 30 September 2020, <https://www.alhaq.org/advocacy/17375.html>

⁷ Al-Haq, "Palestine: Al-Haq and CIHRS Welcome Database on Settlement Business Activities," 13 February 2020, <https://www.alhaq.org/advocacy/16449.html>

⁸ Al-Haq, "Justice for Palestine: Historic Day for Palestinian Victims of Israeli Crimes," 3 March 2021, <https://www.alhaq.org/advocacy/17960.html>

⁹ Al-Haq, "Palestinian Human Rights Organizations Deliver Submission to the International Criminal Court on Alleged Israeli War Crimes and Crimes against Humanity During 2014 Gaza Offensive," 23 November 2015, <https://www.alhaq.org/advocacy/6460.html>; Al-Haq, "Palestinian Human Rights Organizations Submit Second Communication to the International Criminal Court on Israeli War Crimes and Crimes against Humanity Perpetrated in Rafah in August 2014," 10 February 2016, <https://www.alhaq.org/advocacy/6441.html>; Al-Haq, "Palestinian Human Rights Organizations Submit Evidence to the ICC Prosecutor on Crimes Committed in the West Bank," 20 September 2017, <https://www.alhaq.org/advocacy/6318.html>

¹⁰ Al-Haq, "Palestinian Human Rights Organizations Submit Amicus on Territorial Jurisdiction of the State of Palestine, to the Pre-Trial Chamber of the International Criminal Court," 19 March 2020, <https://www.alhaq.org/advocacy/16609.html>

¹¹ Al-Haq, "Al-Haq Sends Letters to the United Nations Representations of the International Criminal Court on Cooperation," 23 September 2021, <https://www.alhaq.org/advocacy/18850.html>

To this end, the Israeli authorities have relentlessly used various techniques including smear and defamation campaigns, by constructing and spreading a narrative linking Palestinian human rights defenders with ‘terrorism’ and inciting racial hatred and violence, and hate speech and character assassinations, with the goal of impeding the granting and award of funds from international donors to Palestinian organisations.¹² Other attacks against human rights defenders include arbitrary arrests, torture and ill-treatment, death threats, the imposition of travel bans, residency revocations, deportations, and denying international human rights defenders, who work in Palestine, work visas.

3.1 Military Raids, Confiscations, Arbitrary Detentions and Residency Revocations of Palestinian Human Rights Defenders

In recent years, Israeli authorities have also raided offices of Palestinian civil society organisations, and confiscated their equipment, including Addameer Prisoner Support and Human Rights Association in Ramallah,¹³ the Union of Palestinian Women’s Committee,¹⁴ the Palestinian NGO Network,¹⁵ Defense for Children International – Palestine¹⁶, Bisan Center for Research and Development¹⁷, the Union of Agricultural Work Committees (UAWC)¹⁸, and the Health Work Committees (HWC)¹⁹. Of those, the UAWC, a Palestinian non-governmental agriculture and developmental organisation, and the HWC, a Palestinian non-governmental health and developmental organisation, have been issued military orders forcing their offices to close for six months.²⁰

After the last raid on the HWC in June 2021, Israeli occupying forces unlawfully and arbitrarily detained human rights defender, Ms. Shatha Odeh Abu Fannouneh, Director of the HWC, on 7 July 2021 from her house in Ramallah, alleging her leadership role in the HWC as “unlawful” under Israeli military orders. Ms. Odeh was further subjected to ill-treatment and medical

¹² On the question of shrinking space, see The Observatory for the Protection of Human Rights Defenders, “Target Locked: The Unrelenting Israeli Smear Campaigns to Discredit Human Rights Groups in Israel, Palestine and the Syrian Golan” (April 2021), https://target-locked-obs-defenders.org/IMG/pdf/obs_palestine2021lang-1.pdf

¹³ Al-Haq, “Al-Haq Condemns Israeli Occupation Forces Raid on Addameer Prisoner Support and Human Rights Association,” 20 September 2019, <https://www.alhaq.org/advocacy/15199.html>

¹⁴ Al-Haq, “Al-Haq Condemns Israeli Raids Against Palestinian Organizations in Ramallah,” 11 December 2012, <https://www.alhaq.org/advocacy/6806.html>

¹⁵ Al-Haq, “Al-Haq Condemns Israeli Raids Against Palestinian Organizations in Ramallah,” 11 December 2012, <https://www.alhaq.org/advocacy/6806.html>

¹⁶ DCI-P, “Israeli forces raid DCIP office, confiscate computers and client files” (July 2021), available at: https://www.dci-palestine.org/israeli_forces_raid_dcip_office_confiscate_computers_and_client_files

¹⁷ Bisan, “Occupation forces raid the offices of Bisan Center for Research and Development” (29 July 2021) available at: <https://www.bisan.org/occupation-forces-raid-the-offices-of-bisan-center-for-research-and-development/>

¹⁸ UAWC, “Statement by UAWC after Israeli military raid on our headquarters in Al-Bireh” (18 July 2021), available at: <https://www.uawc-pal.org/news.php?n=3779&lang=2>

¹⁹ Al-Haq, “Israel’s Attack on the Palestinian Health Work Committees is Part of its Systematic Targeting of Palestinian Civil Society” (19 June 2021), available at: <https://www.alhaq.org/advocacy/18527.html>

²⁰ Al-Haq, “Israel’s Attack on the Palestinian Health Work Committees in Part of its Systematic Targeting of Palestinian Civil Society,” 19 June 2021, <https://www.alhaq.org/advocacy/18527.html>

negligence, compromising her health, wherein she suffers from numerous chronic illnesses and is prescribed various medications.²¹

Israel's residency revocation practices have also been used to silence human rights defenders. Notably, the permanent Jerusalem residency of lawyer and human rights defender, Mr. Salah Hammouri, was punitively revoked in October 2021, premised on the unlawful application of Israeli domestic law for an alleged "breach of allegiance to the State of Israel". Israel has also torn the unity of Salah's family by deporting his wife, Elsa Lefort, a French national, and imposing on Salah an entry ban to the West Bank for almost 16 months.²²

3.2 "Anyone Who Dares to Speak Out About Israeli Human Rights Violations Risks Coming Under Attack"

Israeli attacks against human rights advocacy in Palestine are not only targeted against Palestinian individuals and civil society organisations. They are also targeted against anyone advocating for the realisation of the rights of the Palestinian people and attempting to challenge Israel's apartheid regime, including individuals working at UN agencies, and international human rights organisations.²³ As Amnesty International puts it: "*anyone who dares to speak out about Israeli human rights violations in Israel and the Occupied Palestinian Territories risks coming under attack.*"²⁴

In November 2019, Omar Shakir, the Israel and Palestine Director of Human Rights Watch, was deported by Israel, after revoking his work permit in May 2018, based on Israel's anti-boycott law which prohibits the grant of a permit for entry to, and residence in Israel, to any person who has knowingly published a public call to engage in a boycott against Israel or has made a commitment to participate in such a boycott.²⁵

For over a decade, Israel has prevented the entry into the OPT of UN Special Rapporteurs and staffers of UN international Commissions of Inquiry and Facts Finding Missions, including the 2018 UN Commission of Inquiry into the Great Return March.²⁶ Such policy obstructs the essential work by independent bodies and experts to investigate Israel's violations of international law, receive communications from civil society, and hear witnesses testimony, thereby

²¹ 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, <https://www.alhaq.org/advocacy/18644.html>

²² See Al-Haq and Palestinian partner organizations, "Joint Written Statement submitted by Al-Haq, Law in the Service of Man, Al Mezan Center for Human Rights, Cairo Institute for Human Rights Studies, Palestinian Center for Human Rights, Non-Governmental Organizations in Special Consultative Status," A/HRC/46/NGO/22, 26 February 2021, https://www.un.org/unispal/wp-content/uploads/2021/02/AHRC46NGO22_260221.pdf

²³ Al-Haq, "Israel's Refusal to Grant/Renew Visas to the UN OHCHR Highlights the Urgent Need to End Israel's Impunity" (18 October 2020), available at: <https://www.alhaq.org/advocacy/17456.html>

²⁴ Amnesty International, "Israel Ramps Up Assault on Civil Society With Chilling Raid on Palestinian NGO Addameer," 19 September 2019, <https://www.amnesty.org/en/latest/press-release/2019/09/israel-ramps-up-assault-on-civil-society-with-chilling-raid-on-palestinian-ngo-addameer/>

²⁵ Al-Haq, "PHROC Condemns Israel's Judicial Decision to Deport Human Rights Watch Omar Shakir," 7 November 2019, <https://www.alhaq.org/advocacy/16176.html>

²⁶ HRC, "Report of the independent international commission of inquiry on the protests in the Occupied Palestinian Territory" (25 February 2019) para 3, available at:

https://www.ohchr.org/Documents/HRBodies/HRCouncil/CoIOPT/A_HRC_40_74.pdf

undermining their efforts to contribute to accountability, reparations and the protection of the rights of the Palestinian people.

Since the publication of the UN database of business engagement in activities related to Israeli settlements in the OPT in February 2020, Israel implemented retaliatory measures against the United Nations (UN) Office of the High Commissioner for Human Rights (OHCHR), including by refusing to grant or renew visas to its the staff, therefore obstructing their ability to undertake their pivotal and fundamental role in the promotion and protection of human rights, and the struggle against impunity and towards greater respect for international law.²⁷

The most recent decision on 19 October 2021, by the Israeli Ministry of Defense, to designate Al-Haq and five fellow Palestinian civil society organisations as “terror organisations,” under Israel’s domestic Counter-Terrorism Law, 2016, is a continuation and an unjust escalation of attacks against the Palestinian civil society space and human rights defenders.

4. Consistent, Escalating Smear Campaign and Intimidation Attacks Against Al-Haq, its Staff Members and its Legitimacy

Since its creation in 1979, Al-Haq organisation as a whole, and its staff members have faced a wide range of attacks and smear campaigns by Israel and various Zionist groups, ranging from arbitrary detentions, travel bans, defamatory media campaigns, and cyber-attacks. These attacks have been intensifying subsequent to Al-Haq engagement with the International Criminal Court to support the investigation into the Situation in Palestine.

4.1 Death Threats and Anonymous Intimidation Letters to Al-Haq’s Staff

As of September 2015, consequent to Al-Haq’s legal achievements in submitting reports to the International Criminal Court, ones of its staff members and donors started receiving anonymous emails, phone calls and Facebook posts. The caller’s intention was to cast aspersion on the administration of Al-Haq’s finances, alleging fraudulent activities and lack of transparency, including the citation of fictitious fraud investigations and financial hardships. The anonymous callers claimed to be from the Palestinian Authority, an allegation firmly refuted in an official statement by the State of Palestine, which reiterated its full support to Al-Haq.²⁸

Again in September 2015, a number of Al-Haq’s European donors were sent forged letters claiming to emanate from the Palestinian Authority and alleging that the organisation was under investigation by the international accounting firm Ernst & Young into allegations of fraud and corruption. Both the Palestinian Authority and Ernst & Young refuted being the source of such letters.²⁹ Donors and financial institutions also received forged letters aimed at blocking finances and payments to Al-Haq.³⁰

²⁷ Al-Haq, “Israel’s Refusal to Grant/Renew Visas to the UN OHCHR Highlights the Urgent Need to End Israel’s Impunity,” 19 October 2020, <https://www.alhaq.org/advocacy/17456.html>

²⁸ Al-Haq, “Al-Haq Under Attack - Staff Member’s Life Threatened,” 3 March 2016, <https://www.alhaq.org/advocacy/6432.html>

²⁹ SOMO, “Smear Campaign Against Al-Haq,” 26 November 2017, <https://www.somo.nl/smear-campaign-al-haq/>

³⁰ SOMO, “Smear Campaign Against Al-Haq,” 26 November 2017, <https://www.somo.nl/smear-campaign-al-haq/>

In February, July and August 2016, Nada Kiswanson, a human rights lawyer and Al-Haq's representative in Europe and before the International Criminal Court, her family and Shawan Jabarin, Al-Haq's General Director, received both explicit and implicit death threats through phone calls, emails and other messaging platforms from an anonymous caller, who directly based his threats on Nada Kiswanson's work related to the International Criminal Court.³¹

4.2 Online Smear Campaign and Defamation under the Label of 'Terrorism'

The Meit Amit Intelligence and Terrorism Information Center, an online media that proclaimed to be engaged in a fight against a so-called “de-legitimisation campaign against Israel and the Jewish People,”³² started slandering Shawan Jabarin in a series of online articles, frequently qualifying him as a “terrorist activist.” In 2013, the ‘media’ titled “Terrorism and human rights: Shawan Jabarin, human rights organisations director and PFLP terrorist activist recently visited France to participate in the anti-Israeli campaign.”³³ In October 2017, while Al-Haq had just handled a submission reporting on Israel's war crimes to the International Criminal Court, the ‘media’ released an article portraying Shawan Jabarin as a “former member of a terrorist organisation,” asserting that: “Mr. Jabarin wears two hats, one as a terrorist operative and the other as an activist in an organisation that presents itself as a human rights organisation.”³⁴

On 15 July 2019, the Israeli state-owned media platform 4IL, directly linked to the Ministry of Strategic Affairs, issued an article accusing Shawan Jabarin of “terrorism,” leading to a further escalation of hate comments, death threats and incitement to murder that were neither moderated nor filtered by the platform. Such comments included “When do we put a bullet in the head?,” “Why do such people still breathe?,” and “Why has he not been liquidated?”³⁵

On its official Facebook account, the Israeli Ministry of Strategic Affairs published a series of posts between 15 and 19 July 2019, one of them stating: “*Meet the [Shawan]-: [...] the supreme court defined-as Dr. Jekyll and Mr Hyde: “in some hours his activity is a manager of the rights organisation [man], and in another part he is active in a terrorist organisation that does not include murder and attempted murder]. [...].”* The post triggered a array of hate comments such

³¹ Al-Haq, “Al-Haq Under Attack - Staff Member's Life Threatened,” 3 March 2016,

<https://www.alhaq.org/advocacy/6432.html>

³² International Federation for Human Rights, “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#nb1>

³³ International Federation for Human Rights, “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#nh28-2>

³⁴ International Federation for Human Rights, “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#nh28-2>

³⁵ International Federation for Human Rights, “Israel/OPT: Smear Campaign Against Al-Haq & Shawan Jabarin,” 26 July 2019, <https://www.fidh.org/en/issues/human-rights-defenders/israel-opt-smear-campaign-against-al-haq-shawan-jabarin>

as: “*Targeted and immediately elimination! Good luck,*” “*Every dog his day will come,*” and “*Let’s hope we start to say his soul in hell.*”³⁶

4.2.1 Interference with the Bank System to Prevent Funding to Al-Haq

A number of Al-Haq’s donors reported facing difficulties in transferring funds to Al-Haq. In the beginning of 2017, funds directed to Al-Haq were returned by the correspondent bank, after letters using the Palestinian Monetary Authority letterhead alleged that the organisation did not qualify for the transfer - allegations which were later denied by the Palestinian Monetary Authority.³⁷

4.2.2 Israel-Led Publications Defaming Al-Haq and Other Palestinian Civil Society Organisations

On 25 May 2018, the Israeli Ministry of Strategic Affairs and Public Diplomacy released a report titled “*The Money Trail: The Millions Given by EU Institutions to NGOs with Ties to Terror and Boycotts Against Israel*”. The report demanded the cutting of the European Union and its member States’ direct and indirect funding of Palestinian and international human rights organisations allegedly having “ties to terror and promot[ing] boycotts against Israel.”³⁸ Filled with inaccuracies and falsehoods, the report pursues the defamation of Shawan Jabarin employing fallacious and derogatory allegations that: “The Israeli judicial system described Jabarin as a sort of Dr. Jekyll and Mr. Hyde: “Some hours he is the director of a human rights organisation, and during others he is active in a terrorist organisation that carries out murder and attempts murder.”³⁹ It also falsely asserted that Al-Haq received funding from EuroMed Rights, to whom it is a regular member.⁴⁰

That the intensifying smear and defamation campaign against Al-Haq and Palestinian human rights organisations stems directly from the State of Israel,⁴¹ has been reaffirmed on numerous occasions, for example:

³⁶ Al-Haq, “Joint Urgent Appeal to the United Nations Special Procedures on the Ongoing Smear Campaign and Incitement to Violence Carried Out by the Israeli Ministry of Strategic Affairs against Al-Haq and its Staff on Facebook and other Public Platforms,” 8 August 2019,

https://www.alhaq.org/cached_uploads/download/2019/08/24/al-haq-urgent-appeal-sps-attacks-against-hrds-8-august-2019-1566635628.pdf

³⁷ International Federation for Human Rights, “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#nh28-2>

³⁸ Israeli 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,” <https://www.jewishvirtuallibrary.org/jsource/images/bdsmoneytrail.pdf>

³⁹ Israeli 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,” 29, <https://www.jewishvirtuallibrary.org/jsource/images/bdsmoneytrail.pdf>

⁴⁰ Israeli 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,” 30, <https://www.jewishvirtuallibrary.org/jsource/images/bdsmoneytrail.pdf>

⁴¹ See Al-Haq, “Palestinian Human Rights Organizations Condemn Israel’s Unremitting Attempts to Silence Them,” 25 May 2018, <https://www.alhaq.org/advocacy/6197.html>

- On 29 June 2017, Israel's ambassador to the UN Danny Danon verbally derided Al-Haq and its Palestinian partner organisation Al-Mezan during a press conference in front of the Security Council;⁴²
- On 10 July 2017, within the context of a meeting between Ireland's Foreign Minister Simon Coveney and Israeli Prime Minister Benjamin Netanyahu, Israel's Deputy Foreign Minister Tzipi Hotovely asked that Ireland withdraw its support to Al-Haq.⁴³

In February 2019, the Israeli Ministry of Strategic Affairs and Public Diplomacy followed up with another report titled "*Terrorists in Suits: The Ties Between NGOs Promoting BDS and Terrorist Organisations*," devoting a full section to wrongful allegations against Al-Haq. It depicts Shawan Jabarin as "a former senior operative of the Popular Front for the Liberation of Palestine terrorist group, who has served several prison sentences due to his terrorist activity."⁴⁴ The same report incriminates other staff members of Al-Haq.

In May 2020, the Jerusalem Center for Public Affairs headed by Dr. Dore Gold, former Director General of Israel's Foreign Ministry and former ambassador to the United Nations, published the deceitful report, "*Legal Assault: How the ICC Has Been Weaponized Against the U.S. and Israel*," authored by a former Director General of Israel's Ministry of Strategic Affairs, and a former Secretary General of the World Jewish Congress.⁴⁵ The report defamed the Prosecutor of the International Criminal Court and her Office, Al-Haq, some of its specific staff, as well as its partners alleged "connection to terror," "public support for terrorists," and alleged maintenance of a "strong affiliation to designated terror organisations."⁴⁶ The report was clearly prompted by advocacy efforts led by Al-Haq, Al-Dameer, Al-Mezan and the Palestinian Center for Human Rights calling for a criminal investigation into the Situation in the State of Palestine at the International Criminal Court.

4.2.3 Military Harassment and Arbitrary Detention of Al-Haq's Field Worker

On 12 May 2019, Al-Haq's field researcher in the Jordan Valley carried out a visit to Humsa village to document acts of systematic harassment and forcible transfer from their homes for military training during Ramadan. He reached the village at 14:00 to interview a member of the community and film the military-orchestrated evacuation. He and seven journalists were forced to drive to Un Zuchow military camp, where they were forced to disembark and their vehicles were confiscated. They were held without access to food and water, denied the use of their phones, and with no

⁴² Cathryn J. Prince, "After UN Hosts 2-Day Anti-Israel Event, Israel's Envoy Says it Colludes with Terror Supporters," 1 July 2017, <https://www.timesofisrael.com/danon-says-un-colluding-with-terror-supporters-at-anti-israel-panel/>

⁴³ Raphael Ahren, "PM Raps Visiting Irish Foreign Minister Over Support for Palestinians," 11 July 2017, <https://www.timesofisrael.com/pm-raps-visiting-irish-foreign-minister-over-support-for-palestinians/>

⁴⁴ Israeli Ministry of Strategic Affairs and Public Diplomacy, "Terrorists in Suits: The Ties Between NGOs Promoting BDS and Terrorist Organizations," February 2019, https://www.gov.il/BlobFolder/generalpage/terrorists_in_suits/en/De-Legitimization%20Brochure.pdf

⁴⁵ Yossi Kuperwasser and Dan Diker, *Legal Assault: How the ICC Has Been Weaponized Against the U.S. and Israel*, May 2020, <https://jcpa.org/legal-assault-how-the-icc-has-been-weaponized-against-the-u-s-and-israel/>; Al-Haq, "Al-Haq Condemns Attempt to Smear Al-Haq, Its Staff, and Partners in Recent Report," 11 May 2020, <https://www.alhaq.org/advocacy/16854.html>

⁴⁶ Yossi Kuperwasser and Dan Diker, *Legal Assault: How the ICC Has Been Weaponized Against the U.S. and Israel*, May 2020, <https://jcpa.org/legal-assault-how-the-icc-has-been-weaponized-against-the-u-s-and-israel/>

indication regarding the duration of their holding period. They were released at 20:30, after sunset time, in the midst of the Ramadan period.⁴⁷

5. Persecuting Human Rights Organisations: A Mainstay of Israel's Apartheid Regime to Sustain Itself

With this latest arbitrary and malicious decision, Israel confirms Al-Haq's legal analysis and demonstrates, once again, that its apartheid and colonial regime sustains itself only through the systematic oppression and repression of those who valiantly oppose it. Notably acts apartheid are criminalised under international law. For example, Article 7(2)(h), Rome Statute of the International Criminal Court provides that, "the crime of apartheid" means inhumane acts "committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime".⁴⁸ Further, Article II(f), of the Apartheid Convention provides that: "[T]he crime of apartheid", which shall include similar policies and practices of racial segregation and discrimination as practiced in southern Africa, shall apply to the following inhuman acts committed for the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them: [including](f) Persecution of organisations and persons by depriving them of fundamental rights and freedoms, because they oppose apartheid".⁴⁹

5.1 An Arsenal of Inhuman Acts to Assert and Entrench Israel's Domination and Control over the Palestinian Civil Society

Israel's designation of Al-Haq and five of its fellow human rights organisations under the pernicious label of "terrorist organisations," breaches a number of international law provisions.

⁴⁷ Al-Haq, *Deprived A Voice: An Investigation into Shrinking Space in Area C*, 2020, 15, https://www.alhaq.org/cached_uploads/download/2020/12/14/deprived-a-voice-1607933592.pdf

⁴⁸ Such inhuman acts include murder, extermination, enslavement, deportation or forcible transfer of population, imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law, torture, rape, sexual slavery enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity, persecution against any identifiable group or collectivity on political, racial, national ethnic, cultural, religious, gender [...], enforced disappearance of persons, the crime of apartheid, other inhumane acts of a similar character intentionally causing great suffering or serious injury to body or to mental or physical health. Rome Statute of the International Criminal Court, 17 July 1998, Article 7(1)(j) & Article 7(2)(h), <https://www.icc-cpi.int/resource-library/documents/rs-eng.pdf>

⁴⁹ Such inhuman acts include the (a) Denial to a member or members of a racial group or groups of the right to life and liberty of person: [...] (iii) By arbitrary arrest and illegal imprisonment of the members of a racial group or groups; [...] (b) Deliberate imposition on a racial group or groups of living conditions calculated to cause its or their physical destruction in whole or in part; (c) Any legislative measures calculated to prevent a racial group or groups from participation in the political, social, economic and cultural life of the country and the deliberate creation of conditions preventing the full development of such a group or groups, in particular by denying to members of a racial group or groups basic human rights and freedoms, including the right to work, the right to form recognized trade unions, the right to education, the right to leave and to return to their country, the right to a nationality, the right to freedom of movement and residence, the right to freedom of opinion and expression, and the right to freedom of peaceful assembly and association; [...]. UNGA, International Convention on the Suppression and Punishment of the Crime of Apartheid, 30 November 1973, A/RES/3068(XXVIII), https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.10_International%20Convention%20on%20the%20Suppression%20and%20Punishment%20of%20the%20Crime%20of%20Apartheid.pdf

Article 19 of the Universal Declaration of Human Rights and Article 19 of the International Covenant on Civil and Political Rights portend that the right to freedom of opinion and expression belongs to everyone, including the freedom to hold opinions without interference.⁵⁰ The unhindered ability to develop opinions and to express them “constitute the foundation stone for every free and democratic society [and] form a basis for the full enjoyment of a wide range of other human rights”.⁵¹ In addition, Article 20(1) of the Universal Declaration of Human Rights, supplemented by Article 21 and 22 of the International Covenant on Civil and Political Rights protects the right to peaceful assembly.⁵² While the right to life and liberty of the person is enshrined in Article 3 of the Universal Declaration of Human Rights and Article 9 of the International Covenant on Civil and Political Rights.⁵³

5.2 Institutionalized in a Regime of Laws and Policies Unlawfully Applied to the Occupied Palestinian Lands

The Israeli Ministry of Defense [designation](#) classifying Al-Haq and five civil society organisations as “terrorist organisations,” was issued on 19 October 2021 pursuant to the Israel’s Counter Terrorism Law, 2016 which effectively criminalises Palestinian civil society organisations and their activities under Israeli domestic law.⁵⁴ As such, Israel not only applies its domestic legislation to the OPT, in breach of basic provisions of international humanitarian law, but further pursues the institutionalization of its legislative arsenal intended to stifle and suppress any form of resistance to its oppressive regime.

On 7 June 1967, after it took over the West Bank, the Israeli occupying army proclaimed enforceable the Defense (Emergency) Regulations of 1945 issued by the British Mandatory and

⁵⁰ “1. Everyone shall have the right to hold opinions without interference. 2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice. [...]” UNGA, International Covenant on Civil and Political Rights, 16 December 1966, 999 UNTS 171, <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>; “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference [...]”. UNGA, Universal Declaration of Human Rights, 10 December 1948, 217 A(III), Article 19, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

⁵¹ Human Rights Committee, General Comment No.34: Article 19: Freedoms of Opinion and Expression, CCPR/C/GC/34, 12 September 2011, paras.2-4, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsrdB0H115979OVGGB%2bWPAXiks7ivEzdmLQdosDnCG8FaJ7cpkH%2fR9YlpwV%2bAPs%2bmcJcH514VEHaUJAAZCeS1gKdFOTIUSHQDT3EiNHS2mKIF>

⁵² “The right of peaceful shall be recognized. [...]” UNGA, International Covenant on Civil and Political Rights, 16 December 1966, 999 UNTS 171, <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>; “1. Everyone has the right to freedom of peaceful assembly and association.” UNGA, Universal Declaration of Human Rights, 10 December 1948, 217 A(III), Article 20(1), <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

⁵³ “Everyone has the right to life, liberty and security of person,” UNGA, Universal Declaration of Human Rights, 10 December 1948, 217 A(III), Article 3, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>; “Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. [...]” UNGA, International Covenant on Civil and Political Rights, 16 December 1966, 999 UNTS 171, Article 9, <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

⁵⁴ See “The Counter-Terrorism Law,” 5776-2016

repealed shortly before the termination of the Mandate.⁵⁵ Under Article 84(1)(a)-(b),⁵⁶ any Palestinian civil society organisation confronting its oppressive regime could qualify as an “unlawful association,” with all its implied blanket obstructions with civil and political rights, including “home demolitions, censorship, suppression of protests, closures, curfews, administrative detention, and deportations”.⁵⁷

In August 1967, the Israeli military commander issued Military Order No.101 to comprehensively outlaw all forms of peaceful assembly, including in support of a designated “hostile organisation” as defined as “unlawful association” under Article 84 of the Defense (Emergency) Regulations of 1945.⁵⁸

In May 2010, the Israeli military commander promulgated Military Order 1651, branded the “Criminal Code,” consolidating a number of military orders issued between 1967 and 2010 as regards to arrest, detention and prosecution of individuals. Under Article 251, any individual showing support to a “hostile organisation” is liable to a ten-year prison sentence.⁵⁹

The West Bank, including East Jerusalem and Gaza Strip forms part of Palestinian lands recognized as the OPT by the international community of United Nations member states. Accordingly, the application of Israel’s domestic laws and the extension of its law enforcement operations within the occupied West Bank, and to Palestinian civil society organisations regulated under Palestinian legislation, constitute a gross violation of the most rudimentary pillars of international occupation law prohibiting the application of the occupiers domestic law to the occupied territory.⁶⁰

⁵⁵ See “III. Israeli Military Orders Violating Palestinian Civil Rights,” Human Rights Watch, *Born Without Civil Rights: Israel’s Use of Draconian Military Orders to Repress Palestinians in the West Bank* (November 2019), https://www.hrw.org/sites/default/files/report_pdf/palestine1219_web_0.pdf

⁵⁶ The Defence (Emergency) Regulations, 1945, https://www.imolin.org/doc/amlid/Israel/The_Defence_Emergency_Regulations_1945.pdf

⁵⁷ The Defence (Emergency) Regulations, 1945, https://www.imolin.org/doc/amlid/Israel/The_Defence_Emergency_Regulations_1945.pdf; see also “III. Israeli Military Orders Violating Palestinian Civil Rights,” Human Rights Watch, *Born Without Civil Rights: Israel’s Use of Draconian Military Orders to Repress Palestinians in the West Bank* (November 2019), https://www.hrw.org/sites/default/files/report_pdf/palestine1219_web_0.pdf

⁵⁸ Order No.101: Order Regarding Prohibition of Incitement and Hostile Propaganda Actions, Article 7A(B), https://www.btselem.org/download/19670827_order_regarding_prohibition_of_incitement_and_hostile_propaganda.pdf

⁵⁹ See “III. Israeli Military Orders Violating Palestinian Civil Rights,” Human Rights Watch, *Born Without Civil Rights: Israel’s Use of Draconian Military Orders to Repress Palestinians in the West Bank* (November 2019), https://www.hrw.org/sites/default/files/report_pdf/palestine1219_web_0.pdf

⁶⁰ “The authority of the legitimate power having actually passed into the hands of the occupant, the latter shall take all steps in his power to re-establish and insure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.” Article 43, Convention (II) with Respect to the Laws and Customs of War on Land and its Annex: Regulations Concerning the Laws and Customs of War on Land, 29 July 1899, <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=7194AF23A72A3BA5C12563CD00515F47#:~:text=43.-.Art.,in%20force%20in%20the%20country>. “The penal laws of the occupied territory shall remain in force, with the exception that they may be repealed or suspended by the Occupying Power in cases where they constitute a threat to its security or an obstacle to the application of the present Convention.” Article 64, Convention (IV) relative to the Protection of Civilian Persons in Time of War, 12 August 1949, <https://ihl-databases.icrc.org/ihl/385ec082b509e76c41256739003e636d/6756482d86146898c125641e004aa3c5>; See also, Article 47 of the Fourth Geneva Convention, prohibiting annexation.

Through its repressive laws, policies and practices against Palestinian human rights defenders, including through the suppression of their freedom of expression and opinion and their peaceful association, Israel confirms that its regime can only maintain itself by erasing the presence, existence and resistance of the people that stand in the way of its settler-colonial project. The entire Israeli strategy is premised upon the use of its political power to design and impose a set of laws and policies that serve its settler-colonial project.

6. Conclusion

As an independent Palestinian human rights organisation, Al-Haq aspires to a free, independent and sovereign Palestine, where political governance, social, cultural and economic development are defined by the Palestinian people as a whole, according to their internationally recognized, inalienable right to self-determination.⁶¹

An attack on Palestinian human rights organisations is an attack on the Palestinian people as a whole, whether residing in Palestine or in exile. It is an assault on the foundational principles upon which our common humanity is rooted, the denial of the rule of law and the rejection of the set of international laws that form the basis of our international community of peoples. The Palestinian struggle is a universal struggle against oppression and the denial of self-determination in the pursuit of justice and the ability to live in dignity.

Al-Haq expresses its deepest gratitude and appreciation to all individuals and collective members of the international community, including Palestinian civil society organisations, international and local non-governmental organisations, and actors of the international community that have expressed support and shown solidarity.

⁶¹ On the right to self-determination as recognized to the Palestinian people as a whole, *see* UNGA, Importance of the Universal Realization of the Right of Peoples to Self-Determination and of the Speedy Granting of Independence to Colonial Countries and Peoples for the Effective Guarantee and Observance of Human Rights, A/RES/33/34, 29 November 1978, available at: <https://unispal.un.org/UNISpaL.NSF/0/D7340F04B82A2CB085256A9D006BA47A>; UNGA, Importance of the Universal Realization of the Right of Peoples to Self-Determination and of the Speedy Granting of Independence to Colonial Countries and Peoples for the Effective Guarantee and Observance of Human Rights, A/RES/3246(XXIX), 29 November 1974, available at: <https://unispal.un.org/DPA/DPR/unispal.nsf/0/C867EE1DBF29A6E5852568C6006B2F0C>; *see also* UNGA Resolution A/RES/3246 (XXIX; 29 November 1974), UNGA Resolution A/RES/33/24 (29 November 1978), UNGA Resolution A/RES/34/44 (23 November 1979), UNGA Resolution A/RES/35/35 (14 November 1980), UNGA Resolution A/RES/36/9 (28 October 1981); *See* Al-Haq, “Vision, Mission and Goals,” 26 January 2019, <https://www.alhaq.org/about-alhaq/7135.html>