

Urgent Appeal to the United Nations Special Procedures

Israel-Orchestrated Mass Surveillance Campaign Against Palestinian Human Rights Defenders

Date: 16 November 2021

For the attention of:

- The United Nations Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, Mr. S. Michael Lynk;
- The United Nations Special Rapporteur on on the Right to Privacy, Ms. Ana Brian Nougères;
- The United Nations Special Rapporteur on the Situation of Human Rights Defenders, Ms. Mary Lawlor;
- The United Nations Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Ms. Fionnuala Ní Aoláin;
- The United Nations Independent Expert on Human Rights and International Solidarity, Mr Obiora C. Okafor;
- The United Nations Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Ms. E. Tendayi Achiume;
- The United Nations Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Mr. Clément Nyaletsossi Voule;
- The United Nations Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Ms. Irene Khan;
- Working Group on Business and Human Rights, Ms. Anita Ramasastry.

1. Introduction

On 8 November 2021, [Front Line Defenders](#) (FLD) revealed in a report that the iPhone devices of at least six Palestinian human rights defenders were subjected to mass surveillance via the Israeli spyware ‘Pegasus,’ in what amounts to a systematic underground campaign of surveillance aimed at infiltrating and controlling individuals and Palestinian civil society organizations.

The revelation comes only two weeks after the Israeli Ministry of Defense designated Al-Haq and five fellow Palestinian civil society organizations as “terrorist organizations”¹ under its domestic Counter Terrorism Law, 2016, and two weeks later as “[unlawful](#) associations” under Article 84 of

¹ The six outlawed civil society organizations are: Addameer Prisoner Support and Human Rights Association, Al-Haq Law in the Service of Man, Bisan Center for Research and Development, Defense for Children International-Palestine, the Union of Agricultural Work Committees and the Union of Palestinian Women’s Committees.



the [Defense \(Emergency\) Regulations, 1945](#) in the occupied Palestinian territory. Over the past decade, Israel’s smear campaigns have labelled Palestinian human rights defenders as ‘terrorists,’ incited racial hatred and violence, hate speech, arbitrary arrests, torture and ill-treatment, death threats, travel bans, residency revocations and deportations.²

The latest unlawful surveillance constitutes, is the latest in a catalogue of smears and attacks on Palestinian human rights defenders and civil society organizations and is a substantial breach of Palestinian human rights defenders’ most fundamental freedoms and basic human rights including their right to privacy. It demonstrates, once again, the extent of Israel’s failure to regulate an egregious surveillance industry in its territory, allowing the private human rights-violating surveillance industry to operate with impunity.

Given the extreme gravity of the Pegasus spyware intrusion into Palestinian human rights defenders’ space and privacy, Al-Haq addresses this urgent appeal, requesting your immediate intervention to provide immediate protection of all the identified victims of this spyware surveillance infiltration and the immediate cessation of any ongoing spyware infiltration.

2. Reports Revealing Spyware Surveillance of Palestinian Human Rights Defenders

Ghassan Halaika, 29, is a resident of Beit Hanina, Jerusalem, and has been working as a field researcher for Al-Haq since January 2020. On 15 October 2021, his friend Ezz Ghaith, 30, contacted him through the WhatsApp application and told him that he had tried to call him back after he had received a call from him, to which he had not responded. After Ghassan told him that he had not tried to contact him in the first place, Ezz sent him a screenshot of his phone log, which showed that he had indeed received a phone call and called him back three times. Ghassan checked his phone, but neither incoming nor outgoing calls appeared on his call log.³

On 16 October 2021, Al-Haq contacted FLD on suspicion regarding Ghassan’s iPhone. FLD’s technical investigation confirmed that the device had been infected on 14 July 2020, with Pegasus spyware marketed by the Israeli NSO Group. In the days that followed, FLD conducted a comprehensive investigation over the data gathered from 75 other iPhone devices belonging to staff members of these organizations. The investigation found that five additional devices were hacked with the same Pegasus spyware.⁴ FLD’s investigation was peer-reviewed by [Citizen Lab](#) and Amnesty International’s [Security Lab](#), with whom FLD had shared its scanned data.⁵

² See also Al-Haq, “Designated Shrinking Space: Israel’s Systematic Harassment Campaigns Against Al-Haq, are the Acts of an Illegal Apartheid Regime” (October 2021), https://www.alhaq.org/cached_uploads/download/2021/11/01/briefing-paper-attack-on-palestinian-csos-sp-1635752788.pdf

³ Affidavit A524/2021, Ghassan Halaika, Field Researcher, on file with Al-Haq, 7 November 2021.

⁴ Front Line Defenders, “OPT/Israel: Six Palestinian Human Rights Defenders Hacked with NSO Group’s Pegasus Spyware,” 8 November 2021, https://www.frontlinedefenders.org/sites/default/files/fl_d_pal_statement_-_final_-_5_nov_2021.pdf

⁵ Amnesty International, “Devices of Palestinian Human Rights Defenders Hacked with NSO Group’s Pegasus Spyware,” 8 November 2021, <https://www.amnesty.org/en/latest/research/2021/11/devices-of-palestinian-human->

FLD, Citizen Lab and Security Lab performed individual forensic analysis on the logs from each device, which recorded names, processes details, apps and codes that had run on the phones. Temporal correlations were established between specific process names and communication with NSO Group servers, corroborating that those corresponded to the Pegasus spyware.⁶

Three of the six victims consented to be identified.

Target	Position	Approximate Dates Phone Hacked with Pegasus	SIM(s)
Ghassan Halaika	Field researcher and human rights defender working for Al-Haq	(1) 2020-07-14 – 2020-07-18	(1) MCC 425, MNC 07 (HOT Mobile – IL)
Ubai Aboudi (with US citizenship)	Executive Director at Bisan Center for Research and Development	(1) 2021-02-12 – 2021-02-17	(1) MCC 425, MNC 05 (Jawwal – PS)
Salah Hammouri (French citizenship)	Lawyer and field researcher at Addameer Prisoner Support and Human Rights Association based in Jerusalem	(1) 2021-04-12 – 2021-04-30	(1) MCC 425, MNC 02 (Cellcom ltd. – IL)
T4	Human rights defender	(1) 2021-04-12	(1) MCC 425, MNC 02 (Cellcom ltd. – IL)
T5	Human rights defender	(1) 2021-02-10 (2) 2021-04-03 (3) 2021-04-12	(1) MCC 425, MNC 01 (Orange/Partner – IL)
T6	Human rights defender	(1) 2020-11-04	(1) MCC 425, MNC 05 (Jawwal – PS)

Table 1: Citizen Lab.⁷

[rights-defenders-hacked-with-nso-groups-pegasus-spyware-2/](#); Citizen Lab, “Devices of Palestinian Human Rights Defenders Hacked with NSO Group’s Pegasus Spyware, 8 November 2021,

<https://citizenlab.ca/2021/11/palestinian-human-rights-defenders-hacked-nso-groups-pegasus-spyware/>

⁶ Citizen Law, “Devices of Palestinian Human Rights Defenders Hacked with NSO Group’s Pegasus Spyware,” 8 November 2021, <https://citizenlab.ca/2021/11/palestinian-human-rights-defenders-hacked-nso-groups-pegasus-spyware/>; see Amnesty International Security Lab, “Forensic Methodology Report: How to Catch NSO Group’s Pegasus,” 18 July 2021, <https://www.amnesty.org/en/latest/research/2021/07/forensic-methodology-report-how-to-catch-nso-groups-pegasus/>.

⁷ Citizen Law, “Devices of Palestinian Human Rights Defenders Hacked with NSO Group’s Pegasus Spyware,” 8 November 2021, <https://citizenlab.ca/2021/11/palestinian-human-rights-defenders-hacked-nso-groups-pegasus-spyware/>

Target	Pegasus Process	Date
Ghassan Halaika	smmsgingd	July 2020
Ubai Al-Aboudi	MobileSMSd, CommsCenterRootH[...] and otpgrefd	February 2021
Salah Hammouri	ctrlfs and xpccfd	April 2021
T4	bundpwrđ	April 2021
T5	launchrexd, gssdp, launchafd, com.apple.Mappit, cfprefssd, libtouchregd, ABSCarryLog, contextstoremgrd	February and April 2021
T6	accountpfd	November 2020

Table 2: Front Line Defenders.⁸

3. Pegasus, a Spy Software Marketed by the Israeli NSO Group

NSO Group has consistently repeated that its Pegasus spyware was only operated by government entities for intelligence and law enforcement purposes, to “investigate terrorism and crime” and “leaves no traces whatsoever.”⁹ The Forbidden Stories-coordinated Pegasus Project stemmed from a collaborative investigation of more than 80 journalists from 17 media organizations in 10 countries that analyzed more than 50,000 leaked phone numbers targeted by NSO clients. The investigation revealed an underground massive and systemic surveillance of human rights defenders, journalists, and political figures throughout the world, by the Pegasus spyware.

NSO’s mode of operation consists in exploiting vulnerabilities in operating systems and applications on iPhone and Android devices, to send links to malicious websites that would eventually download the malware.¹⁰

“When Pegasus is installed on a person’s phone, an attacker has complete access to a phone’s messages, emails, media, microphone, camera, passwords, voice calls on messaging apps, location data, calls and contacts. The spyware also has the potential to activate the phone camera and microphone, and spy on an individual’s

⁸ Front Line Defenders, “OPT/Israel: Six Palestinian Human Rights Defenders Hacked with NSO Group’s Pegasus Spyware,” 8 November 2021, https://www.frontlinedefenders.org/sites/default/files/flđ_pal_statement_-_final_-_5_nov_2021.pdf

⁹ See NSO Group’s website, <https://www.nsogroup.com/>; NSO Pegasus, “Pegasus – Product Description,” <https://www.documentcloud.org/documents/4599753-NSO-Pegasus.html>

¹⁰ Mohammed Al-Maskati, “Pegasus Project Questions and Answers,” 23 July 2021, <https://securityinbox.org/en/blog/pegasus-project-questions-and-answers/>

calls and activities. As such, the spyware not only allows for the surveillance of the target, but also anyone with whom they have contact via that device. This means that, in addition to the targeting of Palestinians, including dual nationals, non-Palestinians (including foreign nationals and diplomats) with whom these victims were in contact, including Israeli citizens, could have also been subject to this surveillance [...].”¹¹ [FLD, 8 November 2021)

4. Correlating Timelines with Israel’s Escalating Persecution of Palestinian Human Rights Defenders

Although the two incidents happened in close parallel- the designation of the six Palestinian civil society organizations as “terror organizations”, and the contemporaneous infection of their employees phones with Pegasus spyware -the exact identity of those behind the Pegasus attacks still remains to be identified.¹² However, given the degree of technical preparedness of the surveillance, Mohammad Al-Maskati from FLD has indicated that a State may be behind the attack, and that the NSO Group is fully aware of the facts.¹³ In their affidavits to Al-Haq, Ghassan Halaika, Ubai Aboudi and Salah Hammouri stated:

“On 18 June 2020, an Arabic speaking person from the Israeli intelligence, who identified himself as ‘Gabi,’ contacted me and summoned me for interrogation, which I refused to attend. [After FLD’s investigation of my phone, it was] confirmed that I have had Pegasus spyware on my phone since 14 July 2020 through a text message that I did not open, which is less than one month after the intelligence officer contacted me, which makes me assume that the occupation authorities are behind the installation of the software in my phone.”¹⁴ (Ghassan Halaika, 8 November 2021)

“This malicious program and the capacities needed to obtain it can only be instigated by a state, and I believe that the Israeli occupation state did this and has spied on my life without any right.”¹⁵ (Ubai Aboudi, 8 November 2021)

“I am not entirely sure of the identity of the party that penetrated my privacy, but the succession of pressure events, especially in the last period of time, narrows the accusation towards a specific state. I was very hurt that my life in general was subject

¹¹ Front Line Defenders, “OPT/Israel: Six Palestinian Human Rights Defenders Hacked with NSO Group’s Pegasus Spyware,” 8 November 2021, https://www.frontlinedefenders.org/sites/default/files/fl_d_pal_statement_-_final_-_5_nov_2021.pdf

¹² Tahseen Elayyan, Al-Haq, during Joint Press Conference with Addameer and Bisan Center, 8 November 2021, <https://www.facebook.com/alhaqorganization/videos/963033450957134/>

¹³ Mohammad Al-Maskati, Front Line Defenders, during Joint Press Conference with Addameer and Bisan Center, 8 November 2021, <https://www.facebook.com/alhaqorganization/videos/963033450957134/>

¹⁴ Affidavit A524/2021, Ghassan Halaika, Field Researcher, on file with Al-Haq, 7 November 2021.

¹⁵ Affidavit A525/2021, Ubai Aboudi, Director of Bisan Center, on file with Al-Haq, 7 November 2021.

to illegal control through this program that can monitor my life and the lives of everyone around me.”¹⁶ (Salah Hammouri, 8 November 2021)

Indeed, on 18 October 2021, the Israeli Minister of Interior had notified Salah Hammouri of her decision to revoke his permanent residency status in Jerusalem and to deport him on the ground of “breach of allegiance to the State of Israel” under Amendment No.30 to the Entry into Israel Law of 1952.¹⁷ The decision was the latest arbitrary measure of an escalating series aimed at persecuting Salah for his work as a human rights defender, and eventually compelling him to leave Jerusalem and Palestine, and has been the subject of a number of urgent appeals (see, [here](#) and [here](#) and [here](#); for response of the Special Rapporteur on Human Rights Defenders see [here](#)).¹⁸

“I have been subjected to many harassment measures by the occupation authorities over the last period of time, including the following events. In December of 2000, I was shot with live bullets in the thigh area while I was in the Al-Ram area, north of Jerusalem. On 31 August 2001, I was arrested and detained by the occupation forces for five months in the prison of the occupation on charges of union activity. On 20 February 2004, I was arrested and placed under administrative detention for four months in connection with a secret file. On 13 March 2005, I was sentenced to seven years on charges of planning to carry out actions against the occupation, and I was released on 18 December 2011 as part of the well known “Shalit prisoner exchange deal”. In 2014, I was banned from entering the West Bank by military order for 18 months. On 23 August 2017, I was placed under administrative arrest for 13 months. On 30 June 2020, I was arrested for 9 days for interrogation. On 30 September 2020, I received a notification from the Israeli Minister of Interior about the intention of the occupation government to revoke my Jerusalem ID on accusations of disloyalty to the State of Israel and based on the existence of a secret file. On 18 October 2021, I was finally informed that my Jerusalemite ID has been revoked.”¹⁹ (Salah Hammouri, 8 November 2021)

On 19 October 2021, the Israeli Minister of Defense, Benny Gantz, designated six leading Palestinian civil society organizations as “terrorist organizations” under its domestic Counter Terrorism Law.²⁰ The designated groups 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 (Bisan Center), Defense for Children International-Palestine (DCI-P), the Union

¹⁶ Affidavit A528/2021, Salah Hammouri, Human Rights Lawyer, on file with Al-Haq, 7 November 2021.

¹⁷ Front Line Defenders, “Human Rights Defender Facing Deportation for Alleged “Breach of Allegiance”,” 22 October 2021, <https://www.frontlinedefenders.org/en/case/human-rights-defender-facing-deportation-alleged-%E2%80%9Cbreach-allegiance%E2%80%9D>; Al-Haq, “Residency Revocation: Israel’s Forcible Transfer of Palestinians from Jerusalem,” 3 July 2017, <https://www.alhaq.org/advocacy/6331.html>;

¹⁸ Al-Haq, “Al-Haq Condemns the Revocation of Lawyer and Human Rights Defender Salah Hammouri’s Jerusalem Residency,” 19 October 2021, <https://www.alhaq.org/advocacy/18995.html>.

¹⁹ Affidavit A528/2021, Salah Hammouri, Human Rights Lawyer, on file with Al-Haq, 7 November 2021.

²⁰ “The Counter-Terrorism Law,” 5776-2016 (updated 14/02/2018).

of Agricultural Work Committees (UAWC), and the Union of Palestinian Women’s Committees (UPWC). The designation has the effect of outlawing the six organizations, their staff members and their work under Israeli domestic law, with the main objective “to hamper their fundraising,” as confirmed by an Israeli source to the Israeli newspaper Haaretz.²¹

Two weeks later, on 3 November 2021, the Israeli military commander issued a series of military orders to outlaw the six Palestinian organizations in the West Bank, based on Article 84 of the Defense (Emergency) Regulations of 1945 on “unlawful associations.”²² In doing so, Israel takes a step further towards the implementation of its intimidating threats against Palestinian civil society, including putting the organizations staff members and their property at imminent risk of confiscation, raid, arrests, arbitrary detention and reprisals,²³ even though the alleged evidence that motivated the designation in the first place has been condemned by the EU, stating, “past allegations of the misuse of [EU](#) funds by certain Palestinian CSO partners have not been substantiated.”²⁴

The designations were further denounced by the [international community](#), the [UN High Commissioner for Human Rights](#), and the [UN Special Rapporteurs](#), amongst others, as the latest in an escalating series of coordinated persecutory measures led by Israeli governmental bodies and their affiliates and aimed at intimidating and delegitimizing Palestinian civil society organizations in order to discredit their work, isolate them from their partners and donors, and thwart their action in the furtherance of Palestinian rights.²⁵

The FLD investigation confirmed that the hacking was carried out between 2020 and 2021, that is, prior to the Israeli Ministry of Defense’s designation. According to a [statement](#) of the six organizations, “The Israeli Minister of Defense’s designations of the civil society organizations only days after the initiation of this investigation may amount to an attempt at preemptively withholding evidence of surveillance and covering up surreptitious spyware actions”. Similarly, as noted by FLD’s report, “[...] the Israeli designation of these organizations as ‘terrorists’ after Pegasus was detected, but just days before this investigation is reported, appears to be a clear effort

²¹ Hagar Shezaf, “The NGOs Israel Designated as Terror Groups Remain Legal in the West Bank,” 1 November 2021, <https://www.haaretz.com/israel-news/.premium-the-ngos-israel-designated-as-terror-groups-remain-legal-in-the-west-bank-1.10345231>

²² The Defence (Emergency) Regulations, 1945, https://www.imolin.org/doc/amlid/Israel/The_Defence_Emergency_Regulations_1945.pdf

²³ Al-Haq, “Alert: Israel Takes Alarming Steps to Enforce its Persecution of Six Palestinian Organizations in the West Bank, International Community Must Intervene,” 7 November 2021, <https://www.alhaq.org/advocacy/19179.html>

²⁴ Hagar Shezaf and Ben Samuels, “In Congress, Israel Justifies Palestinian NGO Terror Tag With Evidence on Unrelated Group,” *Haaretz*, 4 November 2021, <https://www.haaretz.com/israel-news/.premium.HIGHLIGHT-israel-justifies-palestinian-ngo-terror-tag-to-u-s-with-evidence-on-unrelated-group-1.10352342>

²⁵ See Al-Haq, “Position Paper: Dangerous Designations, Israel’s Authoritarian Dismantling of Palestinian Civil Society, an Attack on Human Rights and the Rule of Law” (October 2021), <https://www.alhaq.org/advocacy/19136.html>

to cover its actions and disconnected from any evidence that would discredit these organizations.”²⁶

Front Line Defenders Timeline

DATE	ACTION
16 October	Front Line Defenders contacted by Al-Haq regarding suspicions about phone hacking
16 October	Front Line Defenders Digital Protection Coordinator (DPC), Mohammad Al-Maskati begins forensic investigation of first device and discovers indications of Pegasus spyware
16 October	Front Line Defenders shares data from logs with Citizen Lab to confirm findings
17 October	Front Line Defenders DPC meets with representatives of human rights organisations and human rights defenders to inform them of Pegasus infiltration and to request additional devices to investigate
18 October	HRD Salah Hammouri, whose phone was one of six infiltrated by Pegasus, is notified of the Israeli Minister of Interior’s decision to revoke his permanent residency in Jerusalem and deport him on the basis of his alleged “breach of allegiance to the State of Israel”.
19 October	Israeli Minister of Defense, Benny Gantz, issues executive order designating the 6 Palestinian human rights organizations as ‘terrorists’ – Designations No. 371 – 376
24 October	Front Line Defenders shares data from logs with Citizen Lab to confirm findings
25 October	Front Line Defenders shares data from logs with Citizen Lab to confirm findings
26 October	Front Line Defenders shares data from logs with Citizen Lab to confirm findings
29 October	Front Line Defenders confirms infection on 6 devices
29 October	Front Line Defenders shares data from logs and files from the phones’ backup with Amnesty International’s Security Lab to confirm findings
1 November	Haaretz reports that the 6 organizations remain legal in the West Bank, despite the Minister’s executive order, and that “For an organization to be declared a 'disallowed association' in the West Bank, the commander of the IDF’s Central Command must issue an order, but the office said that no such order was issued,"

²⁶ Front Line Defenders, “OPT/Israel: Six Palestinian Human Rights Defenders Hacked with NSO Group’s Pegasus Spyware,” 8 November 2021, https://www.frontlinedefenders.org/sites/default/files/fl_d_pal_statement_-_final_-_5_nov_2021.pdf

	and that “Sources at the State Prosecutor’s Office have already conceded that they do not intend to file indictments against the organizations or their workers.”
2 November	Ireland Foreign Minister, Simon Coveney, in an interview with the Jerusalem Post, confirms that Ireland and the European Union “have not gotten any credible evidence to link the NGOs to terrorism” from the Israeli government.
3 November	US Department of Commerce places NSO Group on its ‘entity list’, barring the company from buying parts and components from US companies without a special license.
4 November	+972 Magazine and The Intercept report that Israel hoped a 74-page classified Shin Bet document that was obtained by the two media outlets, would convince European governments to stop funding Palestinian rights groups, but that it failed because of lack of “concrete evidence”. The documents rely on the discredited testimony obtained by the alleged torture of two former, employees of the Health Work Committee.

5. Digital Persecution of Human Rights Defenders, a Pillar of Israel’s Apartheid

Israel, the Occupying Power of the Palestinian territory, and a State party to the International Covenant on Civil and Political Rights (ICCPR), is obliged to ensure the respect of Palestinian civil and political rights, including in the West Bank, in particular everyone’s rights to privacy, as enshrined in Article 17(1) of the ICCPR which provides that “[n]o one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence”.

“I felt a violation of my privacy, my wife is facing anxiety, even the privacy of our children.”²⁷ (Ubai Aboudi, 8 November 2021)

“I was very hurt that my life in general was subject to illegal control through this program that can monitor my life and the lives of everyone around me.”²⁸ (Salah Hammouri, 8 November 2021)

Further, Israel must ensure the right to hold opinions without interference and to seek, receive and impart information and ideas of all kinds, regardless of frontiers and through any media of his

²⁷ Ubai Aboudi, Bisan Center, during Joint Press Conference with Addameer and Bisan Center, 8 November 2021, <https://www.facebook.com/alhaqorganization/videos/963033450957134/>

²⁸ Affidavit A528/2021, Salah Hammouri, Human Rights Lawyer, on file with Al-Haq, 7 November 2021.

choice. The right to freedom of opinion and expression is ensured under Article 19 of the ICCPR, Article 19 of the Universal Declaration on Human Rights, and Article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination. In terms of surveillance, the UN Human Rights Committee has warned that, “attacks on a person because of the exercise of his or her right to freedom of expression may not be justified by article 19(3)” and has underscored the importance of protecting “persons who engaged in the gathering and analysis of information on the human rights situation and who published human rights-related reports, including judges and lawyers.”²⁹ It should be added that the deprivation of a racial group’s basic human rights and freedoms, including freedom of opinion and expression, and association. “calculated to prevent a racial group [...] from participation in the political, social, economic and cultural life of the country,” constitutes one of the inhuman acts prohibited under Article II(c) of the Apartheid Convention.

Businesses do not operate in a human rights-free vacuum either. The UN Guiding Principles on Business and Human Rights codify States’ duties to protect, and corporate responsibility to respect human rights in the course of corporate activities. In particular, business companies must implement “policies and processes appropriate to their size and circumstances, including: (b) a human rights due diligence process to identify, prevent, mitigate and account for how they address their impacts on human rights,” as per Principle 15. To that extent, according to Principles 17 to 21, human rights due diligence requires that proper and regular human rights impact assessments are carried out by the company, reported, and integrated into the company’s code of conduct. In conflict-affected areas this requirement for due diligence is heightened. Israel accordingly, has a responsibility to prevent companies such as Pegasus domiciled under its jurisdiction from carrying out grave violations of human rights law in its surveillance of Palestinian human rights defenders, in the occupied territory.

The persecution of Palestinian civil society organizations and human rights defenders, and the systemic denial of their most basic human rights and fundamental freedom, constitute a mainstay of Israel’s maintaining of its apartheid regime over the Palestinian people and their lands, in violation of Article II(f) of the 1973 Apartheid Convention, namely the “[p]ersecution of organizations and persons, by depriving them of fundamental rights and freedoms, because they oppose apartheid.” Mass surveillance of human rights defenders enables Israel to track and infiltrate the minds, the lives and the relationships of those that dare oppose its inhuman acts of racial segregation and discrimination. It not only contributes to reinforcing the domination of the Palestinian people, and the gradual entrenchment of Israel’s totalitarian, colonial regime; it also bolsters Israel’s impunity for its international crimes, including that of apartheid, a crime against humanity under Article 7(1)(j) of the Rome Statute of the International Criminal Court.

²⁹ Human Rights Council, “Surveillance and Human Rights Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression,” A/HRC/41/35, 28 May 2019, para.26, <https://citizenlab.ca/wp-content/uploads/2019/06/Special-Rapporteur-report-Surveillance-and-human-rights.pdf>

6. Conclusion

In light of the above, Al-Haq urges the relevant UN Special Procedure mandates to immediately intervene to ensure the protection of the Palestinian human rights defenders placed at imminent threat of persecution, notably through massive spyware surveillance, and in particular to:

1. Condemn the massive surveillance of Palestinian human rights defenders by NSO's Pegasus Spyware, as a violation of their human rights, including privacy;
2. Require the immediate initiation of an investigation into the illegal infiltration of Human Rights Defenders' phones and all the other victims that have been in communication with the targeted HRD;
3. Require an immediate moratorium on the sale, transfer and use of all forms of surveillance technology, particularly NSO Group's Pegasus spyware, until a full independent investigation of its operation within Palestine is carried out by the UN, in order to identify the scope of its surveillance activities carried out against Palestinian human rights defenders, and their ties to the Israeli government;
4. Recommend the inclusion of Pegasus Spyware on the UN Database of Business and Human Rights, as indirectly facilitating the growth of settlements and raising "particular human rights violations concerns", and call for the immediate annual update of the Database;
5. Require a full audit of Israeli companies manufacturing surveillance equipment, and define their connections to the Israel governmental bodies, as well as their involvement in human rights violations in Palestine and globally;
6. Demand the designing and implementation of a strict regulatory framework to prevent, mitigate and redress the human rights impacts of the surveillance industry, and ensure their compliance and conformity with international human rights law, especially with the principle of human rights due diligence enshrined in the UN Guiding Principles on Business and Human Rights;
7. Call on the UN Human Rights Office to report on mass surveillance companies operating with Israeli settlements in the occupied Palestinian territory, and include them in the UN Database on Business Activities; and
8. Call on all States to immediately freeze their business agreements on weapons and surveillance equipment with Israel, and demand that Israel report on its ties to its surveillance industry.