



**Joint Submission to the UN Secretary-General on Intimidation and Reprisals  
for Cooperation with the UN in the Field of Human Rights**

(Reporting Period from 1 May 2021 to 30 April 2022)

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## I. Introduction

1. Since the Palestinian Nakba in 1948, Israel has progressively created, implemented and maintained an institutionalised regime of systematic oppression, and domination amounting to [apartheid](#), over the Palestinian people as a whole, including Palestinians living on both sides of the Green Line, and refugees and exiles in the diaspora. Israel's system of apartheid has been designed and implemented through discriminatory laws, policies, and practices planned to systematically fragment, isolate, and oppress Palestinians<sup>1</sup> in order to dominate the Palestinian people and prevent them from exercising their individual and collective rights, including the right to self-determination and the right of Palestinian refugees to return home. In order to maintain its apartheid system, Israel has also pursued a policy of systematic persecution of Palestinian civil society organisations that continue to confront its apartheid laws, policies and practices.<sup>2</sup> The various acts of persecution and the [systematic smear campaign](#) against civil society and human rights defenders by Israel intends to silence, intimidate and [shrink the space of civil society](#) as well as shut down critical voices of the apartheid regime practiced by Israel over the Palestinian people as a whole. The latest alarming blatant attack was the [designation of six](#) leading human rights and civil society organisations as "terrorist organisations".
2. The Israeli government, in close coordination with government affiliated groups, have carried out a systematic campaign against Palestinian civil society, human rights organisations and human rights defenders. The campaign's primary aim is to silence, intimidate, harass, and delegitimise Palestinian human rights and civil society working to hold Israel accountable for its widespread and systematic human rights violations against the Palestinian people and calling for justice and accountability under international law.<sup>3</sup> Palestinian civil society has worked tirelessly to expose Israeli violations of international law, amounting to war crimes and crimes against humanity, including the crime against humanity of [Apartheid](#).
3. For decades civil society and human rights defenders have been systematically targeted for their work advocating for the protection of human rights in Palestine. The attacks, death

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<sup>1</sup> Al-Haq, "Palestinian, regional, and international groups submit report on Israeli apartheid to UN Committee on the Elimination of Racial Discrimination", 12 November 2019, available at: <https://www.alhaq.org/advocacy/16183.html>

<sup>2</sup> Al-Haq, "16 Palestinian and Regional Organisations Send Joint Submission to the UN Secretary-General on Intimidation and Reprisals for Cooperation with the UN", 20 April 2021, available at: <https://www.alhaq.org/advocacy/18208.html>

<sup>3</sup> See for example, Al-Haq, "Three Palestinian Civil Society Organisations Send Submission to UN Expert on Israel's Smear Campaigns and Disinformation", 3 March 2021, available at: <https://www.alhaq.org/advocacy/17958.html>

threats, defamation and smear campaigns not only attempt to delegitimize and discredit the work of civil society and human rights in Palestine, but also attempt to [dry out funding](#) and challenge the donor community for their support of Palestinian civil society and the human rights of the Palestinian people.

4. This [mounting pressure](#) on the work of civil society organisations in Palestine in the past decade includes issuing a number of false accusations in reports made public by the Israeli group 'NGO Monitor', and later by the Israeli Ministry of Strategic Affairs. The latter has issued a number of reports<sup>4</sup> in an attempt to link the civil society organisations to terror groups, discredit their work and stop funding from being channelled civil society and human rights organisations, including Al-Haq. All accusations and information used in these reports against Al-Haq are false and have no factual grounds. These attacks and smear campaigns have focused on well-established Palestinian human rights organisations who monitor and document human rights violations both of their own Palestinian leadership,<sup>5</sup> and the Israeli authorities, 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, refugees and calling for accountability before the International Criminal Court (ICC).<sup>6</sup> These organisations, and Al-Haq in particular, are leading experts that work with the UN Human Rights Council, Special Procedures and other venues, and International Criminal Court (ICC). The attacks against human rights work in Palestine have also targeted donors – mainly European governments and the EU.<sup>7</sup>

## **II. Background on Smear campaigns carried out against Palestinian civil society and Human rights organisations**

1. For decades, Israel has pursued a policy of silencing those who seek justice and accountability for violations committed against the Palestinian people as a tool to maintain its apartheid regime. Palestinian civil society organisations and human rights defenders have endured

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<sup>4</sup> EUROMED Rights Fact Check: "The Money Trail" Report by Israel's Ministry of Strategic Affairs is Inaccurate, False and Misleading, May 2018, available at: <https://euomedrights.org/publication/fact-check-the-money-trail-report-by-israels-ministry-of-strategic-affairs-is-inaccurate-false-and-misleading/>

<sup>5</sup> Al-Haq, "Al-Haq Condemns the Palestinian Authority Security Forces Attack and Suppression of a Peaceful Assembly in Ramallah", 27 June 2021, available at: <https://www.alhaq.org/advocacy/18571.html>

<sup>6</sup> Al-Haq, "New Report: Designated Shrinking Space: Israel's Systematic Harassment Campaigns Against Al-Haq, are the Acts of an Illegal Apartheid Regime", 1 November 2021, available at: <https://www.alhaq.org/advocacy/19143.html>

<sup>7</sup> Al-Haq, "Statement Al-Haq about funding suspension imposed by the European Commission" 21 January 2022, available at: <https://www.alhaq.org/advocacy/19424.html>

systematic intimidation, including death threats,<sup>8</sup> arbitrary arrests,<sup>9</sup> travel bans,<sup>10</sup> residency revocation,<sup>11</sup> and deportation,<sup>12</sup> in an attempt to shrink civil society space, delegitimise, oppress, and dominate them. As Israeli impunity reigns unabated, the safety and rights of Palestinian human rights defenders are continually and frequently violated.<sup>13</sup> In a systemic tactic to oppress and silence its opposition, and maintain its apartheid regime over the Palestinian people, and settler colonisation of Palestine, the Israeli government, including its official entities, individuals, and government-affiliated organisations, applies policies of both ‘violent’ and ‘non-violent’ domination over the Palestinian people, including the frequent and repeated use of smear campaigns against Palestinian human rights organisations and defenders.

2. The attacks led by Israeli Ministry of Strategic Affairs have intensified since 2015, when Gilad Erdan assumed his ministerial position within the Ministry. At the same time, Al-Haq, and other Palestinian human rights organisations, submitted their first communication to the Prosecutor of the ICC.<sup>14</sup> Since then, the Israeli Ministry of Strategic Affairs have produced and published four reports, all of which aim to defund and delegitimise Al-Haq<sup>15</sup> as well as other civil society organisations working to hold Israel accountable. In May 2018, the first report of the Israeli Ministry of Strategic Affairs, the Money Trail 1, was published,<sup>16</sup> and it was soon followed by a second report, Money Trial 2, on 23 January 2019, which was claimed to be

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<sup>8</sup> Al-Haq, “Al-Haq Under Attack – Staff Member’s Life Threatened,” 3 March 2016, available at: <http://www.alhaq.org/advocacy/6432.html>.

<sup>9</sup> See, for example, Al-Haq, “Israel’s Policy of Arbitrary Arrest of Human Rights Defenders Continues,” 24 July 2008, available at:

<http://www.alhaq.org/advocacy/7256.html>, Al-Haq, “Israeli Attacks on Human Rights Defenders Must End,” 16 February 2010, available at:

<http://www.alhaq.org/advocacy/7161.html>, Al-Haq, Palestinian Human Rights Organisations Condemn the Imprisonment of Human Rights

Defender Ramy Shaath & Call for his Immediate Release,” 24 September 2019, available at: [http://www.alhaq.org/palestinian-human-rights-](http://www.alhaq.org/palestinian-human-rights-organizations-council/15238.html)

[organizations-council/15238.html](http://www.alhaq.org/palestinian-human-rights-organizations-council/15238.html), and Al-Haq, “PHROC Condemns the Arrest of Human Rights Defender Mahmoud Nawajaa,” 6 August 2020,

available at: <http://www.alhaq.org/palestinian-human-rights-organizations-council/17191.html>.

<sup>10</sup> See, for example, Al-Haq, “Human rights organisations call on Israel to lift travel ban on Shawan Jabarin,” 29 November 2011, available at:

<http://www.alhaq.org/advocacy/6959.html>, “PHROC Condemns Israel’s Policy of Silencing Those Who Raise the Voice of Justice,” 8 June 2020,

available at: <http://www.alhaq.org/palestinian-human-rights-organizations-council/16957.html>, and Al-Haq, “PHROC Condemns Israeli Imposed

Movement Restrictions and Travel Ban against Amnesty International Staff Laith Abu Zeyad,” 6 November 2019, available at:

<http://www.alhaq.org/advocacy/16170.html>.

<sup>11</sup> See, for example, Al-Haq, “Omar Barghouti at Imminent Risk of Deportation as Israeli Interior Minister Initiates Proceedings to Punitively

Revoke his Residency Status,” 4 November 2019, available at: <http://www.alhaq.org/advocacy/16156.html>, and Al-Haq, “Palestinian and

regional groups send joint urgent appeal to UN special procedures warning against the imminent deportation of Omar Barghouti,” 8 November

2019, available at: <http://www.alhaq.org/advocacy/16181.html>.

<sup>12</sup> See, for example, Al-Haq, “Statement: Israeli Court Orders the Deportation of Human Rights Watch Director Omar Shakir,” 17 April 2019,

available at: <http://www.alhaq.org/advocacy/6067.html>, and Al-Haq, “PHROC Condemns Israel’s Order to Deport Human Rights Watch

Director, Omar Shakir, as a Grave Violation of Right to Freedom of Expression, and Systematic Shrinking of Civil Society Space,” 23 May 2018,

available at: <http://www.alhaq.org/advocacy/6199.html>.

<sup>13</sup> Al-Haq, “Joint Submission to the United Nations Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied

Since 1967, Mr Michael Lynk, on Accountability,” 31 May 2020, available at:

[http://www.alhaq.org/cached\\_uploads/download/2020/06/03/joint-submission-to-unsr-michael-lynk-on-accountability-1591163396.pdf](http://www.alhaq.org/cached_uploads/download/2020/06/03/joint-submission-to-unsr-michael-lynk-on-accountability-1591163396.pdf).

<sup>14</sup> Al-Haq, “Palestinian Human Rights Organisations Deliver Submission to the International Criminal Court on Alleged Israeli War Crimes and

Crimes against Humanity during 2014 Gaza offensive,” 23 November 2015, available at: <http://www.alhaq.org/advocacy/6460.html>.

<sup>15</sup> Badil, “PNGO & PHROC Position Paper on the Ongoing Campaign to Silence, Delegitimize, and De-Fund Palestinian Civil Society Organizations

and Human Rights Defenders,” 22 March 2020, available at: [https://badil.org/en/publication/press-releases/87-2018/4852-pr-en-220318-](https://badil.org/en/publication/press-releases/87-2018/4852-pr-en-220318-06.html)

[06.html](https://badil.org/en/publication/press-releases/87-2018/4852-pr-en-220318-06.html).

<sup>16</sup> The 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,” May 2018, available at: <https://www.jewishvirtuallibrary.org/isource/images/bdsmoneytrail.pdf>.

“updated research.”<sup>17</sup> Both of these reports mount a number of attacks against organisations and named individuals, under the pretext of interrogating the funding sources of Palestinian and European civil society organisations which promote a “delegitimization and boycott campaign” against Israel. In February 2019, the Ministry of Strategic Affairs published another defamatory report, titled ‘Terrorists in Suits,’ focusing on allegations of ‘terrorist’ affiliations.<sup>18</sup> As a follow-up report, in May 2020, the Israeli Ministry of Strategic Affairs published a report titled “Terrorists in Suits: Bloody Money, European-Funded Palestinian NGOs & their Terror Operatives”. While focussing mostly on ‘Addameer’ as its ‘case study,’ the Israeli Ministry of Strategic Affairs also included smears against Al-Haq and its General Director.<sup>19</sup> The Israeli Ministry of Strategic Affairs’ reports claims to link the human rights organisations to ‘terrorism’- a term which it does not define and employs broadly to smear the integrity of human rights organisations and individuals.

3. NGO Monitor, an Israeli proxy organisation which claims to be “an independent and nonpartisan research institute dedicated to promoting transparency and accountability of NGOs claiming human rights agendas, primarily in the context of the Arab-Israeli conflict,”<sup>20</sup> is a leading entity in targeting Al-Haq, among other Palestinian civil society organisations. In an attempt to delegitimise Al-Haq’s legal work, NGO Monitor maintains and continuously updates a profile page in relation to Al-Haq’s activities and staff members, affiliating Al-Haq with ‘terrorism’ and associating it with the BDS movement.<sup>21</sup> NGO Monitor further produces dishonest, inaccurate reports and erroneous reports, for example, in its ‘Al-Haq and GLAN’s Not-So-Subtle BDS Agenda: Analysis of Submission on “Business and Human Rights in Occupied Territory”’ report, NGO Monitor attempts to associate Al-Haq with the Boycott, Divestment and Sanctions movement (BDS) movement.<sup>22</sup> Notably, Al-Haq never joined the BDS movement in 2005, as the organisation more narrowly applies the international human rights legal framework. The reports completely dismiss the Business and Human Rights legal framework that Al-Haq assumes in its work, including with regards to corporate accountability in which Al-Haq is a prominent actor, and has been recognized and awarded

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<sup>17</sup> The Israeli Ministry of Strategic Affairs and Public Diplomacy, “The Money Trail: European Union Financing of Organizations Promoting Boycotts against the State of Israel,” January 2019, available at:

[https://www.gov.il/BlobFolder/generalpage/money\\_trail/en/strategic\\_affairs\\_money\\_en.pdf](https://www.gov.il/BlobFolder/generalpage/money_trail/en/strategic_affairs_money_en.pdf)

<sup>18</sup> The Israeli Ministry of Strategic Affairs, “Terrorists in Suits: the Ties between NGOs Promoting BDS and Terrorist Organizations,” February 2019, available at: [https://www.gov.il/BlobFolder/generalpage/terrorists\\_in\\_suits/en/De-Legitimization%20Brochure.pdf](https://www.gov.il/BlobFolder/generalpage/terrorists_in_suits/en/De-Legitimization%20Brochure.pdf).

<sup>19</sup> The Israeli Ministry of Strategic Affairs and Public Diplomacy, “Terrorists in Suits: Bloody Money, European-Funded Palestinian NGOs & their Terror Operatives,” May 2020, available at: [https://www.gov.il/BlobFolder/generalpage/terrorists\\_in\\_suits/en/De-Legitimization%20Brochure.pdf](https://www.gov.il/BlobFolder/generalpage/terrorists_in_suits/en/De-Legitimization%20Brochure.pdf)

<sup>20</sup> NGO Monitor, Official Website, FAQs Section, available at: <https://www.ngo-monitor.org/about/faqs/>.

<sup>21</sup> See, for example, NGO Monitor, Official Website, Al-Haq, last updated 17 September 2020, available at: [https://www.ngo-monitor.org/ngos/al\\_haq/](https://www.ngo-monitor.org/ngos/al_haq/), and NGO Monitor, “EU Funding to Terror-Linked Palestinian NGOs Since 2011,” 11 June 2020, available at: <https://www.ngo-monitor.org/reports/eu-funding-to-terror-linked-palestinian-ngos-since-2011/>.

<sup>22</sup> NGO Monitor, “Al-Haq and GLAN’s Not-So-Subtle BDS Agenda: Analysis of Submission on ‘Business and Human Rights in Occupied Territory,’” 10 September 2020, available at: <https://www.ngo-monitor.org/reports/al-haq-and-glan-bds-agenda-business-human-rights/>.

internationally for its work.<sup>23</sup> Despite this, NGO Monitor continues to label Al-Haq as “a leader in BDS and lawfare campaigns targeting Israel, with its advocacy focusing on anti-Israel activities.”<sup>24</sup>

4. While Al-Haq supports the rights of other organisations and individuals to support the BDS movement, the organisation has never endorsed the 2005 call for BDS. Rather, Al-Haq continuously advocates for third states to uphold their obligations under international law in relation to trade and investment with illegal Israeli settlements in the occupied West Bank, including East Jerusalem, including by taking measures to ensure that multinational corporations are not involved in gross human rights abuses, to protect and promote the rule of law, equal access to remedy and adequate accountability, and to protect against human rights abuses within their territory and/or jurisdiction by business enterprises.<sup>25</sup>
5. Similarly, Al-Haq’s prominent work with regards to the ICC has also been met with smears. NGO Monitor, similar to the Israeli Ministry of Strategic Affairs, meticulously attempts to link Al-Haq with ‘terrorism,’ with the aim of delegitimising the need for international accountability for the crimes committed against the Palestinian people, including at the ICC.<sup>26</sup> In a similar effort, the Jerusalem Center for Public Affairs, “a leading independent research institute specializing in public diplomacy and foreign policy,”<sup>27</sup> published a report in May 2020, which aims to discredit the Prosecutor of the ICC, her office, Al-Haq and other Palestinian civil society organisations.<sup>28</sup> Critically, the report, which is authored by a former Director General of Israel’s Ministry of Strategic Affairs, and a former Secretary General of the World Jewish Congress, fails to provide information on the situation before the ICC, and instead reuses claims and allegations previously made by the Israeli government, and its proxy organisations, while openly naming Al-Haq staff.<sup>29</sup>
6. Alarming, the Israeli government, including its Ministry of Strategic Affairs, published reports, as they also lobbied politicians and donors, urging and pressuring them to halt their

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<sup>23</sup> Al-Haq, “Al-Haq Receives the Gwynne Skinner Human Rights Award,” 1 October 2020, available at:

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

<sup>24</sup> NGO Monitor, “Al-Haq and GLAN’s Not-So-Subtle BDS Agenda: Analysis of Submission on ‘Business and Human Rights in Occupied Territory,’” 10 September 2020, available at: <https://www.ngo-monitor.org/reports/al-haq-and-glan-bds-agenda-business-human-rights/>.

<sup>25</sup> See, for example, Al-Haq, “Database Letters: Al-Haq Calls on Home States to Businesses Listed in the United Nations Database as Engaged in Activities with Israeli Settlements to Take Action,” 1 July 2020, available at: <http://www.alhaq.org/advocacy/17042.html>, and Al-Haq, “World Tourism Day: Al-Haq calls for Corporate Accountability for Adverse Human Rights Impacts on Palestinian Host Communities,” 26 September 2020, available at: <http://www.alhaq.org/advocacy/17360.html>.

<sup>26</sup> NGO Monitor, Key Issue: International Criminal Court (ICC) and NGOs, available at: <https://www.ngo-monitor.org/key-issues/international-criminal-court-icc-and-ngos/which-ngos-are-involved-in-lobbying-the-icc/>.

<sup>27</sup> The Jerusalem Center for Public Affairs, About the Jerusalem Center for Public Affairs, available at: <https://jcpa.org/about/>.

<sup>28</sup> The Jerusalem Center for Public Affairs, “Legal Assault: How the ICC Has Been Weaponized Against the U.S. and Israel,” 5 May 2020, available at: <https://jcpa.org/legal-assault-how-the-icc-has-been-weaponized-against-the-u-s-and-israel/>.

<sup>29</sup> Al-Haq, “Al-Haq Condemns Attempt to Smear Al-Haq, Its Staff, and Partners in Recent Report,” 11 May 2020, available at: <http://www.alhaq.org/advocacy/16854.html>.

funding to Al-Haq. In 2015, false letters, allegedly sent by the Palestinian Authority (PA), were sent to several European donors that funded Al-Haq, claiming that Al-Haq was being investigated by the consulting firm Ernst & Young for “financial irregularities, corruption, fraud and misuse of donations and 37 funds.” Later on, these allegations were refuted by the Ernst & Young and the PA.<sup>30</sup> The former Israeli Prime Minister, Benjamin Netanyahu, has repeatedly called on European government officials to halt their funding of Palestinian human rights organisations, including Al-Haq, which he claimed were involved in “anti-Israel incitement and promoting boycotts of the Jewish state,” and thanked Denmark for tightening the conditions for providing its funding.<sup>31</sup> Following this, he met with European officials, including the Norwegian, Irish, and Dutch foreign ministers, smearing the work of Al-Haq.<sup>32</sup>

7. On 10 June 2019, Israel’s Ministry of Strategic Affairs claimed to have succeeded in efforts to convince banks in Europe and the United States to close 30 financial accounts associated with Palestinian NGOs, allegedly including the credit cards accounts of Al-Haq.<sup>33</sup> Despite the sweeping claims made by the Ministry of Strategic Affairs, Al-Haq as an organisation does not hold credit card accounts. As such, there was never an account open that could be closed to begin with.<sup>34</sup>
8. Responding to these attacks, Professor Michael Lynk, former UN Special Rapporteur on the Palestinians further noted, with particular concern, in his March 2019 report to the UN Human Rights Council, “the harmful practices employed by political leadership and States authorities in Israel to silence human rights defenders’ criticism of certain government policies. This includes verbal attacks, disinformation campaigns and de-legitimization efforts, as well as targeting of civil society funding sources...Those accused included respected European and Palestinian organisations such as Al-Haq, the Palestinian Centre for Human Rights and Al-Mezan”.<sup>35</sup>

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<sup>30</sup> See, for example, OHCHR, Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, UN Doc A/HRC/34/70, 13 April 2017, para. 40, Al-Haq, “Al-Haq Under Attack – Staff Member’s Life Threatened,” 3 March 2016, available at: <http://www.alhaq.org/advocacy/6432.html>, and FIDH/OMCT, “Ongoing smear campaign against Al-Haq staff members Mr. Shawan Jabarin and Ms. Nada Kiswanson,” 10 November 2017, available at: <https://www.fidh.org/en/issues/human-rights-defenders/israel-occupied-palestinian-territory-ongoing-smear-campaign-against#nh6-1>.

<sup>31</sup> Middle East Monitor, “Netanyahu thanks Denmark for cutting aid to Palestinian NGOs,” 25 December 2017, available at: <https://www.middleeastmonitor.com/20171225-netanyahu-thanks-denmark-for-cutting-aid-to-palestinian-ngos/>.

<sup>32</sup> Herb Keinon, Greer Fay Cashman, “Netanyahu, Norwegian FM at odds over Palestinian NGO,” the Jerusalem Post, 7 January 2018, available at: <https://www.jpost.com/Arab-Israeli-Conflict/Netanyahu-Norwegian-FM-at-odds-over-Palestinian-NGO-533054>.

<sup>33</sup> Maayan Jaffe-Hoffman, “30 Financial Accounts Associated With BDS-Promoting NGOs Shut Down,” Jerusalem Post, 11 June 2019, available at: <https://www.jpost.com/Israel-News/Report-30-financial-accounts-associated-with-BDS-promoting-NGOs-close-592073>.

<sup>34</sup> Al-Haq, “Israeli Ministry of Strategic Affairs Campaign of Institutionalised Harassment Continues with the Alleged Closure of Palestinian NGOs’ Financial Accounts,” 19 June 2019, available at: <http://www.alhaq.org/advocacy/6039.html>.

<sup>35</sup> OHCHR, “Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, UN Doc A/HRC/40/73”, 15 March 2019, para. 24.

9. Just as previous, disinformation and smear campaigns by the Israeli occupation regime and non-state actors were foundational in preceding the designation and outlawing of the six organisations as a "terrorist organization" by Israeli occupation authorities, more still, this designation intensifies and escalates ongoing harassment campaigns by the Israeli occupation authorities and non-state actors. Specifically, "NGO Monitor," an Israeli proxy organization that purports to be "an independent and nonpartisan research institute," is a leading entity of the ongoing disinformation campaigns against Palestinian CSOs, that nevertheless holds a special consultative status as an NGO with the UN Economic and Social Council (ECOSOC).<sup>36</sup> NGO Monitor frequently publishes reports filled with inaccurate and false information on Palestinian CSOs, often launched shortly after the advocacy actions of Addameer at the UN human rights mechanisms are publicised.<sup>37</sup>
10. Following the Israeli occupation authorities' designation and criminalization of the six Palestinian CSOs, NGO Monitor launched several reports defending, employing, and leveraging the designation to harass and pressure States, IGOs, and UN bodies against pursuing legitimate human rights mechanisms and inquiries into the Israeli occupation and apartheid regime's gross violations.<sup>38</sup> Most recently, on 22 March 2022, NGO Monitor published a report titled, "Michael Lynk's Final Fiction,"<sup>39</sup> following the report of the United Nations Special Rapporteur (UNSR) on the situation of Human Rights in the Palestinian territories occupied since 1967, to the UN Human Rights Council. There he concluded that Israeli rule over the occupied Palestinian territory (OPT) amounts to apartheid.<sup>40</sup> In the report, NGO Monitor reiterates and relies on the arbitrary designations of the six Palestinian CSOs as "terrorist organizations"—devoting an entire section to their discussion—to refute the determinations made in the report. NGO Monitor then refutes *ad hominem* the determination by dismissing UNSR Michael Lynk's citation of human rights documentation by Addameer and Al-Haq.<sup>41</sup>

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<sup>36</sup> For an extensive review of NGO Monitor reports targeting CSO's, see Addameer, Al-Haq, and Al Mezan's joint submission to the UN Special Rapporteur on the Promotion and Protection of Freedom of Opinion and Expression, here:

[https://www.alhaq.org/cached\\_uploads/download/2021/03/03/210225-joint-submission-sr-expression-final-website-1614779016.pdf](https://www.alhaq.org/cached_uploads/download/2021/03/03/210225-joint-submission-sr-expression-final-website-1614779016.pdf)

<sup>37</sup> See *Supra I*, in addition

<sup>38</sup> See as examples: *NGO Monitor*, "Anti-Israel Bias and NGO Links of UNHRC's Gaza Committee of Inquiry Members," 22 February 2022, <https://www.ngo-monitor.org/reports/anti-israel-bias-and-ngo-links-of-unhrcs-gaza-committee-of-inquiry-members/>; and *NGO Monitor*, "The Road Not Taken: Governmental Anti-terror Regulations and NGO Funding," 22 November 2021, available at: <https://www.ngo-monitor.org/reports/terror-policy-paper/>

<sup>39</sup> *NGO Monitor*, "Michael Lynk's Final Fiction," 22 March 2022, available at: <https://www.ngo-monitor.org/reports/michael-lynks-final-fiction/>

<sup>40</sup> UN OHCHR, "Israel's 55-year occupation of Palestinian Territory is apartheid – UN human rights expert," 25 March 2022, <https://www.ohchr.org/en/press-releases/2022/03/israels-55-year-occupation-palestinian-territory-apartheid-un-human-rights>

<sup>41</sup> See *Supra 14*.

### III. Alarming Updates: Designation of Palestinian Civil Society Organisations as “Terror Organisations” and Repercussions

11. In the latest attempt to silence Palestinian human rights groups and civil society organisations, the Israeli Ministry of Defense, led by Israel’s Defence Minister Benny Gantz, has launched a worrying attack declaring Al-Haq alongside five other prominent Palestinian civil society organizations as “terror organisations”, under Israel’s 2016 domestic Anti-Terrorism Law effectively outlawing the organisations and placing them at risk of imminent reprisals. The six targeted organisations 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, Defense for Children International-Palestine (DCI-P), the Union of Agricultural Work Committees (UAWC), and the Union of Palestinian Women’s Committee (UPWC).
12. Later in November 3, 2021, Israel transposed the designation of the six organisations into law taking effect in the OPT. The Israeli Military Commanding Officer of the Central Command, declared five of the organisations as “unlawful associations”, pursuant to his authority under the Emergency Regulations. The UAWC had previously been declared an “unlawful association”.<sup>42</sup> The military order constitutes a dangerous and alarming move to execute and implement its designation of Palestinian organisations, putting the organisations, their staff members and their property, at imminent risk of raid, arrest, closure and reprisals.
13. Despite these serious allegations against the six civil society organisations, Israel failed to provide any serious evidence of its accusations and has claimed to have evidence in a secret file.<sup>43</sup> However, as a precautionary measure, the European Commission (EC), a long-standing partner of Al-Haq and civil society organisations imposed a funding suspension on Al-Haq, but provided no clarifications on the reasons of the suspension. The suspension is not a recent development, The Commission initially imposed it in May 2021, freezing one of the legal projects funded by the European Union (EU). The suspension,<sup>44</sup> was done in reference to “a report by the Israeli government that accuses the misuse of European donors’ fund by Palestinian civil society organisations to fund terroristic activities”.<sup>45</sup> Such suspension on

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<sup>42</sup> Adalah’s Expert Opinion: Israel’s 2016 Counter-Terrorism Law and 1945 Emergency Regulations Regarding the Outlawing of Six Palestinian Human Rights and Civil Society Groups 23 November 2021, available at:

[https://www.adalah.org/uploads/uploads/Adalah\\_Expert\\_Opinion\\_Palestinian6\\_Nov2021.pdf](https://www.adalah.org/uploads/uploads/Adalah_Expert_Opinion_Palestinian6_Nov2021.pdf)

<sup>43</sup> 972 Magazine, Secret Israeli dossier provides no proof for declaring Palestinian NGOs ‘terrorists’, November 2021, available at:

<https://www.972mag.com/shin-bet-dossier-palestinian-ngos/>

<sup>44</sup> Al-Haq, “Statement Al-Haq about funding suspension imposed by the European Commission”, 21 January 2022, available at:

<https://www.alhaq.org/advocacy/19424.html>

<sup>45</sup> Al-Haq, Statement Al-Haq about funding suspension imposed by European Commission, January 2022, available at:

<https://www.alhaq.org/advocacy/19424.html>

behalf of the EU Commission, has further given space for Israel and the government affiliated group 'NGO Monitor' to use the suspension as ground to launch further attacks at Al-Haq and other civil society organisations. The EU Commission has simply ignored legitimate questions and requests for clarifications on the suspension, which are of direct relevance to Al-Haq's ability to defend itself against Israeli's allegations and any adverse measures by the EU. The Commission only replied at the end of 2021, after Al-Haq has commissioned an EU based lawyer. The answer was that It did so with reference to Israel's designations, confirming it has not lifted the funding suspension pending "further investigations" of information received from the Israeli authorities. It also informed Al-Haq that "a decision on the suspension is unlikely to be made before the end of first quarter of 2022".

14. On 5 January 2022, the Dutch government announced that UAWC will no longer receive funds from the Netherlands. This is presumably due to mounting pressure especially after the designation of the six organisations, despite the Dutch having conducting an investigation in 2020 and having found no grounds for the Israeli allegations claiming links between UAWC and terrorist activities.<sup>46</sup>
15. Global civil society organisations, UN experts, politicians, trade unions, lawyers and human rights defenders from across the world have sent statements of support and launched campaigns and letters condemning the Israeli designation of the six organisations.<sup>47</sup> UN Experts have condemned the designations and considered them "a frontal attack on the Palestinian human rights movement, and on human rights everywhere".<sup>48</sup>
16. During the 49<sup>th</sup> UN Human Rights Council, sessions and side events organised by civil society organisations, several member states and UN experts condemned the designations, highlighting the danger of using counter terrorism measures based on 'secret evidence' against civil society organisations human rights defenders.<sup>49</sup> Further, the United Nations High Commissioner for Human Rights Michelle Bachelet, in a report on the OPT, condemned the terror designations, which she emphasised were "based on vague and unsubstantiated

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<sup>46</sup> OMCT, Organisations urge the Dutch government to resume funding for Palestinian organization, January 2022, available at: <https://www.omct.org/en/resources/statements/organisations-urge-the-dutch-government-to-resume-funding-for-palestinian-organisation>

<sup>47</sup> Palestinian Civil Society website (#StandWithThe6), *Examples of the supporting statements condemning the designation of the six organizations are available at:* <https://palcivilsociety.com/resources>

<sup>48</sup> OHCHR, UN experts condemn Israel's designation of Palestinian human rights defenders as terrorist organisations, 25 October 2021, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27702&LangID=E>

<sup>49</sup> Al-Haq, *see for example* "Side Event Parallel to UNHRC 49th Calling for Rescinding the Designation of the 6 Organizations and the Protection of Human Rights Work in Palestine" 24 March 2022, Available at: <https://www.alhaq.org/advocacy/19767.html>

allegations”.<sup>50</sup> She further outlined how “Israel also carried out arbitrary arrests and criminal prosecution of human rights defenders, including women human rights defenders”.<sup>51</sup>

17. Despite international condemnation of the designations of the six organisations and the targeting of civil society and human rights defenders, Israel has neither rescinded the designations, nor provided any real evidence to lawyers for the six organisations, in flagrant violation of their rights to fair procedure and [due process](#). On 6 April 2022, the six organisations held a [press conference](#) in which they highlighted the consequential negative impact of the designations and demanded states to take concrete action against the Israeli occupation authorities’ continued harassment and criminalization of Palestinian human rights defenders and civil society organisations. They called on Third States to pressure the Israeli Minister of Defence to fully rescind the designations and for Third States to publicly dismiss Israel’s designation of the six organisations.

#### **IV. Arrests and Use of Pegasus Spyware by the Israeli NSO Group against Human Rights Defenders**

18. On 7 July 2021, Ms. Shatha Odeh Abu Fannouneh (Ms. Odeh), 61 was arbitrarily and forcibly arrested from her house in Ramallah, Palestine. Ms. Odeh, a mother of three, is a nurse by profession and currently serves as the Director of the HWC. She is a devoted healthcare expert and has tirelessly worked during the COVID-19 pandemic to provide health services to Palestinians across the West Bank.<sup>52</sup> To repress, dominate and control the Palestinian people, including Palestinian human rights defenders as well as healthcare providers, arbitrary arrests have been a key tool utilised by Israel, in violation of international law. Palestinian human rights defenders and healthcare providers have been increasingly targeted in recent years. The arrest of Ms. Odeh illustrates Israel’s attempts to discourage individuals and organisations from providing the urgently needed health services to thousands of Palestinians, especially in remote areas outside the reach of the Palestinian authorities.

19. On 16 October 2021, Al-Haq contacted Front Line Defenders about a device of a Jerusalem-based staff member infected with spyware. [Front Line Defenders](#) conducted a technical investigation and found that the device had been infected in July 2020, with spyware sold by

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<sup>50</sup> Relief Web, “Occupied Palestinian Territory Delivered by Michelle Bachelet, United Nations High Commissioner for Human Rights at Human Rights Council 49th Session”, 25 March 2022, available at: <https://reliefweb.int/report/occupied-palestinian-territory/occupied-palestinian-territory-delivered-michelle-bachelet>

<sup>51</sup> Relief Web, “Occupied Palestinian Territory Delivered by Michelle Bachelet, United Nations High Commissioner for Human Rights at Human Rights Council 49th Session”, 25 March 2022, available at: <https://reliefweb.int/report/occupied-palestinian-territory/occupied-palestinian-territory-delivered-michelle-bachelet>

<sup>52</sup> 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>

the Israeli based NSO Group. Front Line Defenders launched an investigation on other devices belonging to members of the six designated organisations, and confirmed that five additional devices had been hacked with the same spyware.<sup>53</sup>

20. Salah Hammouri, 36, is a Palestinian-French Jerusalemite, long-time human rights defender (HRD), Addameer lawyer, and a former political prisoner. Over the years, Salah has been relentlessly targeted by Israeli occupation authorities,<sup>54</sup> subjected to arbitrary arrests, administrative detention, exorbitant fines, travel bans against him and his family, the deportation of his wife, and, most recently, the illegal revocation of his permanent residency and forced deportation from Jerusalem on 18 October 2021.<sup>55</sup> Moreover, on 8 November 2021, a Front Line Defenders investigation conducted in collaboration with Citizen Lab and Amnesty International's Security Lab found that Salah Hammouri had been one of six Palestinian HRDs hacked by Israeli NSO Group's notorious Pegasus spyware.<sup>56</sup> On 5 April 2022, The International Federation for Human Rights (FIDH), the *Ligue des droits de l'homme* (LDH) and Salah Hammouri filed a joint complaint in France targeting the Israeli cyber intelligence company NSO Group, for illegally infiltrating Salah's phone and "through it, his entire professional and private life, thereby depriving him of his right to privacy among others."<sup>57</sup>

21. For that, Salah Hammouri has emerged as one of the most prominent cases of the Israeli occupation and apartheid regime's systematic harassment and persecution of Palestinian human rights defenders. His case was highlighted in Amnesty International's landmark report demonstrating Israel's crimes of apartheid,<sup>58</sup> specifically the illegal practice of forcible population transfer, deportations, and demographic engineering. On 3 March 2022, during its review of the fifth periodic report of Israel on its implementation of the International Covenant on Civil and Political Rights (ICCPR),<sup>59</sup> the UN Human Rights Committee noted

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<sup>53</sup> Front Line Defenders, Six Palestinian human rights defenders hacked with NSGO Group's Pegasus Spyware, November 2021, available at: <https://www.frontlinedefenders.org/en/statement-report/statement-targeting-palestinian-hrds-pegasus>

<sup>54</sup> In conjunction with Palestinian civil society organizations, Addameer submitted a number of urgent appeals to UN Special Procedures on his behalf, see the most recent appeal, sent 21 March 2022: <https://www.addameer.org/news/4733>

<sup>55</sup> On 27 October 2021, Addameer, joined by Palestinian civil society and human rights organizations, submitted an urgent appeal regarding Salah's residency revocation to the UN Special Procedures", available here: <https://addameer.org/news/4562>

<sup>56</sup> *Front Line Defenders*, "Six Palestinian human rights defenders hacked with NSO Group's Pegasus Spyware," 8 November 2021, available at: <https://www.frontlinedefenders.org/en/statement-report/statement-targeting-palestinian-hrds-pegasus>

<sup>57</sup> FIDH, "France: criminal complaint against the Israeli company NSO for illegally infiltrating the phone of French-Palestinian human rights defender Salah Hammouri" 5 April 2022, available at: <https://www.fidh.org/en/issues/human-rights-defenders/france-fidh-and-ldh-submit-a-criminal-complaint-against-the-israeli>

<sup>58</sup> *Amnesty International*, "Israel's Israel's apartheid against Palestinians: Cruel system of domination and Crime against humanity," 1 February 2022, <https://www.amnesty.org/en/latest/news/2022/02/israels-apartheid-against-palestinians-a-cruel-system-of-domination-and-a-crime-against-humanity/>

<sup>59</sup> Human Rights Committee, CCPR- International Covenant on Civil and Political Rights, 3841<sup>st</sup> Meeting, 134<sup>th</sup> Session, 2 March 2022. Available at: <https://media.un.org/asset/k1v/k1vz640m3b> [Around minute 47:30]. See also, on 17 February 2022, Addameer participated in the submission of a joint parallel report to the Human Rights Committee on Israel's violations and failed implementation of the ICCPR. See here: [https://www.alhaq.org/cached\\_uploads/download/2022/02/17/joint-submission-to-hrc-on-iccpr-1-1645107641.pdf](https://www.alhaq.org/cached_uploads/download/2022/02/17/joint-submission-to-hrc-on-iccpr-1-1645107641.pdf)

Salah's case in pointing to Israel's alarming arbitrary policy of residency revocation based on "breach of allegiance" to control the demographic composition of Jerusalem.

22. Mere days following the citation of his case by the UN Human Rights Council, on 7 March 2022, IOF stormed Salah's home, arbitrarily arresting him and transferring him to Ofer Israeli military prison. On 10 March 2022, the Israeli military commander issued a three-month administrative detention order against Salah, without charge or trial, based on "secret information." Amid legal procedures and advocacy challenging the Israeli occupation regime's gross violations amounting to war crimes and the crime of apartheid, Salah's case has been increasingly highlighted on the international fora by UN Special Rapporteurs,<sup>60</sup> NGOs,<sup>61</sup> and human rights organizations.<sup>62</sup> For that, Israeli occupation authorities have systematically harassed and targeted Salah, a vocal Palestinian human rights advocate, to repress his right to free expression and delegitimize and discredit his work as a human rights defender. Alongside Palestinian CSOs, Addameer submitted an urgent appeal to the UN Special Procedures on 21 March 2022, following Salah's latest arrest.
23. On 13 February 2022, Ofer military court sentenced Khitam Sa'afin, a Palestinian human rights defender and President of the Union of Palestinian Women's Committees (UPWC) one of the designated organisations, to 16 months imprisonment after around 15 months of arbitrary detention, in addition to a five months suspended prison sentence and a fine of 1,500 shekels. Khitam was arrested on 2 November 2020, and placed under administrative detention, without charge or trial. The Israeli military prosecutor submitted a list of charges against Khitam on 8 June 2021, and during trial proceedings, the Israeli military prosecution submitted charges against her alleging that she held responsibility for "joint administration" with the six Palestinian CSOs most recently designated and outlawed as "terrorist organisations" by Israel's apartheid regime. Dangerously, this move highlights how the military courts are retroactively applying Israeli military orders to charge human rights defenders. This is the first court proceeding against a member of the six organisations based on the terror designations, and the organisations stress that this precedent may have grave repercussions for the organisations and their staff.<sup>63</sup>

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<sup>60</sup> UN OHCHR, "Israel must safeguard human rights defenders in Occupied Palestinian Territory and within its borders – UN expert", 11 August 2021, available at: <https://www.ohchr.org/en/press-releases/2021/08/israel-must-safeguard-human-rights-defenders-occupied-palestinian-territory?LangID=E&NewsID=27375>

<sup>61</sup> Front Line Defenders, "Human Rights Defender Facing Deportation for Alleged "Breach of Allegiance", 28 February 2022, available at: <https://www.frontlinedefenders.org/en/case/human-rights-defender-facing-deportation-alleged-%E2%80%9Cbreach-allegiance%E2%80%9D>

<sup>62</sup> Human Rights Watch, "Spyware Used to Hack Palestinian Rights Defenders", 8 November 2022, available at: <https://www.hrw.org/news/2021/11/08/spyware-used-hack-palestinian-rights-defenders>

<sup>63</sup> Addameer, 'Offer Military Court Sentences HRD Khitam Sa'afin to 16-Months Imprisonment Following Exaggerated Allegations by the Military Prosecutor' 15 February 2022, Available at: <https://www.addameer.org/news/4696>

## **V. Recommendations:**

In light of the information provided and the recent alarming measures taken by Israel's apartheid regime against Palestinian civil society organisations we recommend that the UN Secretary General:

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 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 Israel's terrorist designation of the six Palestinian organisations as inapplicable;
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 organisations in the occupied Palestinian territory;
4. Denounce the application of the Counter-Terrorism Law, 2016 to civil society organisations in the OPT as an overreaching of Israel's domestic law to the OPT;
5. Call on Israel to repeal the Counter-Terrorism Law, 2016, effectively used to institutionalize the persecution of human rights defenders and entrench its colonial domination over the Palestinian people and their lands;
6. Urge Israel to immediately cease its systematic and ongoing policies and practices aimed at intimidating, smearing 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, including recent designations;
7. Call on Third States to act in good faith and protect the important civil society and human rights work in Palestine, and to take concrete and immediate measures to end Israel's prolonged occupation of the occupied Palestinian territory.
8. Call on Third States to bring to an end the apartheid regime over the Palestinian people as a whole since 1948, ensuring effective remedy and redress for all Palestinians, including the right of self-determination, and the right of refugees and exiles in the diaspora to return to their homes in Palestine;
9. Examine Israel, the Occupying Power, and its conduct, including through its Ministry of Strategic Affairs and government-affiliated organisations, in smearing human rights defenders and activists, restricting their work and their right to freedom of expression,

threatening their right to life, amongst other rights, both offline and online, including on social media platforms;

10. Demand that Israel immediately cease all practices and policies intended to intimidate and silence human rights defenders, in violation of their right to freedom of expression, including through arbitrary detention, torture and other ill-treatment, institutionalised hate speech and incitement, residency revocation, deportations, and other coercive or punitive measures;
11. Highlight the root causes underpinning Israel's disinformation campaigns, designations and quashing of freedom of opinion and expression of the Palestinian people;
12. Call on Israel to end its settler colonialism and apartheid and over the Palestinian people as a whole on both sides of the Green Line, and ensure the realisation of the right of refugees and exiles abroad to return.