



AL-HAQ

SUFFOCATING PALESTINIAN CIVIL SOCIETY ORGANISATIONS

A MEANS TO AN END



Al-Haq - 54 Main Street 1st & 2nd Fl. - Opp. Latin Patriarchate
Saint Andrew's Evangelical Church - (Protestant Hall)
P.O.Box: 1413 - Ramallah - West Bank - Palestine
Tel: + 970 2 2954646/7/9
Fax: + 970 2 2954903
www.alhaq.org

Author Tahseen Elayyan
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Methodology

This paper employs a mixed methodology of desk and field research, incorporating various research approaches to provide a comprehensive analysis. A thorough review of existing literature pertaining to the subject matter was conducted. In addition, semi-structured interviews were carried out with directors of relevant civil society organisations (CSOs) and activists. The author faced challenges in engaging individuals from Jerusalem who were willing to participate in the interviews. This reluctance to speak is ascribed to fear from potential arbitrary repercussions imposed by Israeli authorities. However, negative this may look for the development of the present paper, it underscores the profound impact of Israeli policies and practices of intimidation, oppression, and terrorisation on Palestinians. The majority of interviews were carried out in person, while some were conducted remotely via Zoom. Notably, insights information regarding the repressive Israeli campaign against Palestinian CSOs are primarily derived from interviews carried out by the author.

1 INTRODUCTION

For decades, Palestinian civil society has been at the forefront of defending the rights of the Palestinian people in the face of Israel's settler-colonial project. On top of these rights stands the right to self-determination, which encompasses various rights within the Palestinian context, including the right of refugees to return to their homeland and the right to preserve the Palestinian national identity and narrative. While Israeli authorities have targeted Palestinian CSOs located throughout Mandate Palestine, this paper primarily focuses on the campaign against CSOs based in the West Bank, including the eastern part of occupied and illegally-annexed Jerusalem.

Palestinian CSOs in the West Bank, including Jerusalem, have been operating under the domination of a colonial power and the absence of a functional national government. As such, these organisations have acquired a multifaceted significance, actively opposing settler-colonialism on the one hand, and, on the other hand, complementing the role of the Palestine Liberation Organization (PLO) in fulfilling Palestinians' daily needs that are normally shouldered by state institutions. In light of this, Palestinian CSOs have been contributing to enhancing the resilience of Palestinians in the face of a settler-colonial project that fundamentally targets and threatens the very existence of the Palestinian people on the land of Mandate Palestine.

Since 1967, Palestinian CSOs in the West Bank, including Jerusalem, have been actively engaged across various levels and sectors. These organisations possess mandates that encompass a wide range of areas, including, *inter alia*, health, agriculture, education, raising awareness of national rights, and human rights, including prisoners', women's, and child rights. Aware of the crucial role played by these organisations, Israel, the Occupying Power, perceives the work of Palestinian CSOs as a threat to its settler-colonial project, as their missions and work contribute greatly to maintaining Palestinian presence, narrative, identity and culture. Indeed, this directly conflicts with Israeli policies and endeavors aimed at eliminating Palestinian presence and suppressing Palestinian identity. According to *B'Tselem* "[T]he role played by Palestine's civil society organisations, especially human rights groups, is seen

by the Israeli state as counteractive to its interests in the occupied territories and globally”.¹

Israeli targeting of Palestinian CSOs has manifested in various forms, employing different tactics to silence these organisations and cripple their work. Such tactics include smear campaigns, incitement, intimidation and terrorisation of staff and international partners, threatening staff of organisations including by death threats, raiding the premises of organisations, detention and deportation of staff, imposition of movement restrictions and travel bans, and outlawing their work.

Since at least the year 2000, an orchestrated and meticulously planned campaign has been underway to dismantle Palestinian CSOs, gradually escalating in tactics and levels of violence. The campaign is spearheaded by the government of the Occupying Power and government-affiliated organisations, such as NGO Monitor,² *Regavim*,³ UN Watch,⁴ *Shurat Ha-Din*,⁵ which function under the façade of non-governmental organisations (NGOs), but which are in reality government-controlled NGOs (GONGOs), whose main objective is to relay the propaganda of the Israeli Government against civil society actors, including at the international level.⁶ Initially, the Occupying Power attempted to conceal its involvement in the campaign, and hide behind these organisations. However, the Israeli Ministry of Strategic Affairs and Public Diplomacy was officially tasked to “act against the delegitimization

1 The New Arab, “Israel’s Long Battle against Palestinian Civil Society”, 1 November 2021, available at: <<https://english.alaraby.co.uk/analysis/israels-long-battle-against-palestinian-civil-society>>, last accessed 29 August 2022.

2 Further information on the organisation is available at its website: <<https://www.ngo-monitor.org/>>, last accessed 22 June 2023.

3 Further information on the organisation is available at its website: <<https://www.regavim.org/>>, last accessed 22 June 2023.

4 Further information on the organisation is available at its website: <<https://unwatch.org/>>, last accessed 22 June 2023.

5 This is another group that is instrumental in preserving Israel’s settler-colonial enterprise. Further information on the organisation is available at its website: <https://israelawcenter.org/?adv=11067227893567&gclid=EAIaIQobChMIhuaC7pGV_wIVAs7VCh2iJg1LEAAAYASAAEgKn-vD_BwE>, last accessed 22 June 2023.

6 The Observatory for the Protection of Human Rights Defenders, “Target Locked, Israel: smear campaigns to stifle human rights defenders from the Golan, Israel and Palestine”, April 2021, available at: <<https://target-locked-obs-defenders.org/>>, last accessed 4 February 2023.

and boycott campaigns against the state of Israel”.⁷ Later, in 2018, the Israeli Ministry of Strategic Affairs, headed by Gilad Erdan at the time, issued a report titled “The Money Trail: The Millions Given by EU Institutions to NGOs with Ties to Terror and Boycotts against Israel”,⁸ which attacked Palestinian CSOs and claimed that the European Union (EU) had provided five million Euros to organisations that “promote anti-Israel delegitimization and boycotts”.⁹ In response to the report, Federica Mogherini, the EU’s Foreign Minister, sent a letter to Erdan, clearly stating that the claims made were “unfounded and unacceptable”.¹⁰

Notably, the report of the Israeli Ministry of Strategic Affairs reinforced the strongly held belief of the targeted organisations regarding the instigators of the campaign.¹¹ The deliberate vagueness regarding the relation between government-backed organisations and government itself was expressly explained by Gilad Erdan, who stated that “secrecy is one of the keys to success, as the agencies and organizations worldwide doing the dirty work at the front do not want their ties to Israel to be revealed”.¹² He added that “Since most of the ministry’s actions are not of the ministry, but through bodies around the world who do not want to expose their connection with the state, we must protect the information whose exposure could harm the battle”.¹³

After failing to shut down Palestinian CSOs using the different tactics outlined below, the Occupying Power resorted to an easier approach and labelled

7 Ministry of Strategic Affairs and Diplomacy, available at: <https://www.gov.il/en/departments/units/ministry_of_strategic_affairs_and_information> , last accessed 22 June 2023.

8 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/jsource/images/bdsmoneytrail.pdf>>, last accessed 14 March 2023.

9 *Ibid*, p. 4.

10 Haaretz, “EU Blasts Israeli Minister: You Feed Disinformation and Mix BDS, Terror”, 17 July 2018, available at: <<https://www.haaretz.com/israel-news/2018-07-17/ty-article/.premium/eus-mogherini-to-israeli-minister-you-feed-disinformation/0000017f-db25-db5a-a57f-db6fdd8c0000>>, last accessed 14 March 2023.

11 See, Al-Haq, “Palestinian Human Rights Organizations Condemn Israel’s Unremitting Attempts to Silence Them”, 25 May 2018, available at: <<https://www.alhaq.org/advocacy/6197.html>>, last accessed 20 May 2023.

12 The Rights Forum, “Bemoeit Israël zich met Nederlandse burgers? [Does Israel Interfere with Dutch citizens?]", 7 November 2017, available at: <<https://rightsforum.org/bemoeit-israel-zich-nederlandse-burgers/>>, last accessed 14 March 2023.

13 *Ibid*.

Palestinian CSOs as “terrorist” organisations, exploiting the so-called global “war on terror” to intensify its attacks on Palestinian CSOs. However, this approach was rejected by states and international bodies. For example, in 2014, the United Nations (UN) Human Rights Committee expressed concerns, in its concluding observations on Israel, regarding the absence of specific information on “the definitions of terrorism, and on the legal safeguards afforded to persons suspected of, or charged with, a terrorist or related crime contained in the draft law currently under consideration”.¹⁴ The aforementioned Committee further urged Israel to ensure that the legislation fully complies with its obligations under the International Covenant on Civil and Political Rights, which Israel ratified in 1991.¹⁵ Despite underscoring these concerns and recommendations, the law was passed in 2016.

The paper argues that the targeted Palestinian CSOs discussed herein are the direct focus of the Israeli attacks and campaign. But the ultimate target of the campaign is the right of the Palestinian people to self-determination, their narrative, identity, and existence on the land of mandate Palestine. The paper elaborates on how the targeting of CSOs is part of Zionist efforts to uphold and entrench the settler-colonial project in Palestine. The paper further explains the tactics employed by the Occupying Power to suffocate CSOs and provides examples of these tactics. Furthermore, the paper posits that Israeli practices against Palestinian CSOs amount to the crime against humanity of persecution. All Israeli claims that link organisations to what Israel, the Occupying Power, classifies as “terrorism” are unfounded and unsubstantiated. These claims fail to be backed by evidence, except for what Israel classifies as “secret evidence”, which *per se* goes against the safeguards of fair trial under international law. All organisations and persons who act in any way that opposes and hinders the progress of Israel’s colonial project are and will be targeted, extending beyond Palestinian CSOs to international organisations as well. An example of this is the pressure exerted on the **United Nations Relief and Works Agency** for Palestine Refugees in the Near East (UNRWA), due to its protection of the right of Palestinian refugees to return,

¹⁴ UN Human Rights Committee, “Concluding observations on the fourth periodic report of Israel”, 12 November 2014, UN Doc CCPR/C/ISR/CO/4, para. 11.

¹⁵ *Ibid.*

which directly clashes with Israel’s settler-colonial plans.¹⁶ Furthermore, Omar Shakir, Israel/Palestine director of Human Rights Watch, was expelled from mandate Palestine on 25 November 2019 upon a decision of Israel’s so-called High Court of Justice, solely due to his professional work in exposing and documenting serious crimes committed by Israeli occupying authorities.¹⁷ Similarly, UN Special Rapporteurs, commissions of inquiry and fact-finding missions are targeted, smeared and denied access to the occupied Palestinian territory (oPt) by the Israeli occupying authorities.¹⁸ In essence, Israel, the Occupying Power, opposes the very ideals that these organisations and mandates represent and stand for. In principle, all Palestinian CSOs, which work on the realisation of the Palestinian people’s right to self-determination, are a potential target for Israel’s campaigns. For Palestinian CSOs already been directly targeted in the West Bank, including the eastern part of Jerusalem, seemingly unrelated incidents are invoked as triggers for attacks against them, as will be further demonstrated below. For other organisations, the conditions for their targeting will be created as circumstances ripen.

The paper is structured and divided into five parts. Utilising a broader historical context, the first part elucidates the reasons and delves into the underlying motives behind the targeting of Palestinian CSOs. By retracing the origins of the Zionist project and the creation of Israel on part of Palestinian land, the first part further reveals the connection between the Zionist settler-colonial enterprise and the targeting of Palestinian CSOs. The second part provides an overview of the various tactics utilised by the Israeli occupying authorities

¹⁶ See, for example, Electronic Intifada, “How Israel Hopes to Make Palestinian Refugees Disappear”, 8 January 2018, available at: <<https://electronicintifada.net/blogs/ali-abunimah/how-israel-hopes-make-palestinian-refugees-disappear>>, last accessed 25 May 2023; Middle East Monitor, “Israel’s Renewed Campaign against UNRWA is an Attack on Palestinian Education and Liberation”, 7 January 2020, available at: <<https://www.middleeastmonitor.com/20200107-israels-renewed-campaign-against-unrwa-is-an-attack-on-palestinian-education-and-liberation/>>, last accessed 3 May 2023.

¹⁷ Human Rights Watch, “Israel Expels Human Rights Watch Director Today”, 25 November 2019, available at: <<https://www.hrw.org/news/2019/11/25/israel-expels-human-rights-watch-director-today#:~:text=The%20director%2C%20Omar%20Shakir%2C%20will,will%20continue%20under%20Shakir%20direction>>, last accessed 25 May 2023.

¹⁸ European Parliament, “Israel Denies UN Special Rapporteur Access to Occupied Palestinian Territories”, 13 January 2016, available at: <https://www.europarl.europa.eu/doceo/document/E-8-2016-000202_EN.html>, last accessed 25 May 2023. See also, Palestine News & Info Agency, “Israel Bans UN Special Rapporteur from Entering OPT”, 31 December 2015, available at: <<https://english.wafa.ps/Pages/Details/107347>>, last accessed 25 May 2023.

to suffocate Palestinian CSOs, as each tactic is accompanied by illustrative incidents and concrete examples. To underscore and further illustrate the systematic nature of Israel's attacks on Palestinian CSOs, the third part presents selected case studies focusing on Palestinian CSOs that have been subjected to a combination of tactics. From there, the fourth part addresses the reaction and response of international partners and organisations to Israel's campaign against Palestinian CSOs. In doing so, this part examines the negative impact of conditional funding on Palestinian CSOs, as it encourages Israel to escalate its campaign against Palestinian CSOs. Finally, the fifth and last part offers a legal analysis of the targeting of Palestinian CSOs, specifically through the lens of the crime against humanity of persecution over which the International Criminal Court (ICC) exercises jurisdiction. Then, the paper concludes by presenting recommendations based on the findings and insights discussed throughout the preceding sections.

2 UNDERLYING MOTIVES

The point of departure for identifying the root causes of the Israeli targeting of Palestinian CSOs is understanding the Zionist settler colonial project, which started at the end of the 19th century and is still ongoing until the realisation of its main goal, i.e., “the establishment of a publicly and legally secured home in Palestine for the Jewish people”.¹⁹ To achieve this goal, Zionist militias and then Israeli authorities have utilised many policies, tactics, and violent methods, such as the commission of massacres and destruction of Palestinian villages and cities, leading to the forcible displacement of hundreds of thousands of Palestinians,²⁰ killings, arbitrary detention, land appropriation, settlement construction and expansion, as well as the creation of a coercive environment to propel Palestinians to leave their homes and lands.²¹

Israel was established on the ruins of another nation, i.e., the Palestinian people. Establishing the State of Israel as an embodiment of the Zionist project required radical structural changes to the existing reality, in which the Palestinian people were living in the land of Mandate Palestine, including eliminating as many Palestinians as possible. This renders the Zionist project as a settler-colonial one, firstly carried out by Zionist militias, and subsequently by Israeli authorities following the establishment of Israel as a state. As noted by Honaida Ghanim, the General Director of the Palestinian Forum for Israeli Studies (MADAR), “eras[ing] a nation to replace it with a settler community,”

19 This is part of the Basel Program adopted by the First Zionist Congress held in Basel, Switzerland in 1897, available at: <<https://mfa.gov.il/Jubilee-years/Pages/1897-The-First-Zionist-Congress-takes-place-in-Basel,-Switzerland.aspx>>, last accessed 25 July 2023.

20 Over 500 Palestinian villages were razed to the ground by Zionist militias, and their inhabitants were forced to flee in 1948 and around that time. For further information on this, see: Francisca Albanese and Lex Takkenberg, “Palestinian Refugees in International Law”, 2nd edition, Oxford University Press, 2020.

21 Creating a coercive environment to drive Palestinians out of their land is carried out by the adoption and implementation of various policies and practices, including house demolitions, ID card revocation, settlers violence, prevention from accessing land, etc. For more information, see Suha Jarrar, “Unpacking Gender in Coercive Environments: The Case of the Jordan Valley”, Al-Haq, 2018, available at: <<https://www.alhaq.org/publications/8056.html>>, last accessed 25 July 2023.

is creating a form of settler-colonisation on the land of Palestine.²² This is what she terms as the dialectic of erasure and construction.²³ In the words of the late Fayeze Sayegh, a Palestinian intellect, “for, Zionism, then, colonisation would be the instrument of nation-building, not the by-product of an already-fulfilled nationalism”.²⁴ This is reflective of the fact that settler-colonialism is inherently eliminatory, as argued by Patrick Wolfe.²⁵

Like any other nation facing colonialism, Palestinians’ reaction to the Zionist colonial project was and continues to be rejection and resistance. This was well understood and envisaged even by the early Zionist leaders. In his essay titled “Iron Wall”, Ze’ev Jabotinsky, a Zionist leader and writer, wrote that “[t]he native populations, civilised or uncivilised, have always stubbornly resisted the colonists, irrespective of whether they were civilised or savage”.²⁶ Jabotinsky recognised Palestinians as a “nation” and as the native population, whose ejection from Palestine is “utterly impossible”, because “the Arab people of Palestine as a whole will [not] sell that fervent patriotism that they guard so jealously”, and because “[e]very native population in the world resists colonists as long as it has the slightest hope of being able to rid itself of the danger of being colonized.”²⁷ Jabotinsky claimed that his project was “peaceful”, but because it is “impossible to obtain the voluntary consent of the Palestine Arabs for converting “Palestine” from an Arab country into a country with a Jewish majority”,²⁸ an “iron wall” is needed before concluding

22 Interview with Honaida Ghanim, General Director of the Palestinian Forum for Israeli Studies (MADAR), 24 January 2023.

23 Honaida Ghanim, “Al-Mahw wal Ensha’ fi al Mashrou’ al-Est’ mari al-Sahyouni” (Erasure and Construction in the Zionist Colonial Project), published in *Aabic, Journal of Palestine Studies*, issue 96, pp. 118-139, Fall 1993. See also Christine Pirinoli, “Erasing Palestine to Build Israel: Landscape Transformation and rooting of National Identities”, published in *Etudes rurales*, volume 173-174, issue 1-2, pp. 67-85, January 2005, available at: <https://www.cairn-int.info/article-E_ETRU_173_0067--erasing-palestine-to-build-israel.htm>, last accessed 25 February 2023.

24 Fayeze Sayegh, “Zionist Colonialism in Palestine”, *Settler Colonial Studies*, Routledge, pp. 206-225, 1995, available at: <<https://doi.org/10.1080/2201473X.2012.10648833>>, last accessed 12 January 2023.

25 Patrick Wolfe, “Settler colonialism and the elimination of the native”, *Journal of Genocide Research*, Routledge, 2006, pp. 387-409, available at: <<https://www.tandfonline.com/doi/full/10.1080/14623520601056240>>, last accessed 12 January 2023.

26 Ze’ev Jabotinsky, “The Iron Wall”, 1923.

27 *Ibid.*

28 *Ibid.*

any agreement with the Palestinians who will become a minority. He added that “Zionist colonisation must either stop, or else proceed regardless of the native population. Which means that it can proceed and develop only under the protection of a power that is independent of the native population – behind an iron wall, which the native population cannot breach”, and which depends on building “a strong power in Palestine”.²⁹

According to Shmuel Katz, a member of *Etzel* Zionist gang and a leader in Israeli *Herut* political party,³⁰ the “iron wall” strategy remained embraced in Israel until the 1990s.³¹ Scholars including Ian Lustick and Avi Shlaim,³² and Zionist leaders such as Benjamin Netanyahu, Limor Livnat and Issac Ben Israel share similar views.³³ In the opinion of the author of the report and based on facts on the ground a hundred years later, the “iron wall” strategy is still adopted and implemented until this day.

Proceeding with the Zionist project under the “iron wall” strategy effectively translated to exercising different forms of violence, direct and indirect. According to the liberal Russian Jew Ahad Ha’am, who visited Palestine in 1891, Zionists believed that “the only language that the Arabs understand is that of force”.³⁴ This manifested in the commission of massacres and destruction of Palestinian villages and cities, leading to the forcible displacement of hundreds of thousands of Palestinians during the *Nakba* (Arabic for catastrophe) of 1948.³⁵ Violence is still exercised until the present day by Israeli authorities to ensure the continuity and sustainability of the Zionist settler-

29 *Ibid.*

30 *Herut* was the main nationalist political party since 1948 until it merged with the right-wing *Likud* political party in 1988.

31 See Shmuel Katz “Lone Wolf” book on the biography of Ze’ev Jabotinsky in Hebrew. Cited by Nabih Bashir, “Qera’ah Jadidah le ‘Aqidat al-Jedar al-Hadidi” in Arabic (New Reading of the Iron Wall Doctrine), *Journal of Qadaya Felastineyyeh*, issue 69, pp.40-50.

32 See Ian Lustick, “To Build and to Be Built By: Israel and the Hidden Logic of the Iron Wall,” *Israel Studies*, vol. 1, no. 1, 1996, pp. 169-223.

33 See Nabih Bashir, “Qera’ah Jadidah le ‘Aqidat al-Jedar al-Hadidi” in Arabic (New Reading of the Iron Wall Doctrine), *Journal of Qadaya Felastineyyeh*, issue 69, pp.40-50

34 Avi Shlaim, “It can be done”, *London Review of Books*, Vol 16 No 11, 9 June 1994, available at: <<https://www.lrb.co.uk/the-paper/v16/n11/avi-shlaim/it-can-be-done>>, last accessed 15 January 2023.

35 Francisca Albanese and Lex Takkenberg, “Palestinian Refugees in International Law”, 2nd edition, Oxford University Press, 2020.

colonial project. In 1994, Avi Shlaim, Israeli historian wrote: “Little seems to have changed since Ahad Ha’am penned these words a century ago.”³⁶ This violence manifests itself in various forms amounting to violations and crimes, such as killing of Palestinians, destruction of property, land confiscation, revocation of “residency” rights of Palestinians in Jerusalem, deprivation of family reunification, arbitrary detentions and arrests, torture, collective punishment as well as other violations. As noted by Sayegh, “[a]part from its vital link with Imperialism and its inescapable status as a total stranger to the Middle East, in the heart of which it has chosen to plant itself, the political embodiment of Zionist colonialism (namely, the Zionist settler-state of Israel) is characterised chiefly by three features: (1) its racial complexion and racist conduct pattern; (2) its addiction to violence; and (3) its expansionist stance.”³⁷ Nur Masalha, a Palestinian historian, is in agreement with other scholars as regards the constant violent nature of the Zionist-settler project, which led to the establishment of the state of Israel. Masalha put it as follows: “[b]ecause political Zionism had culminated in the creation of the Israeli state, it is also often argued that its historical realisation has confirmed its unchanging essence, and no less important, the brutal means used for its realisation.”³⁸

Silencing and crippling of organisations that promote Palestinians’ collective and individual rights is part of the violent methods utilised by Israeli occupying authorities to guarantee the continuity and sustainability of the Zionist settler-colonial project. This type of violence falls under what Honaida Ghanim termed as “preserving violence”.³⁹ The reason for targeting organisations in the West Bank including Jerusalem is due to their pivotal role played in opposing the Zionist project and in defending the Palestinian people’s right to self-determination,

36 Avi Shlaim, “It can be done”, London Review of Books, Vol 16 No 11, 9 June 1994, available at: <<https://www.lrb.co.uk/the-paper/v16/n11/avi-shlaim/it-can-be-done>>, last accessed 15 January 2023.

37 Fayeegh Sayegh, “Zionist Colonialism in Palestine”, Settler Colonial Studies, Routledge, pp. 206-225, 1995, available at: <<https://doi.org/10.1080/2201473X.2012.10648833>>, last accessed 12 January 2023.

38 Nur Masalha, “60 Years after the Nakba: Historical Truth, Collective Memory and Ethical Obligation”, Kyoto Bulletin of Islamic Area Studies, July 2009, pp. 37- 88, available at: <https://kias.asafas.kyoto-u.ac.jp/1st_period/contents/pdf/kb3_1/06masalha.pdf>, last accessed 15 January 2023.

39 Honaida Ghanim, “Men Al-’Unf Al-Mu’asses Ela Al-’Unf Al-Hafeth: Aw Kayfa Yatahawwal Al-Tatthir Al-Ethni Men Hadath Ela Bunyah?” in Arabic (From Founding Violence to Preserving Violence: Or How does Ethnic Cleansing Transform from an Incident to Structure), Qadaya Isra’ileyyah Journal, edition No 65. See also, Walter Benjamin, Critique of Violence, in “Selected Writings” Michael W. Jennings, ed, v 1, 1913-1926, The Belknap Press of Harvard University Press, Cambridge, Massachusetts, London, England, 1996.

promoting the Palestinian narrative, and maintaining the Palestinian identity. The Israeli occupying authorities consider the quality of work delivered by these organisations as a threat to the progress and sustainability of the Israeli settler-colonial project in Palestine. Shawan Jabarin, the General Director of Al-Haq, believes that “targeted organisations deliver high quality and professional work and this annoys Israel, the Occupying Power”. He adds: “there are three aspects that make an organisation targeted. These are: if its work entails an aspect of accountability for crimes committed by Israeli officials, if the organisation promotes a narrative and discourse that legally challenge the settler-colonial project, and if it is respected by the people and provides solid discourse and arguments that are well-grounded and embraced by the public locally and internationally. In this way, Israel perceives the public as a court judging its actions.”⁴⁰

Over the years, Israel, despite it being a colonial entity and an Occupying Power has succeeded to a large extent in marketing itself as a democratic state with an independent judiciary that respects the law. Therefore, driven by a sense of superiority and arrogance, Israel does not tolerate or accept any challenging view or criticism that would threaten its image. Any organisation that dares to challenge Israel’s colonial acts by legal means, risks being targeted and silenced as a result. According to Shawan Jabarin, “Israel wants to do anything without being held accountable, as it sees itself as a state that is above the law. Things become worse when an organisation succeeds in influencing international organisations and well-respected legal scholars, politicians and parliamentarians with its well-grounded views and discourse. How dare an organisation describe Israel as an apartheid and racist state and try to work on accountability!”⁴¹

Most Palestinian CSOs’ visions focus on the realisation of the Palestinian people’s right to self-determination, whether directly or indirectly, as well as preserving the Palestinian presence, narrative and identity. For example, Al-Haq’s vision is represented in realising “the aspirations of the Palestinian people in a free, independent, sovereign and democratic Palestine, where

40 Interview with Shawan Jabarin, General Director of Al-Haq, 21 January 2023.

41 Interview with Shawan Jabarin, General Director of Al-Haq, 21 January 2023.

the rule of law and human rights law are respected and adhered to.”⁴² The vision of the Union of Agricultural Work Committees (UAWC) is spelled out as: “[a] free Palestinian farmer, committed to her/his national, socio-economic and cultural rights, a believer in democratic practices, within a food secured society with sovereignty over its resources.”⁴³ Addameer Prisoner Support and Human Rights Association formulates its vision as follows: “Addameer believes in the importance of building a free and democratic Palestinian society based on justice, equality, rule of law and respect for human rights within the larger framework of the right to self-determination. Addameer’s work is based on a belief in the universality of human rights as enshrined in international law”.⁴⁴

As termed by Shawan Jabarin, the targeting of Palestinian CSOs is part of a process called “engineering of civil society”.⁴⁵ Within this framework, any party or organisation or individual who tries to hinder the progress of the Zionist settler-colonial project is targeted by Israeli occupying authorities. This understanding is sometimes articulated indirectly by Israeli officials and even Israeli intelligence officers; “I don’t have any problem with you at the personal level. My problem is with the organisation that you represent”, the Israeli intelligence officer told Khaled Quzmar, the General Director of Defence for Children International-Palestine, when he was summoned right after the office of his organisation had been raided and shut down.⁴⁶ In analysing this statement, one may conclude that the underlying problem at hand here is the Israeli authorities’ rejection of the vision and principles of these organisations, i.e., opposing settler-colonialism, the realisation of the right to self-determination of the Palestinian people, and the preservation of the Palestinian identity and presence. In the words of Shawan Jabarin, “our awareness of the collective identity and our work on the relevant rights of the Palestinians, chiefly the right to self-determination, make us targeted as

42 Al-Haq’s vision, available at: <<https://www.alhaq.org/about-alhaq/7135.html>>, last accessed 17 January 2023.

43 UAWC’s website, available at: <<https://www.uawc-pal.org/index.php?&lang=en>>, last accessed 10 May 2023.

44 Addameer’s website, available at: <<https://www.addameer.org/about/our-work>>, last accessed 8 May 2023.

45 *Ibid.*

46 Interview with Khaled Quzmar, General Director of DCI-Palestine, 12 January 2023.

organisations by Israeli occupying authorities”.⁴⁷

In fact, the gradual targeting of these organisations is indicative. Shawan Jabarin states that Israel, the Occupying Power, can tolerate civil society organisations as long as they are compliant and do not cross Israeli-defined red lines. Today, the six organisations targeted and outlawed in Ramallah,⁴⁸ and the many organisations that had been closed in Jerusalem and other cities of the West Bank have crossed the Israeli-defined “red line”, triggering, in return, retaliatory action against them. For the rest of the organisations who carry out similar work, Israel needs only a trigger or pretext to justify action against them.

47 Interview with Shawan Jabarin, General Director of Al-Haq, 21 January 2023.

48 The six targeted organizations are: Addameer Prisoner Support and Human Rights Association, 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 Committees (UPWC); PNGO & PHROC, “Israel’s Sinister Designation of 6 Leading Palestinian Organizations As “Terror Organizations” is an Attempt to Silence and Control Palestinians”, 23 October 2023, available at: <<https://www.alhaq.org/advocacy/19006.html>> , last accessed 25 July 2023.

3 SUFFOCATION TACTICS

In order to silence Palestinian CSOs and eventually shut down their work, Israeli occupying authorities have utilised various tactics including intimidation, terrorisation, fraud, defamation and smear campaigns, imposition of movement restrictions, detention and deportation of human rights defenders, threats, including death threats, raiding of offices, as well as classifying organisations as “unlawful” or “hostile” or “terrorist” under its military orders and domestic laws. Many Palestinian organisations in the West Bank including Jerusalem reported that they have experienced at least one of these silencing tactics.

In the city of Jerusalem, the same tactics are compounded by the fact that the city is illegally annexed. As such, Palestinian CSOs in Jerusalem are targeted on the basis of their non-adherence with Israeli fiscal, taxation, or other domestic legislation, illegally applied to Palestinian organisations in the occupied territory. Since the start of the Israeli occupation of the city, dozens of CSOs have been shut down by the Israeli authorities. Coupled with other practices such as movement restrictions, residency revocations and travel bans, these attacks led to the suffocation of many organisations in the city. An unpublished study conducted by Palestinian NGO Network, concluded the following trends of attacks against Palestinian CSOs in Jerusalem:

- Israeli banks imposition of restrictions on money transfers from and to Palestinian CSOs.
- Israeli government-affiliated organisations, who function under the façade of civil society organisations, targeting of Palestinian CSOs.
- Israeli occupying authorities imposition of restrictions on Palestinians’ access to Jerusalem, which make it difficult for organisations to recruit competent staff.
- Targeting of staff of Palestinian organisations with intimidation and terrorisation measures, including summons, arrests, and movement restrictions.
- Subjecting the offices of Palestinian CSOs to raids, through which

their equipment are destroyed and confiscated.

- Banning of peaceful activities organised by Palestinian CSOs such as gatherings under the reasoning that these activities are affiliated with the Palestinian Authority.
- Staff and participants in Palestinian organized activities fear Israeli reprisals.⁴⁹

In effect, all of these policies and restrictions led to the gradual demise of many Palestinian CSOs in Jerusalem, while some of them moved their offices to other cities and towns of the West Bank as a result. Nevertheless, this did not spare these organisations from Israeli attacks. For example, Addameer moved its offices from Jerusalem to Al-Ram and registered its office under the Palestinian law after its application for registration renewal had been rejected by the Israeli authorities. However, the office was closed by Israeli occupying authorities, which propelled the organisation to open an office in Ramallah. During the second *Intifada*, the Ramallah office was raided and some of the equipment were destroyed. Few staff members and board of directors members were arrested or denied entry to Ramallah from Jerusalem, or subjected to travel bans. Israeli occupying authorities refused to admit that these measures were taken due to these persons affiliation with Addameer. But in fact, these persons were targeted because of their work defending the rights of prisoners, whom Israel regards as “terrorists”. The following section provides more details on the different tactics that have been employed to shut down Palestinian CSOs in the West Bank including Jerusalem:

⁴⁹ Ingrid Jaradat, “Attacks on Palestinian civil society organizations in occupied East Jerusalem: A Matter of Illegal Annexation and of Repression of the Right to Self-determination” Palestinian NGO Network (PNGO), unpublished report.

3.1 Classifying Organisations as “Hostile,” “Unlawful” or “Terrorist”

Israeli law has been a distinctive tool to suppress Palestinians’ right to self-determination. The Defense (Emergency) Regulations of 1945, for example, have been used by the Israeli occupying authorities to suppress protests, deport Palestinians, impose curfews and closures and outlaw organisations. In particular, they have been used to declare groups that advocate for “bringing into hatred or contempt, or the exciting of disaffection against” authorities, as “unlawful associations,” criminalising membership in or possession of material belonging to or affiliated, even indirectly, with these groups.⁵⁰

Human Rights Watch estimates that between 1967 and 2019, more than 400 Palestinian and international NGOs working in the occupied Palestinian territory as well as political parties were declared as “unlawful” or “hostile” or “terrorist” by Israeli occupying authorities.⁵¹ Such classifications serve as the “basis” for raids of organisations’ offices, banning their activities, issuing closure orders, as well as arresting and intimidating staff members.

In the occupied eastern part of Jerusalem, over 100 CSOs and media outlets were either shut down or listed as possible targets for closure by Israeli authorities between 1967 and 2019,⁵² while more than 52 organisations have been closed since 2000 until the present day.⁵³ In 2001, the campaign against CSOs in Jerusalem was intensified when the Israeli occupying forces raided and shut down the Orient House and another eight organisations including the Arab Studies Society, the Chamber of Commerce, the Palestinian Prisoners’ Club, the Palestinian Center for Micro-project Development, the Land Research Center, the Higher Council of Tourism, Prisoners and Detainees Department,

50 Human Rights Watch, “Born without Civil Rights”, November 2019, p. 1, available at: <https://www.hrw.org/sites/default/files/report_pdf/palestine1219_web_0.pdf>, last accessed 20 June 2023.

51 *Ibid*, p. 37.

52 The New Arab, “Israel’s long battle against Palestinian civil society”, 1 November 2021, available at: <<https://english.alaraby.co.uk/analysis/israels-long-battle-against-palestinian-civil-society>>, last accessed 29 August 2022.

53 Palestinian Press Agency (Safa), «Lemathat Yuhareb Al-Ihtelal Al-Israeli Al-Mu’assasat Al-Felastineyyah fi Al-Quds’ in Arabic (Why Does the Israeli Occupation Fight Palestinian Organisations in Jerusalem), 5 April 2022, available at: <<https://rb.gy/8ufvv>>, last accessed 22 June 2023.

and the Social Services Department.

For those CSOs that manage to survive closure in Jerusalem, their activities are strictly controlled by Israeli occupying authorities and are, in many occasions, hindered and banned. According to Mr. Zakaria Odeh, coordinator of the Civic Coalition for Palestinian Rights in Jerusalem, CSOs’ activities were completely banned between 2000 and 2010,⁵⁴ even the simplest of activities, such as organising public meals during the holy month of Ramadan were prohibited. The campaign against CSOs in Jerusalem was further intensified when the city was chosen as the “Arab Cultural Capital” in 2009.⁵⁵ In that year, hotel administrations in Jerusalem received orders from Israeli occupying authorities banning them from hosting any activity that Israeli occupying authorities classify as “incitement activity”.⁵⁶

The banning of CSOs activities by Israeli occupying authorities is carried out, to this day, under different pretexts. On 15 December 2011, a group of activists launched an initiative under the name “warm winter”, which aimed at providing cloths to children in the Old City of Jerusalem. The activity was banned, the organisers had their ID cards confiscated, and the premises of the African Community Society in the City, where the activity took place, were raided and closed upon an order by the so-called Ministry of National Security. The coordinator of the activity, Ms. Silvia Abu Laban, was summoned for interrogation by Israeli authorities and then released after proving that the activity was funded by an individual Palestinian.⁵⁷

As a response to Israeli attacks, together with the same group of activists, Ms. Abu Laban established on 17 October 2019 an organisation to address the needs of children in the Old City, under the name of “Tatawwu’ Al-Amal” (which translates into Volunteers for Hope). Less than a year later, the Israeli police raided and closed the organisation on 17 February 2020, confiscating

54 Interview with Zakaria Odeh, coordinator of the Civic Coalition for Palestinian Rights in Jerusalem, 10 January 2023.

55 Amjad Samhan, “Jerusalem: Arab Cultural Capital of 2009?” *Jerusalem Quarterly*, issue 34, Spring 2008, Institute for Palestine Studies, available at: <https://www.palestine-studies.org/sites/default/files/jq-articles/34_features_0_0.pdf>, last accessed 15 May 2023.

56 Interview with Zakaria Odeh, Coordinator of the Civic Coalition for Palestinian Rights in Jerusalem, 10 January 2023.

57 Al-Haq affidavit No. 110/2020, given by Ms. Silvia Ahmad Younes Abu Laban on 18 May 2020.

its belongings, including files and computers. Additionally, the Israeli police searched Ms. Abu Laban's house in Wadi Al-Joz neighbourhood in Jerusalem based on a search order, then she was summoned for interrogation. During the interrogation, the Israeli police asked Ms. Abu Laban about her relation with the Palestinian Authority and about a winter camp the organisation had held in Jericho. Also, she was asked about a memorandum of understanding that the organisation concluded with the Palestinian Ministry of Education for the purpose of granting organisation staff access to schools to provide services to pupils. Further, she was asked about another memorandum of understanding that the organisation concluded with the Palestinian Ministry of Social Development under which the staff of the organisation are given access to the Ministry's electronic portal to facilitate the provision of their services.⁵⁸ On the next day, the Israeli District Court in Jerusalem held a hearing in the absence of any representative from the organisation and decided that the confiscated computers be searched by "security bodies". The computers were only returned on 17 May 2020.

Morover, young Jerusalemites are specifically targeted as part of the Israeli authorities' policy of banning CSOs' activities in Jerusalem. This includes organisations that organise activities targeting young Jerusalemites. Israeli occupying forces/police usually disperse gatherings of such participation under the pretext that the gatherings are illegal. For example, on 21 June 2013, Israeli occupying authorities issued a warrant forbidding the organisation of the 19th annual Palestinian Children's Festival by the Palestinian National Theatre (Al-Hakawati Theatre).⁵⁹ The decision to ban the festival was taken under the pretext that the activity was funded by the Palestinian Authority.⁶⁰ On 8 December 2016, Israeli occupying authorities closed the premises of Al-Hakawati temporarily from 6:00 pm until mid-night of that day to prevent the organisation from hosting a concert titled "Sing with Us" under the pretext that the activity is affiliated with the Popular Front for the Liberation of Palestine

58 *Ibid.*

59 +972 Magazine, "Israeli government shuts down Palestinian children's theater festival in East Jerusalem", 26 June 2013, available at: <<https://www.972mag.com/israeli-government-shuts-down-palestinian-childrens-theater-festival-in-east-jerusalem/>>, last accessed 18 March 2023.

60 *Ibid.*

(PFLP).⁶¹ In 2014, Grassroots Al-Quds (Jerusalem)⁶² organised a kite-flying festival for children in the Damascus Gate area in Jerusalem. Many children participated in the activity as they were keen to take part of outdoor activities. The police of the Occupying Power raided the activity and dispersed the gathering under the pretext that the activity had not been licensed.⁶³ "It was so silly to see soldiers with machine guns wanting to disperse kids' gathering. With the repetition of such incidents, parents would see it dangerous for the kids to participate in similar future activities. This way the so-called Israeli Municipality becomes the body that has the upper hand in the city. The weakening of the Palestinian organisations would necessarily mean strengthening of the Israeli-Zionist organisations" says Fayrouz Sharqawi, former advocacy officer at Grassroots Jerusalem.⁶⁴

The banning of activities in Jerusalem extends to events aimed at preserving Palestinian culture. On 8 March 2021, marking the International Women's Day, Israeli police raided At-Tur Women's Center where an exhibition of Palestinian traditional clothes and objects made by women was taking place (as shown in the video link in the footnote below).⁶⁵ The exhibition, which was organized under the slogan of "Our Heritage is Our Identity", was shut down and clothes and objects were confiscated, according to Israeli organisation Ir Amim.⁶⁶ The banning was enforced under the pretext that the activity hadn't been licensed and violates the Oslo Accords, as stated by the spokesperson of the Public Security Ministry Roni Markovitz: "[t]his was a

61 The Palestinian Information Center, "Israeli Authorities Close Hakawati Theater in J'lem", 9 December 2016, available at: <<https://english.palinfo.com/news/2016/12/9/israeli-authorities-close-hakawati-theater-in-j-lem>>, last accessed 18 March 2023.

62 For more information about Grassroots, Al-Quds see their website at: <<https://www.grassrootsalquds.net/>>, last accessed 13 May 2023.

63 Interview with Fayrouz Sharqawi, former advocacy officer at Grassroots Jerusalem, 14 February 2023.

64 *Ibid.*

65 Times of Israel, "Police break up 'illegal' East Jerusalem International Women's Day event", 8 March 2021, available at: <<https://www.timesofisrael.com/police-break-up-illegal-east-jerusalem-international-womens-day-event/>>, last accessed 18 March 2023. See video and pictures here: <bit.ly/47Avvrl> (The woman speaking in the video says "we are organising an event today to celebrate our heritage. We wear traditional Palestinian clothes, which is normal. Is it even forbidden to wear Palestinian dresses? The voice of a woman in the background says "They made a big trouble because of the Palestine flag").

66 Times of Israel, "Police break up 'illegal' East Jerusalem International Women's Day event", 8 March 2021, available at: <<https://www.timesofisrael.com/police-break-up-illegal-east-jerusalem-international-womens-day-event/>>, last accessed 18 March 2023.

Palestinian Authority event, and illegal by law. The Public Security Ministry issued an order declaring it as such, and police executed the order”.⁶⁷ These are just examples of how Palestinian organisations in Jerusalem are suffocated under Israeli domestic laws and policies illegally applied to an annexed and occupied territory. In effect, Israel aims to eradicate the Palestinian identity of the city through the elimination of Palestinian bodies and replacing them with Israeli-colonial bodies.

Since 2021, Israel began employing anti-terror laws against CSOs in occupied West Bank. On 19 October 2021, then Israeli Defence Minister Benny Gantz issued decisions outlawing six leading Palestinian NGOs including human rights organisations, designating them as “terror” organisations.⁶⁸ The decision was taken under Israel’s 2016 domestic Counter-Terrorism (Anti-Terror) Law, illegally applied to the occupied Palestinian territory, under the pretext that these organisations have links with the Popular Front for the Liberation of Palestine (which is itself classified as a “terror organisation”). The targeted organisations are: Addameer,⁶⁹ Al-Haq,⁷⁰ Bisan Center for Research and Development,⁷¹ Defence for Children International-Palestine

67 *Ibid.*

68 PNGO & PHROC, “Israel’s Sinister Designation of 6 Leading Palestinian Organizations As “Terror Organizations” is an Attempt to Silence and Control Palestinians”, 23 October 2023, available at: <<https://www.alhaq.org/advocacy/19006.html>>, last accessed 25 July 2023.

69 National Bureau for Counter Terror Financing of Israel, Designation No. 375 of the Minister of Defense in accordance with the Anti-Terrorism Law, 2016, available at: <https://nbctf.mod.gov.il/he/Announcements/Documents/Designation%20No.%20375-ADDAMEER_21.11.21.pdf>, last accessed 3 May 2023.

70 National Bureau for Counter Terror Financing of Israel, Designation No. 373 of the Minister of Defense in accordance with the Anti-Terrorism Law, 2016, available at: <https://nbctf.mod.gov.il/he/Announcements/Documents/Designation%20No.%20373-%20Al-Haq_22.10.21.pdf>, last accessed 3 May 2023.

71 National Bureau for Counter Terror Financing of Israel, Designation No. 374 of the Minister of Defense in accordance with the Anti-Terrorism Law, 2016, available at: <https://nbctf.mod.gov.il/he/Announcements/Documents/Designation%20No.%20374-%20Bisan%20Center%20for%20Research%20and%20Development_21.11.21.pdf>, last accessed 3 May 2023.

(DCI-P),⁷² the Union of Agricultural Work Committees (UAWC)⁷³ and the Union of Palestinian Women’s Committees (UPWC).⁷⁴ Two weeks later, on 3 November 2021, the Israeli Military Commander of the West Bank issued military orders outlawing the organisations under the 1945 Emergency (Defense) Regulations, declaring them as “unlawful associations”.

While the wronged organisations were able to appeal the Defence Minister’s decisions to “the Advisory Committee regarding designations on Terror Organizations”, they decided not to appeal before the Committee, or the Israeli judiciary, as they have learned through experience that the Israeli judiciary is neither impartial nor fair when Palestinians’ rights are in question, and serves to justify crimes and shield perpetrators from punishment, contributing to the long-enjoyed cycle of impunity. Some organisations instead decided to send letters through lawyers to the “Advisory Committee” to present their arguments against the decision. In his letter to the Committee, Al-Haq’s lawyer mainly argued that the decision of the Defence Minister has been taken *ultra vires* as these organisations are based in an occupied territory to which Israeli law does not apply, and, as such, there is no legal basis for his action.⁷⁵ In its response sent to the lawyer, the Committee rejected this argument stating that “[t]his argument has no basis given the provisions of Section 3(a) of the Counter-Terrorism Law, which empower the Minister of Defense to designate a terrorist organization as defined in the Law on the sole condition that the organization against which a designation is sought has a connection to Israel. Designations made by the Minister of Defense under the Counter-Terrorism Law are not geographically limited, and on this issue, the same rules that

72 National Bureau for Counter Terror Financing of Israel, Designation No. 372 of the Minister of Defense in accordance with the Anti-Terrorism Law, 2016, available at: <https://nbctf.mod.gov.il/he/Announcements/Documents/Designation%20No.%20372-%20Defense%20for%20Children%20International%20-%20Palestine%20_21.11.21.pdf>, last accessed 3 May 2023.

73 National Bureau for Counter Terror Financing of Israel, Designation No. 371 of the Minister of Defense in accordance with the Anti-Terrorism Law, 2016, available at: <https://nbctf.mod.gov.il/he/Announcements/Documents/Designation%20No.%20371-%20Union%20of%20Agricultural%20Work%20Committees%20_21.11.21.pdf>, last accessed 3 May 2023.

74 National Bureau for Counter Terror Financing of Israel, Designation No. 376 of the Minister of Defense in accordance with the Anti-Terrorism Law, 2016, available at: <https://nbctf.mod.gov.il/he/Announcements/Documents/Designation%20No.%20376-%20Union%20of%20Palestinian%20Women%27s%20Committees%20_21.11.21.pdf>, last accessed 3 May 2023.

75 Relevant document is available on file with Al-Haq.

would apply to an organization operating in England, Malaysia, or Lebanon apply to an organization operating in the Judea and Samaria Area.”⁷⁶

On 16 December 2021, some of the six organisations sent a letter to the Military Commander, in light of the military orders he issued designating the organisations as “unlawful associations”, demanding the disclosure of “evidence” upon which the orders were issued.⁷⁷ In response to the letter, a military advisor in the so-called “terror section” responded explaining that only unclassified information can be provided, whereas classified information is kept in a secret file and cannot be disclosed, as its disclosure “would affect the security of the State”.⁷⁸ The unclassified information acquired by the organisations revealed that it is the same information used by Israeli authorities against the detained staff of the Health Work Committees on allegations of money laundering.⁷⁹ It is also the information included in the report presented by the Israeli authorities to representatives of European countries with whom they met after the detention of Shatha Odeh, then director of the Health Work Committees, to convince them that this organisation has links with “terrorist” organisations and, as such, donors must stop supporting it. Fortunately, European countries were not convinced of the presented “evidence” as will be shown below.

On 18 August 2022, Israeli occupying forces took a step further and raided the offices of the six organisations, confiscated property and equipment, and shut them down by military order.⁸⁰ The raid took place only a few hours after the military commander had responded to another letter sent by the organisations, demanding the disclosure of evidence in order to be able to defend themselves against “terror link” allegations.

⁷⁶ Relevant document is available on file with Al-Haq.

⁷⁷ Letter from Adalah to Yehuda Fox “Commander of IDF Forces in the West Bank”, 16 December 2021, available at: [Israel refuses to reveal the evidence against the six Palestinian organizations it has designated - Adalah](#), last accessed 25 May 2023.

⁷⁸ Response is available on file with Al-Haq.

⁷⁹ Interview with Sahar Francis General Director of Addameer, 24 January 2023.

⁸⁰ Al-Haq, “Alert: Israeli Occupying Forces Raid, Damage and Close Offices of Al-Haq and other Designated Organisations, International Community Must Intervene”, 18 August 2022, available at: <https://www.alhaq.org/advocacy/20442.html>, last accessed 25 July 2023; Al-Haq, “The Raid on Al-Haq’s Offices: 18 August 2022”, 16 September 2022, available at: <https://www.alhaq.org/monitoring-documentation/20580.html>, last accessed 25 July 2023.

It is worth noting that the Israeli Military Commander in the West Bank had previously issued military orders outlawing the Health Work Committees and the Union of Agricultural Work Committees without informing the organisations in question. The military orders were issued on 20 January 2020, that is one month after the arrest of staff members working for these two organisations, including accountants and fund-raising officer, who were subjected to torture and ill-treatment during interrogation. The orders were not even published in the military orders booklet issued by the Israeli occupying authorities as is normally the case. The organisations learned about these orders only by coincidence. In one of the court hearings, the detained staff members were charged with working for an outlawed organisation. Addameer’s lawyer, who represented these prisoners, asked the military prosecutor during the court hearing, which took place in April 2021, about what he meant by “outlawed organisations”. The prosecutor then replied that both of these organisations had been outlawed and showed a copy of the relevant military orders.

After interrogating the staff members, a bill of indictment was presented against them. In the preamble of the bill of indictment, the other Palestinian CSOs (which were designated as “terrorist organisations” on 19 October 2021) were already referred to as terrorist organisations – way before a decision regarding as such was issued. Nevertheless, the military prosecutor could not substantiate these allegations when they were challenged by the detainees’ lawyer, and were consequently dropped and replaced with “continuing to work for an outlawed organisation”. This was the case of Ms. Shatha Odeh, then General Director of the Health Work Committees (HWC).⁸¹ This demonstrates that the Judges of the military court, the military commander, and the military prosecutor are all part of one campaign to attack and target Palestinian CSOs.

⁸¹ Interview with Sahar Francis, General Director of Addameer, 24 January 2023. For more information on Shatha’s cases see Addameer, “Palestinian Civil Society Submit Urgent Appeal to UN Special Procedures on the Arbitrary Detention and Harassment of HRD Shatha Odeh”, 12 August 2023, available at: <https://www.addameer.org/news/4469>, last accessed 25 July 2023.

3.2 Detention and Torture of Staff

Another tactic used by Israeli occupying authorities to silence CSOs and human rights defenders is detention. The Staff and board members of Addameer organisation had been detained for issues related to their work with the organisation.⁸² Salah Hammouri, a Palestinian-French lawyer and former staff member of Addameer from Jerusalem, had been arrested many times and put under administrative detention. However, “Israeli occupying authorities never admitted that the harassment was motivated by their work relations with Addameer”, says Sahar Francis.⁸³ Others have had gone through imprisonment experiences for their legal activism in these organisations, such as Ubai Al-Aboudi of Bisan Center, and some staff members of Al-Haq and others.

In Israeli prisons and detention centers, torture and ill-treatment are used to “extract confessions” from Palestinian political prisoners. In September and October 2019, two persons working for UAWC were arrested by Israeli occupying authorities. These were Abd Al-Razeq Farraj and Samer Arbeed,⁸⁴ who had been previously arrested and put under administrative detention many times. They were accused of taking part in an attack that took place near Ramallah on 23 August 2019 and caused the death of an Israeli girl settler. Both were subjected to brutal torture that almost led to Arbeed’s death.⁸⁵ No one was held accountable for torturing Mr. Arbeed and Mr. Farraj. In response, UN Special Rapporteurs, Independent Experts and Working Groups issued a statement in which they expressed alarm “at Israel’s failure to prosecute, punish and redress the torture and ill-treatment perpetrated against Mr Al-Arbeed. Addressing such abuse is not at the discretion of the Government or the judiciary, but constitutes an absolute obligation under

82 Interview with Sahar Francis, General Director of Addameer, 24 January 2023.

83 *Ibid.*

84 Interview with Fuad Abu Seif, former Director of UAWC, 16 January 2023.

85 Addameer, “Is there an attempt to kill Palestinian Prisoner Lying at Hadassah Hospital, Samer Arbeed?”, 25 October 2019, available at: <<https://www.addameer.org/news/there-attempt-kill-palestinian-prisoner-lying-hadassah-hospital-samer-arbeed>>, last accessed 10 April 2023.

international law”.⁸⁶ Under international law, confessions extracted by force are not valid. Article 15 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Israel is a state party, states that “[e]ach State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings”. The case of these prisoners was used as a pretext to further intensify the attack against UAWC and other organisations.

In other cases, Israel justifies the arbitrary arrest of Palestinians working with CSOs based on unsubstantiated pieces of information. For example, Mr. Daoud Al-Ghoul, who worked as a project coordinator for the Health Work Committees in Jerusalem in 2014, was arrested and sentenced to one year and half of imprisonment based on a trivial piece of information provided to Israeli interrogators by a child detainee. The child, who participated in a summer camp organized by HWC, allegedly told the Israeli interrogator that participants chanted songs that are indicative of the organizers’ political affiliation to the PFLP.⁸⁷ Again, in 2014, the premises of the HWC in Jerusalem were closed based on the impressions of detainees, who had volunteered with the HWC, regarding what they believe to be the political affiliation of the persons working for the organisation.⁸⁸

3.3 Imposition of Movement Restrictions

Imposition of movement restrictions is another tactic used by Israeli occupying authorities to silence CSOs and human rights defenders. In his statement to Al-Haq, Salah Hammouri, a Palestinian-French lawyer from Jerusalem and a former staff member of Addameer, provided that on 26 March 2015, he received a call from a person who introduced himself as captain Fuad from the “Maskobeyyah” (Arabic for the Russian Compound) interrogation center in Jerusalem, requesting him to collect an order banning him from entering the governorates of the West Bank. The next day, Mr. Hammouri received the

86 UN, “Israel must end impunity for torture and ill-treatment – UN experts”, 8 February 2021, available at: <<https://www.ohchr.org/en/press-releases/2021/02/israel-must-end-impunity-torture-and-ill-treatment-un-experts?LangID=E&NewsID=26729>>, last accessed 10 April 2023.

87 Interview with Daoud Al-Ghoul, Phd student and former staff of HWC, 14 February 2023.

88 *Ibid.*

order, which was signed by the “Commander of the Israeli Defence Forces in Judea and Samaria” Nitzan Alon, forbidding him from moving within the cities of the West Bank from 14 March to 24 September 2015.⁸⁹ On 7 March 2018, the Israeli Knesset amended the controversial “Entry into Israel” Law, allowing the Interior Minister to revoke Palestinians’ Jerusalem residency status on the basis of a “breach of allegiance” to Israel, the Occupying Power.⁹⁰ On 3 September 2020, Salah was officially notified of the Israeli Minister of Interior’s intention to revoke his residency status.⁹¹ On 18 October 2021, just a day before the designation of the six Palestinian organisations as “terrorist organisations”, Israeli Interior Minister Ayelet Shaked revoked the Jerusalem residency status of Salah for so-called “breach of allegiance” to Israel.⁹² Mr. Hammouri was held under administrative detention from 7 March 2022 until he was forcibly deported to France on 18 December 2022.⁹³

Abd Al-Latif Gheith, a board member of Addameer from Jerusalem, was deprived of the right to access Ramallah.⁹⁴ He was arrested many times for defending human rights. Daoud Al-Ghoul, who was working as a project coordinator at the Health Work Committees in 2014, was forcibly displaced to Jaffa for the period of three months for playing an active role in a Jerusalem-based organisation that strives to preserve the Palestinian identity of the city.

Another tactic utilised by Israeli occupying authorities to cripple the work of organisations and silence them is the imposition of travel ban on human rights defenders and activists. Ubai Al-Aboudi, the executive director of Bisan Center for Development and Research has been denied exit from Palestine since April 2022 despite the fact that he holds an American passport.⁹⁵ Israeli

89 Al-Haq affidavit No. 1053/2015, given by Salah Hammouri on 29 March 2015.

90 Al-Haq, “Urgent Appeal: Israel Must Suspend and Repeal Recent Legislation Allowing for the Revocation of Permanent Residency Status from Palestinians in Jerusalem for ‘Breach of Allegiance’”, 8 March 2018, available at: <<https://www.alhaq.org/advocacy/6262.html>>, last accessed 25 July 2023.

91 Addameer, “Salah Hammouri”, available at: <<https://www.addameer.org/prisoner/2992>>, last accessed 22 June 2023.

92 *Ibid.*

93 Interview with Sahar Francis, General Director of Addameer, 24 January 2023.

94 *Ibid.*

95 Interview with Ubai Al-Aboudi, Executive Director of Bisan Center for Research and Development, 14 January 2023.

occupying authorities did not provide any reason for this. Mr. Al-Aboudi suspects that the travel ban was imposed after he had testified on 25 March 2022 before the United Nations Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and in Israel on violations against Palestinian organisations and due to his work at Bisan Center.⁹⁶ Shawan Jabarin, the general director of Al-Haq, was subjected to years of travel ban for his human rights activism.⁹⁷

3.4 Intimidations and Threats

Intimidations, harrasments and threats against staffers of Palestinian CSOs have been used by Israeli authorities in an attempt to undermine their will to continue their activism and human rights work. Following the raid on the offices of the six outlawed CSOs in August 2022, staffers, including general directors of the organisations, were summoned for interrogation by the Israeli authorities.

In September 2022, an Israeli intelligence officer called Mr. Fuad Abu Seif, the general director of the Union of Agricultural Work Committees (UWAC), and summoned him for an interrogation to “discuss” some issues. On the next day, Abu Seif went to “Gush Etzion” north of Hebron. The officer told him that UAWC is closed by a military order and that working in it is illegal. The officer added that Abu Seif is not allowed to work neither in this organisation nor in the other six organisations. “You can work wherever but not in these organisations.” Abu Seif challenged the officer saying: “let us wait for the decision of your court in our case as there are proceedings in progress. The officer responded by saying: “you don’t have to wait for the court decision. Everything is clear. The decision to close your organisation has already been made”.⁹⁸

In August 2022, Mr. Khaled Al-Hedmi, UAWC’s head of the Board of Directors, received a telephone call from a person who introduced himself as captain “X” from the Israeli intelligence and asked him to appear for an interrogation

96 *Ibid.*

97 Interview with Shawan Jabarin, General Director of Al-Haq, 21 January 2023.

98 Interview with Fuad Abu Seif, director of the Union of Agricultural Work Committees, 16 January 2023.

meeting, but Mr. Al-Hedmi refused to go and asked him to provide an official summon of appear. The officer spoke in a provocative and threatening tone telling Mr. Al-Hedmi that if he does not appear, the officer would come to his house accompanied by soldiers.⁹⁹ Similarly, Mr. Khaled Quzmar, the general director of Defence for Children International-Palestine received a call from an Israeli intelligence officer right after the raid of the six organisations asking him to come for a meeting.¹⁰⁰ In the meeting, the officer told Mr. Quzmar that he wanted to inform him that his organisation is outlawed and that he must stop working for it.¹⁰¹

Mr. Shawan Jabarin, the general director of Al-Haq, received a similar call. But he refused to go to the meeting and told the officer that he could come to his house and arrest him if he wished as he is confident that all of his work is legal.¹⁰² Mr. Ubai Al-Aboudi received a similar call but he did not answer. Al-Aboudi said “I did not answer as I recognised the number. It is the same number of the intelligence officer who used to call me to go for interrogation meetings after I had been released from Israeli prison in 2020.”¹⁰³

Intimidations and threats against staffers of CSOs have reached the level of death threats. In 2016, Nada Kiswanson, an Al-Haq former staff, received telephone calls and emails from anonymous sources in which she was threatened of death as reprisal for her work with Al-Haq on issues related to the accountability before the International Criminal Court for potential crimes committed by Israeli officials.¹⁰⁴

Spying on telephone calls of human rights defenders is another form of pressure and harassment tactic used by Israeli occupying authorities. Some

99 Interview with Fuad Abu Seif, director of the Union of Agricultural Work Committees, 16 January 2023.

100 Interview with Khaled Quzmar, General Director of DCI-Palestine, 12 January 2023.

101 *Ibid.*

102 Interview with Shawan Jabarin, General Director of Al-Haq, 21 January 2023. Al-Haq, “Urgent Action Needed: General Director of Al-Haq Receives a Threatening Phone Call from Israeli Intelligence, the Shabak”, 21 August 2022, available at: <<https://www.alhaq.org/advocacy/20459.html>>, last accessed 25 July 2023.

103 Interview with Ubai Al-Aboudi, Executive Director of Bisan Center for Research and Development, 14 January 2023.

104 ESCR-Net, “Al Haq staff member faces ongoing death threats in connection with human rights defense for Palestinians”, available at: <<https://www.escr-net.org/news/2016/al-haq-staff-member-faces-ongoing-death-threats-connection-human-rights-defense>>, last accessed 6 April 2023.

organisations discovered that the mobile phones of their staff had been hacked using the Pegasus spyware of the Israeli Company NSO.¹⁰⁵ Moreover, organisations reported that there have been attempts to intercept their servers. This applies to most targeted CSOs. Ubai Al-Aboudi reported that they received many alerts warning that somebody has tried to intercept the server of the organisation.¹⁰⁶

3.5 Attacks on Funds

Incitement to dry financial resources is an additional tactic followed by Israeli occupying authorities. All six outlawed CSOs have been the subject of such incitement campaigns. For example, UAWC has been the subject of incitement since before 2010m carried out every now and then. Letters containing incitement against the organisation were sent to some of their partners by *Rigavim* and NGO Monitor. Israeli occupying authorities support these organisations and rely on them to provide information on activities of organisations that are viewed as threat to the progress and maintenance of Israel’s settler-colonial project. In a meeting of the Israeli Knesset’s “Subcommittee for Judea and Samaria”, a member of Knesset stated the following: “We’ve held numerous meetings about illegal [Palestinian] construction, and we went from site to site, until we exposed the strategic reality of the comprehensive attempt to seize all lands in Area C.” He lauded the “*Regavim*”, saying it provided the subcommittee ““better intelligence” than the army and the security establishment on this issue.”¹⁰⁷ Palestinian organisations that work on land rights in area C are particularly seen as threat.

105 Amnesty International, “Devices of Palestinian Human Rights Defenders Hacked with NSO Group’s Pegasus Spyware”, 8 November 2021, available at: <<https://www.amnesty.org/en/latest/research/2021/11/devices-of-palestinian-human-rights-defenders-hacked-with-nso-groups-pegasus-spyware-2/>>, last accessed 10 May 2023.

106 Interview with Ubai Al-Aboudi, Executive Director of Bisan Center for Research and Development, 14 January 2023.

107 Knesset News, “Subcommittee for Judea and Samaria discusses Palestinian Authority’s strategic takeover of Area C; MK Yogev, chairman: “There is no organized activity to stop it”, 4 June 2018, available at: <https://main.knesset.gov.il/en/news/pressreleases/pages/pr13903_pg.aspx>, last accessed 2 February 2023.

In September 2015, fraudulent letters claiming to be sent from the consulting firm Ernst and Young were sent to European partners who fund Al-Haq, claiming allegations of “financial irregularities, corruption, fraud and misuse of donations and funds” by the Palestinian Authority.¹⁰⁸ Doing so, Israeli occupying authorities wished to create some sort of discontent and skepticism among the staff of the organisation and mistrust with partners. These claims were rejected and refuted by the Palestinian Authority and the firm.¹⁰⁹

On 10 June 2019, the Israeli Ministry of Strategic Affairs claimed to have succeeded in convincing banks in Europe and the United States of America to close thirty bank accounts of Palestinian organisations, including Al-Haq.¹¹⁰ The claim was made despite the fact that Al-Haq has never held credit card accounts in Europe or the United States.¹¹¹

Attacks on funds is not solely confined to Palestinian organisations and human rights defenders, but also targets international partners and donors. As reported by some Palestinian CSOs, their international partners and donors had been under Israeli pressure to stop funding their organisations. Ubai Al-Aboudi, the general director of Bisan, mentioned that at least one of Bisan’s partners was the subject of intimidation and pressure to stop funding the organisation.¹¹² Sahar Francis believes that the Swiss Agency for Development (SDC) was the subject of Israeli pressures to end its partnership with Addameer.¹¹³ SDC terminated its partnership contract with Addameer three weeks before the designation of Addameer as a “terrorist” organisation, ending over four years of positive and fruitful partnership. Other partners continued their partnerships with the organisation despite pressure to end it.

108 See Haaretz, “Fadi and Kathy, Who Invented You?”, 23 November 2015, available at: <<https://www.haaretz.com/2015-11-23/ty-article/.premium/fadi-and-kathy-who-invented-you/0000017f-f974-dcea-a7ff-fdfe09f40000>>, last accessed 4 May 2023.

109 Al-Haq, “Al-Haq Under Attack- Staff Member’s Life Threatened”, 3 March 2016, available at: <<https://www.alhaq.org/advocacy/6432.html>>, last accessed 20 May 2022.

110 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: <https://www.alhaq.org/advocacy/6039.html#_ftn1>, last accessed 6 April 2023.

111 *Ibid.*

112 Interview with Ubai Al-Aboudi, Executive Director of Bisan Center for Research and Development, 14 January 2023.

113 Interview with Sahar Francis, General Director of Addameer, 24 January 2023.

In the case of UAWC, some partners have stopped their partnership contracts due to Israeli pressures.¹¹⁴ DCI-Palestine has one of their partners terminate their partnership contract as a result of intimidation.¹¹⁵ Even Israeli lawyer Michael Sfar who represented Al-Haq and Avigdor Feldman who represented UAWC received a letter from the Israeli Defence Minister on 14 July 2022 in which he wrote that their representation of these organisations “could violate Israel’s anti-terror laws”.¹¹⁶ In a letter responding to the minister’s letter, advocate Michal Sfar stated that: “In view of the timing and significance of the letter..... it is very difficult not to interpret it as a threat by the government toward a lawyer whose work is strictly legal.”¹¹⁷

3.6 Promotion of Individualism

Promotion of individualism is another tactic employed by Israeli occupying authorities to weaken the presence of Palestinian CSOs, especially in Jerusalem, as part of the broader policies of fragmentation and annexation practiced in the city. The Occupying Power aims at weakening the national sense of belonging of Palestinian Jerusalemites, ostracising them from the Palestinian people. This tactic mainly targets the younger Palestinian generations, and is carried out through different means including by controlling and weakening of Palestinian institutions in the city and replacing them with other bodies that enjoy stronger financial and human resources to meet the individual needs of Jerusalemites. Controlled and weakened Palestinian organisations cannot compete with the Israeli occupation’s bodies that provide services such as vocational training, health services and education as well as other activities behind the façade of recreation and youth well-being. For example, an NGO under the name of MATI (the Jerusalem Business Development Center) was established in 1991 “to help entrepreneurs and business owners start or expand businesses in Jerusalem and environs. It constitutes part of a nationwide system of

114 Interview with Fuad Abu Seif, director of the Union of Agricultural Work Committees, 16 January 2023.

115 Interview with Khaled Quzmar, General Director of DCI-Palestine, 12 January 2023.

116 +972 Magazine, “ Israel sends veiled threat to attorneys of outlawed Palestinian NGOs”, 18 July 2022, available at: <<https://www.972mag.com/lawyers-sfar-palestinian-ngos/>>, last accessed 10 May 2023.

117 *Ibid.*

Business Development Centers situated throughout Israel, each dedicated to business promotion in its surrounding region.”¹¹⁸ In addition, MATI provides “comprehensive training program in diverse business fields”.¹¹⁹

To enhance individualism further and replace Palestinian organisations with bodies specifically mandated to achieve Israel’s goals in Jerusalem, Israel established so-called Community Centers that are part of the Jerusalem Municipality and function under the pretext of serving Palestinian civilians’ best interests. Over the past years, 31 Community Centers have been established in Jerusalem.¹²⁰ These centers are not well perceived by many Palestinians. Many believe that they have been established to help Israel, the Occupying Power, entrench its settler-colonial project in the city. Silvia Abu Laban says: “I believe that [my] organisation was closed as part of a wider policy that targets civil society in Jerusalem and replace them with the Community Centers”.¹²¹ According to activist Khadija Khweis, these centers function under the façade of cultural and social activities, but in fact they are there to euphemize and normalize occupation.¹²² School teacher and activist M.N. says that “organisations such as MATI and the community centers affect Palestinians’ sense of belonging to their national group. Coupled with other Israeli practices such as movement restrictions, this contributes to cutting off a whole generation from their national group, [both] physically and at the level of national values”, says M.N..¹²³

118 Jerusalem Business Development Center, available at: <<https://www.mati.org.il/SubMainPageID.aspx?SubMainPageId=1&p=2>>, last accessed 9 May 2023.

119 *Ibid.*

120 Website of the Municipality of Jerusalem, “Community Centers”, available at: <<https://www.jerusalem.muni.il/en/residents/community/communitycenters/>>, last accessed 17 May 2023.

121 Al-Haq affidavit No. 110/2020, given by Ms. Silvia Ahmad Younes Abu Laban on 18 May 2020.

122 See Falastin online Newspaper “Al-Marakez Al-Jamahireyyah fi Al-Quds Tuhadded Shabaab Al-Madinah wa Atfaleha” (Arabic for: Community Centers in Jerusalem Threaten the Youth and Children of Jerusalem”, 16 November 2020, available at: <<https://felesteen.news/p/77837>>, last accessed 17 May 2023.

123 Interview with M.N., 9 May 2023 (Name withheld).

3.7 Education Domination

Education is one of the main sectors that Israeli occupying authorities has targeted to achieve its colonial goals in Jerusalem, including eliminating the Palestinian narrative, identity and CSOs. While schools are not classified as NGOs in the strict sense, many of them are targeted because they follow educational system that promotes the rights of the Palestinian people. According to 2020-2021 statistics, 238 schools provided educational services to 88,895 Palestinian students in Jerusalem.¹²⁴ These schools are run by different parties, including the Islamic Awqaf (endowment), the Israeli Ministry of Education and the Israeli Municipality in the city, and the UNRWA. Some schools are private, and the rest are known as *muqawalt*, i.e., schools that follow and abide by directions of the Israeli Ministry of Education in return for benefits, such as building new classrooms.

Israeli occupying authorities have exerted big efforts to pressure Palestinian schools in the city to follow the Israeli curricula instead of the Palestinian curricula. According to a report issued by the so-called Jerusalem and Heritage Ministry, the number of Palestinian students that are taught the Israeli curricula was three times more than the students who follow the Palestinian one in 2018.¹²⁵ The report found that an increase by 34% of schools that follow the Israeli curricula took place between 2014-2018, making 51% of official schools in the city adhere to the Israeli curricula.¹²⁶ To achieve this goal, Israeli occupying authorities had allocated 135.9 million US dollars to incentivise schools to follow Israeli curricula.¹²⁷ This amount was allocated within the framework of the Israeli government decision number 3790 which was passed in 2018 under the misleading title of “Reducing Social and

124 Palestine News & Info Agency, “Waqe’ Al-Ta’leem fi Madinat al-Quds wal –Ehtelal” (Arabic for Education under Occupation in Jerusalem), available at: <https://info.wafa.ps/ar_page.aspx?id=VUxGjia28071002982aVUxGji>, last accessed 20 February 2023.

125 Israel Hayom, “Report: 51% of schools in east J’lem use Israeli curriculum”, 25 February 2022, available at: <<https://www.israelhayom.com/2022/02/25/report-51-of-schools-in-east-jlem-use-israeli-curriculum/>>, last accessed 13 March 2023.

126 *Ibid.*

127 *Ibid.*

Economic Disparities and Economic development in East Jerusalem”.¹²⁸ During that period of time,(2014-2018) Israeli occupying authorities built six new schools and 65 new pre-schools.¹²⁹ Besides, nine buildings were rented to be used by schools that follow the Israeli curricula.¹³⁰ These schools were linked to high-speed internet connection and were provided with 1500 laptops and launched 52 technological tracks.¹³¹

In addition to the financial support, Israeli occupying forces frequently raid schools and harass teachers of schools that follow the Palestinian curricula. On 1 September 2021, Israeli occupying forces/police raided Al-Shabat School in Jerusalem along with Israeli Intelligence officers.¹³² The reason of the raid, as explained by an Israeli intelligence officer by the name of Naddaf, was because some persons were present in the school illegally. He was referring to the staff of the Palestinian Ministry of Education who regularly visit the school. In her statement given to Al-Haq on 6 September 2021, the head teacher of Al-Shabat School, Ms. Ikram Al-Wheidi, said that the officer did not present a search warrant.¹³³ He only asked her to stay in a room with the persons he claimed their presence was illegal and asked her to turn her mobile phone off and not to communicate with anyone. Ms. Ikram added that they confiscated some files and books from the school. At the end of the raid, he gave her a search report which she described as “unclear and does not state exactly what things had been confiscated”.¹³⁴ Ms. Ikram was then taken to Al-Maskobeyyeh compound in Jerusalem where she was interrogated. During the interrogation, she was asked about the nature of those persons’ work and the reason of their presence in the school. She answered that they were field staff from the Palestinian Ministry of Education who provide logistical support to the Awqaf Schools in Jerusalem and they

128 See Israeli government decision number 3790 of 2018, available at: <https://www.gov.il/he/departments/policies/dec3790_2018>, last accessed 13 March 2023.

129 Israel Hayom, “Report: 51% of schools in east J’lem use Israeli curriculum”, 25 February 2022, available at: <<https://www.israelhayom.com/2022/02/25/report-51-of-schools-in-east-jlem-use-israeli-curriculum/>>, last accessed 13 March 2023.

130 *Ibid.*

131 *Ibid.*

132 Al-Haq affidavit No. 432/2021, available on file with Al-Haq.

133 *Ibid.*

134 *Ibid.*

usually come to this school to have a break during work. The Israeli officer then showed her a box containing things that were confiscated from the school, including mobile phones and certificates of appreciation and other papers. He tried to draw connection between the papers and the Palestinian Ministry of Education, although the papers had the Islamic Awqaf Department letterhead and not that of the Palestinian Authority.¹³⁵ The officer asked Ms. Ikram about the mandate of every department of the Palestinian Ministry of Education, who heads them, and if they still head them, all while presenting her pictures of persons heading these sections/departments. After the head teacher explained to him the nature of the work of the Ministry staff and the confiscated objects, the officer asked her if she is willing to follow the Israeli educational system. He also asked about the number of students in Al-Shabat school and about the extracurricular activities organised by the school. The interrogation lasted for four hours. It is worth noting that this was the second time the school was raided. The first time was back in 2019 when the school hosted a commemoration ceremony for retired teachers.¹³⁶

On 26 October 2022, two inspectors from the Israeli Ministry of Education raided and searched the three branches of Al-Iman School in Jerusalem looking for copies of Palestinian curricula books.¹³⁷ Dr. Dima Al-Nashashibi, the school’s head teacher told Al-Haq field researcher that two inspectors pushed the school’s gate and stormed in without any prior coordination, completely disregarding the school guard at the gate. When the guard objected, one of the inspectors who introduced himself as “Etzik” told him: “you can call the police if you don’t like this”. Etzik continued walking to the office of the head teacher and told her that he came to conduct an inspection. She replied that there are rules that must be followed to conduct an inspection, most important of these rules are prior coordination and mentioning the reason for the inspection. At that moment, he presented his business card and said that he was an officer of the Israeli Ministry of Education and asked her to see her ID card. Despite her reluctance, and after explaining that he did not have the authority to ask for her ID card, Ms. Al-Nashashibi gave him her ID. The officer carried out a series of acts

135 *Ibid.*

136 Al-Haq field report, unpublished, available on file with Al-Haq.

137 Al-Haq filed report, unpublished, available on file with Al-Haq.

of harassment. He first tried to take a photocopy of the ID card, but Ms. Al-Nashashibi prevented him. He then walked between classrooms, and tried to take a picture of students in one classroom, but the head teacher stopped him. He then counted the students in the room and started calling them by their names from a paper he held in his hand. The Israeli “inspector” noticed that students were using the Palestinian curricula and asked them from where did they obtain the books. The head teacher told him that the books had been given to the students from the local parents’ committee and that she does not have any authority over the committee. “Parents want their children to study the Palestinian curricula and they asked me not to teach students the distorted version, and I informed inspector Nour Al-Khatib, who works for the Israeli Ministry of Education, of this”, the head teacher told the inspector. The Israeli inspector wanted to confiscate the books, but the head teacher prevented him from doing so. He then asked the teacher who was in the classroom about her name, ID card number and mobile phone number. The head teacher said “I did not feel that he was a school inspector. He acted like an intelligence officer”.¹³⁸

While schools that follow the Palestinian curriculum are compelled to renounce it, schools that follow the Israeli education system are granted privileges. The main goal of such privileges is to suppress the presence of Palestinian organisations that promote Palestinian rights and culture, and further Israel’s settler-colonial enterprise in Jerusalem. This is clearly demonstrated in the statement of Ze’ev Elkin, the head of Israeli Construction Ministry and the Jerusalem and Heritage Ministry: “I passed the unprecedented government decision to minimize the gaps in east Jerusalem, with education, *ingraining the Hebrew language and an Israeli curriculum in the schools there being the primary objective*.”¹³⁹ [Emphasis added].

Through the imposition of the Israeli curriculum, Israeli occupying authorities promote the Israeli narrative and suppress that of the Palestinians, which is normally upheld by Palestinian organisations. Instead of teaching Palestinian

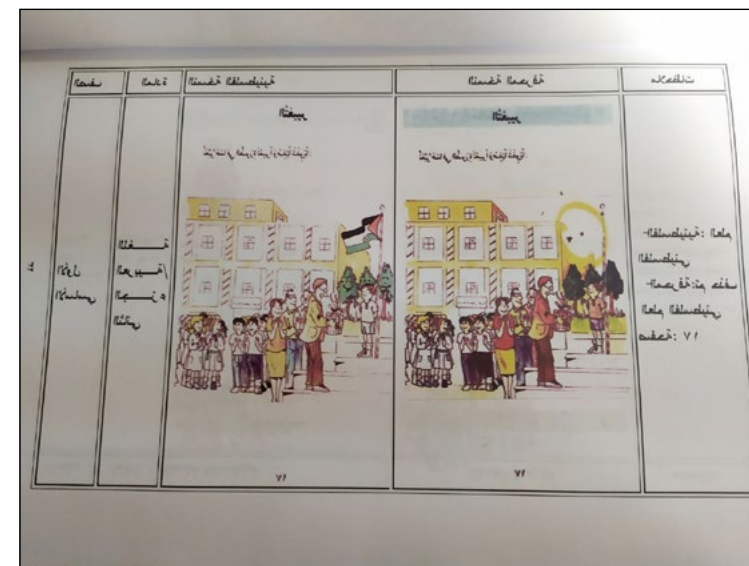
138 Al-Haq field report, unpublished, available on file with Al-Haq.

139 Israel Hayom, “Report: 51% of schools in east J’lem use Israeli curriculum”, 25 February 2022, available at: <<https://www.israelhayom.com/2022/02/25/report-51-of-schools-in-east-jlem-use-israeli-curriculum/>>, last accessed 13 March 2023.

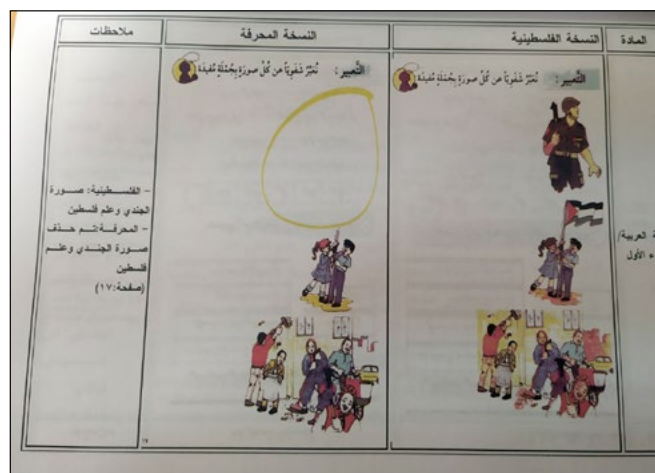
students their history, the Israeli curriculum focuses on other issues, such as the history of Jews in Europe. Nothing is mentioned about the *Nakba* and how Israel was established on the ruins of the Palestinians people. Fayrouz Sharqawi, a Palestinian citizen of Israel who lived and worked in Jerusalem for many years, says that Palestinians are not taught their history; “I have not been taught the history of my people. I was taught the history of Jews in Europe. By controlling the curricula, Israel guarantees that students know nothing about their history. This is one of the colonial goals of Israel”.¹⁴⁰

In any case, the Palestinian curriculum taught in some schools in Jerusalem is strictly controlled. Any reference that symbolises Palestinian nationality is deleted. For example, pictures of the Palestinian flag are removed from textbooks. Below is a picture which appears on page 17 of the Arabic language text book of the first grade. On the right side, the picture displays the Palestinian flag as included in the original textbook. On the left side, the flag was removed from the picture

The same applies to the third grade Arabic language textbook as shown in the pictures below.



140 Interview with Fayrouz Sharqawi, former advocacy officer at Grassroots Jerusalem, 14 February 2023.



4 CASE STUDIES

The following section provides an analysis of four Palestinian CSOs that were subjected to a series of attacks, and the reason for their targeting by the Israeli authorities:

4.1 Union of Agricultural Work Committees (UAWC)

The Union of Agricultural Work Committees is a Palestinian non-governmental organisation that was established in 1986 by a group of agronomists and activists. The Union did not initially start as a registered organisation. Its activities were carried out by committees that were active in the north of the West Bank and later expanded to cover the rest of the occupied West Bank and Gaza Strip. The work of the committees had to be institutionalised to protect Palestinian agricultural sector against violations committed by Israeli occupying forces, as this sector was increasingly the subject of Israeli attacks. Uprooting of trees became a trend that had to be followed up and confronted, as thousands of trees were reportedly uprooted. This led a group of agronomists and activists to register the Union as a non-governmental organisation in the early 1990s in Jerusalem under the Israeli law and focus its work in area C of the West Bank and Jerusalem. Its registration had to be renewed by the Israeli Interior Ministry on an annual basis, which remained the case until 2017.¹⁴⁴ At that time, the Union was already one of the largest and most active agricultural development institutions in Palestine.

Towards the end of 2014 access to Jerusalem by the staff of the Union and beneficiaries became increasingly difficult and more restricted. This took place due to pressures exerted by organisations such as *Shurat Ha-Din, Regavim* and *Palestinian Media Watch*¹⁴⁵ who claimed that the Union was a “terrorist” organisation working in Jerusalem illegally and that it has its affiliations in the rest of the West Bank. As the Union’s staff were no longer able to enter Jerusalem, the Union could not draft its administrative and financial reports

¹⁴⁴ Annual renewal is only required for Palestinian organisations. Interview with Fuad Abu Seif, director of the Union of Agricultural Work Committees, 16 January 2023.

¹⁴⁵ This body introduces itself as a “non-profit Israeli research institute”. See its website at <<https://palwatch.org/page/16253>> , last accessed 13 May 2023.

In addition to official Israeli bodies, organisations also play a role in normalising the Israeli narrative amongst Palestinian Jerusalemites. For example, an organisation under the name of “Rowad” was established, under the Israeli Council for Higher Education, to attract Palestinian students to study in Israeli higher education institutions,¹⁴¹ and prepare them to eventually serve the Israeli market. While Israel markets such initiatives as positive trend and may even promote them, in reality they contribute to weakening Palestinian institutions and culture in Jerusalem. “If you speak Hebrew and you study in Israeli educational institutions, you can easily find a job in Israeli companies” says Fayrouz Sharqawi.¹⁴² The Hebrew University also carries out similar initiatives. As an example reflecting the dangers of educational normalisation, Ms. Sharqawi mentions that the Hebrew University provides Hebrew language courses targeting women of the town of Al-Issawiya in Jerusalem “under the guise of good neighborhood relations, but the genuine reason behind offering these courses is to normalise the presence of the university [which is built on the town’s land] and hide its violent colonial face. More importantly, these courses are directed towards women in order to make the presence of the university normal not only in their eyes but in the eyes of their children too who will see their mothers dealing and talking with the colonizers in Hebrew and start to believe that this is the normal situation as time goes by”.¹⁴³

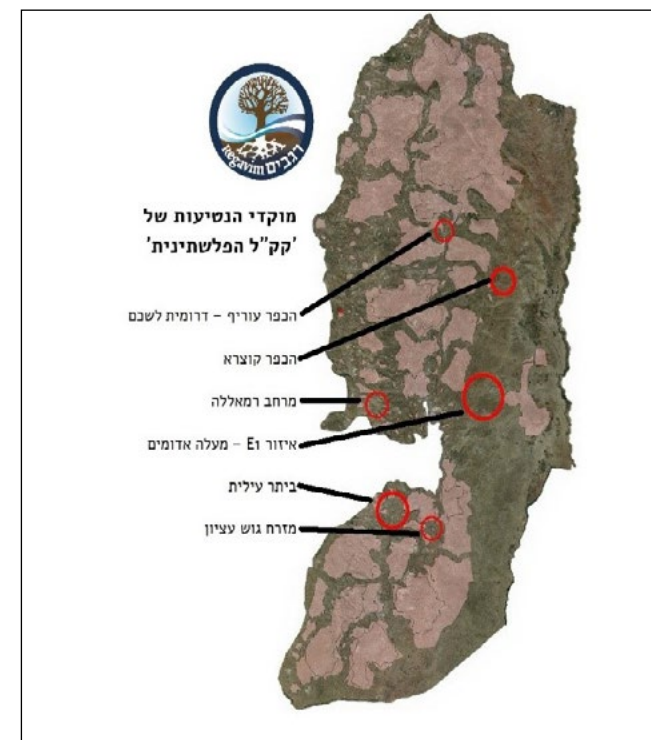
¹⁴¹ Rowad website, available at: <<https://rowad.org.il/>>, last accessed 9 May 2023.

¹⁴² Interview with Fayrouz Sharqawi, former advocacy officer at Grassroots Jerusalem, 14 February 2023.

¹⁴³ *Ibid.*

and submit them on time to the Ministry. This was the reason behind the Israeli Interior Ministry's refusal to renew the registration of the Union; it had nothing to do with terror links allegations.¹⁴⁶

Prior to 2012, the Union started to be the subject of an occasional attacks by Israeli-government-affiliated organisations such as *Regavim* and NGO Monitor.¹⁴⁷ On occasions, the Union was an agenda item in Israeli Knesset meetings.¹⁴⁸ On other occasions, the Union learned from partners that Prime Minister Benjamin Netanyahu brought the subject of the Union to discussions in his meetings with international partners.¹⁴⁹ In one of his meetings with the Dutch Prime Minister, Netanyahu discussed land reclamation project that is funded by the Netherlands and carried out by the Union.¹⁵⁰ He proposed that this project be stopped as the Union, in his view, is a "terrorist" organisation and seeks to change the reality on the ground in area C.¹⁵¹ The map below, which is prepared by *Regavim*, shows areas in which the Union is active and describes the Union as the Palestinian equivalent of the Jewish National Fund.¹⁵² The areas include the village of 'Urif, south of Nables, the village of Qusra in Nables, Ramallah, the area classified as E1 close to the settlement of Ma'ale Adomim, the area close to the settlement of Beitar Illit settlement, which is part of Gush Etzion settlement block in Bethlehem, as well as Gush Etzion area.



Source¹⁵³

146 Interview with Fuad Abu Seif, former Director of UAWC, 16 January 2023.

147 See generally Regavim's "The Roots of Evil: Under the guise of "agricultural assistance," the Palestinian Authority is taking over Area C, with the help of massive European financial support and in violation of the law", November 2018, available at: <<https://www.Regavim.org/wp-content/uploads/2018/11/Roots-of-Evil-final.pdf>>, last accessed 4 May 2023.

148 Knesset News, "Subcommittee for Judea and Samaria discusses Palestinian Authority's strategic takeover of Area C; MK Yogev, chairman: "There is no organized activity to stop it", 4 June 2018, available at: <https://main.knesset.gov.il/en/news/pressreleases/pages/pr13903_pg.aspx>, last accessed 2 February 2023.

149 Interview with Fuad Abu Seif, former Director of UAWC, 16 January 2023.

150 *Ibid.*

151 *Ibid.*

152 Regavim הפועל להשתלטות על שטח, UAWC, "בדו"ח "מכים שורשים" שהוצגו כבר ב-2018 הצפנו את הקשר שבין ארגון המעמית, C. באופן לא חוקי, לבין ארגון הטרור החזית העממית". (HEBREW FOR: "In the "Mechim Shorschim" report that was issued already in 2018, we highlighted the connection between the UAWC organization, which is working to take over Area C illegally, and the terrorist organization the Popular Front." 23 October 2021, available at: <<https://www.Regavim.org.il/tag/uawc/>>, last accessed 3 May 2023.

The campaign against the Union was intensified in 2012 when the Union expanded its projects in areas that are classified as area C under the Oslo Accords. In 2012 the Union decided to focus most of its work on this area. The decision was taken in light of the fact that most of the Palestinian agricultural land is located in this area. The Union provided its services to 20-25 thousand beneficiaries (families) in 80 Palestinian villages/communities in area C and in Gaza a year. By 2012, the Union became the largest organisation that provides services to farmers in area C or families living in other areas but have land that they cannot access in area C. Beneficiaries constitute about a third of the Palestinian inhabitants of the area.¹⁵⁴

153 *Ibid.*

154 Fuad Abu Seif, director of the Union of Agricultural Work Committees, 16 January 2023.

Services provided by the Union were mainly agricultural infrastructure projects such as roads, water-wells and provision of seeds and specialized training. These services were provided under the principle of promoting sovereignty over natural resources and food, which is embraced by the Union. Between 2013-2018, the Union reclaimed 10,000 dunums¹⁵⁵ of land that had been under a possible threat of confiscation for settlement purposes. During the same period, the Union succeeded in building 750km of agricultural roads that connect area C to areas B and A.¹⁵⁶ Besides, the Union made available 200- 220 thousand cubic meters of water to farmers in the area. The Union has conducted need studies to provide farmers with the necessary services and materials such as animal feed, water, agricultural inputs, as well as studies and training on how to reach out to markets and how to improve the quality of agricultural products. Also, the Union helped in founding marketing centers for farmers in different governorates. Even at the legal level, the Union provided legal aid through its legal unit to farmers who got their land confiscated by Israeli occupying authorities. The Union's core aim was to enable inhabitants of area C to reach their natural resources; which contributes to their steadfastness and their continued strong presence in the area. Over the past fifteen years, the Union succeeded in achieving this goal to a large extent. "This is the main and sole cause that made Israeli occupying authorities target the Union" said Fuad Abu Seif, the General Director of the Union.¹⁵⁷

Israeli occupying authorities believe that the areas where UAWC works (in area C) is not selected randomly. It is rather highly organized and meaningful. Targeted areas are located between and close to Israeli settlements which, in the Israeli occupying authorities' view, renders the Union's work in these areas aimed at stopping the expansion of settlements rather than providing services to farmers.¹⁵⁸ On 4 June 2018, the Knesset's "Subcommittee for Judea and Samaria" chaired by MK Yogev met to discuss the Palestinian Authorities

¹⁵⁵ Dunum is an Ottoman unit of area. 1 dunum is equivalent to 1,000 square metres.

¹⁵⁶ All of the land used for roads and the land that was reclaimed is privately owned land.

¹⁵⁷ Interview with Fuad Abu Seif, former Director of UAWC, 16 January 2023.

¹⁵⁸ *Ibid.*

"takeover" of area C.¹⁵⁹ During the meeting Kobi Eliraz, a senior aide to Defense Minister Avigdor Liberman, said the security establishment was "familiar with the attempt to take over lands, which is directed by the Palestinian Authority. The minister has placed it on the agenda, and operational, legal and administrative measures are being taken against it. There is an organized work plan, including the setting of goals, but we will not talk about the specifics, even in a closed forum."¹⁶⁰ The Union is viewed as the Palestinian equivalent of the Jewish National Fund (JNF) as it utilises strategies that are similar to those of the JNF to preserve Palestinian land.¹⁶¹ The Union, in the Israeli view, chooses strategic areas within area C of the West Bank to plant trees.¹⁶²

In 2021, the Union learned coincidentally that a military order outlawing the Union had been issued in January 2020, i.e., one year and a half after it had been issued. The Union hired an Israeli lawyer, who in turn approached Israeli occupying authorities to inquire about the order; he was informed that the order had been issued about one year and half ago. During that period the Union continued working as usual without knowing about the order. When the Union challenged the order in March/April 2021, the office of the Union was raided and shut down for six months in July of the same year without providing any explanation for this action. In October 2021, the Union was designated as a "terrorist organisation" under the Israeli Anti-Terror domestic law. During the April 2021 raid, the Israeli occupying forces stole belongings of the organisation including equipment and furniture, no work files were taken, but they refused to provide a list of the objects seized. The financial value of

¹⁵⁹ Knesset News, "Subcommittee for Judea and Samaria discusses Palestinian Authority's strategic takeover of Area C; MK Yogev, chairman: "There is no organized activity to stop it" 4 June 2018, available at: <https://m.knesset.gov.il/en/news/pressreleases/pages/pr13903_pg.aspx>, last accessed on 2 February 2023.

¹⁶⁰ Knesset News, available at: <https://m.knesset.gov.il/en/news/pressreleases/pages/pr13903_pg.aspx>, last accessed on 2 February 2023.

¹⁶¹ Regavim, הרשות הפלשתינית ועמותת שמאל נורבגית מצהירות על מבצע לנטיעת אלפי דונמים באזורים אסטרטגיים, בשליטה ישראלית – כתגובה להצהרת טראמפ. חלק מהמימון – ממפלגת הלייבור הנורבגית. "הרשות הפלשתינית (משתלטת על השטח, וממשלת ישראל ממשיכה לעצום עין) (The Palestinian Authority and a Norwegian leftist association declare an operation to plant thousands of dunams in strategic areas under Israeli control - as a response to Trump's statement. Part of the funding - from the Norwegian Labor Party. "The Palestinian Authority takes over the territory, and the Israeli government continues to turn a blind eye", 25 December 2017, available at: <<https://www.Regavim.org.il/tag/uawc/>>, last accessed 6 April 2023.

¹⁶² Knesset News, available at: <https://m.knesset.gov.il/en/news/pressreleases/pages/pr13903_pg.aspx>, last accessed on 2 February 2023.

the belongings taken estimates at 90-100 thousand USD. Mr. Abu Seif believes that the motive behind the designations and the raids is to stop the work of UAWC. “If the purpose of the raid was to look for evidence that supports their claims with respect to “terror link”, they would have taken papers and documents. But the fact that they took the equipment and furniture tells that they had intended to hinder and stop the work of the Union” said Abu Seif.¹⁶³ As reported by the Union’s lawyer, “what happened was a theft rather than confiscation”, said Abu Seif. The Union is not currently functioning and the beneficiaries are no longer receiving the necessary services. What makes the situation even more dire is the absence of an alternative organisation that can fill the gap caused by the compulsory absence of the Union. According to Abu Seif, this is one practical manifestation of the annexation plan proposed by the US President Donald Trump. This holds especially true since the needs of the beneficiaries (which are provided based on needs assessment studies conducted by the Union) are not met, and this may force them to leave their lands – which is the ultimate goal to advance the Zionist settler-colonial project.

¹⁶³ Interview with Fuad Abu Seif, former Director of UAWC, 16 January 2023.

4.2 Addameer Prisoner Support and Human Rights Association

Addameer (Prisoner Support and Human Rights Association) is another CSO that has been the subject of Israeli targeting campaigns. Addameer was established initially in Jerusalem as a non-profit company registered under Israeli law in 1991. The annual registration renewal of Addameer continued until 1998, when the Israeli occupying authorities refused to renew its registration under the pretext that the organisation is illegal owing to the fact that some of its founders had been former detainees in Israeli jails. Around that time, the organisation had already started to apply for registration under the Palestinian law. The targeting of the organisation happened as part of a broader context where multiple Palestinian organisations in Jerusalem were targeted.

Since the establishment of the Palestinian Authority after the conclusion of the Oslo Accords between the PLO and Israel, Palestinian organisations in Jerusalem started facing difficulties which rendered their presence in the city impossible. Many organisations received closure orders, including Addameer. Addameer moved its offices to Dahyet Al-Barid neighbourhood in Al-Ram in the suburbs of Jerusalem at the time and started using its branch in Ramallah as the main office. During the so-called “Operation Defensive Shield” against the city of Ramallah in 2002, the office of the organisation was raided by Israeli occupying forces, destroying some of the office equipment. In those years, some members of the organisation’s staff, board of directors, and general assembly were harassed, detained, and subjected to travel bans and denial of access from Jerusalem to Ramallah and vice versa.¹⁶⁴ . Other staff members have been subjected to travel ban abroad and were subsequently arrested. Ayman Naser, the head of the legal unit at Addameer was arrested twice during his work at the organisation. Muhannad Al-Azza, Addameer’s field researcher, Hasan Karajah, a public relations officer, and Salah Hammouri, who worked as a lawyer at the organisation, were also arrested during their work at Addameer. Mr. Hammouri was prevented from exiting Jerusalem and was subsequently subjected to travel ban abroad, had his residency status in Jerusalem revoked, and subsequently forcibly transferred to France

¹⁶⁴ Interview with Sahar Francis, General Director of Addameer, 24 January 2023.

in December 2022.¹⁶⁵ This was justified under “security” pretexts that are confidential and kept in a secret file, a justification that Israeli occupying authorities uses in all cases of administrative detention and other violations that cannot be explained based on sound evidence, which reflects the real motives behind the arrest and targeting of the organisation and its members.

The Israeli occupying authorities including the Israeli military courts never recognized that the motive behind these measures was in fact linked to the staffs’ relation to the organisation and their work in defending the rights of Palestinian prisoners in Israeli prisons and detention centers, which renders these measures unlawful and arbitrary in nature. They usually link the targeting to what they classify as “security reasons”. But this is not the real reason behind targeting them as explained by Addameer’s General Director, Ms. Sahar Francis, who said that “the main reason for the targeting of these people is their defence of the rights Palestinian prisoners who are labeled as terrorists by Israeli occupying authorities”.¹⁶⁶ Francis adds that “If the targeting had nothing to do with their work at addameer and their human rights activism, and if the organisation as such was not targeted what justifies the raids and the campaign against the organisation and why do Israeli occupying authorities use the caeses of the imprisoned staff against the organisation?”¹⁶⁷

In 2012, the campaign against Addameer was intensified after the launching of the Boycott, Divestment and Sanctions (BDS) movement in 2005. The campaign was inflamed by Israeli government-affiliated organisations such as NGO Monitor, *Shurat Ha-Din* and *Regavim*. These organisations intensified their campaign against Palestinian organisations after the International Court of Justice had delivered its Advisory Opinion on the Wall in 2004 and the launch of the BDS movement to boycott Israel and hold Israeli perpetrators of crimes accountable. In 2012, the office of the organisation in Ramallah was raided again. Six laptops, a still camera and a video camera that were used

165 Al-Jazeera, “Palestinian-French rights lawyer Hammouri deported by Israel” 18 December 2022, available at: <<https://www.aljazeera.com/news/2022/12/18/palestinian-french-rights-lawyer-hammouri-deported-from-israel#:~:text=Hammouri%20had%20been%20held%20in,evidence'%20without%20charges%20since%20March.&text=Israel%20says%20it%20has%20deported,detention%20without%20charges%20since%20March>>, last accessed 5 May 2022.

166 Interview with Sahar Francis, General Director of Addameer, 24 January 2023.

167 *Ibid.*

to document violations of the prisoners’ rights were pillaged. Other files were destroyed too. According to Sahar Francis, there was no indication that the raid was carried out by Israeli occupying forces, however, nobody else had interest in doing so expect for them. The organisation sent a letter to the Israeli legal advisor at the so-called Civil Administration at the time to ask about the raid and request the return of their equipment. In their response, the Civil Administration did not deny that it was their forces who raided the office. They added that the computers and other equipment were being checked and would be returned. However, the equipment was never returned. This is one of the measures that the Israeli authorities use to hinder the work of Palestinian CSOs. Since then, the Israeli authorities have intensified the pressure against international donors and partners of Addameer, with the goal of drying its financial resources.

In 2019, Addameer office was raided again. The raid was carried out in a manner similar to the manners used in the previous raids. No one had been informed of the raid which was completely unjustified. Five laptops were confiscated. A piece of paper that contained description of the laptops poorly handwritten in Arabic was found at the reception desk. The organisation wrote again to the legal advisor in the so-called Israeli Civil Administration, but never received a reply. It became clear to the organisation’s administration and staff that the campaign against the organisation is planned and growing day by day. The raid took place after the organisation represented a group of university students and employees of other Palestinian organisations who had been arrested and subjected to brutal torture in Israeli prisons, such as Samer Arbeed, who reached the brink of death as a result of brutal torture. Addameer intervened legally to save his life following his transfer to the hospital 48 hours after his arrest. Israeli occupying authorities tried to prevent Addameer from carrying out its work in this case through different means, including by introducing new amendments to military orders to further restrict prisoners’ and detainees lawyer visits. Under one of the new amendments, a lawyer working for a human rights organisation can only represent a prisoner rather than group of prisoners who are allegedly accused of committing the same offence.¹⁶⁸

168 See Military Order number 1827, (an amndement of military order 1651).

At dawn hours of 18 August 2022, the office of the organisation was raided for the fourth time. When Ms. Sahar Francis woke up that day, she noticed a missed call on her mobile phone. She expected that it was a call from the Israeli occupying forces, as it was the same number that called her colleague informing her that they had tried to call Ms. Francis, that the office has been closed, and that they are not allowed to continue their work. Unlike the previous raids, Israeli occupying forces did not steal anything from the office. According to Ms. Francis, “they might have taken some posters of former and present prisoners and publications. Some of the posters were produced by other organisations and they represent prisoners’ struggle against administrative detention through hunger strike”.¹⁶⁹ The doors of the two opposite offices of the organisation were welded. This was the first time that they raid the other office on the opposite side, which mainly hosts the administrative and financial department and a meeting room. “The fact that they did not take any file or paper from the office of the accountant is indicative of the emptiness of their allegations regarding money laundering” says Ms. Francis.¹⁷⁰ She also believes that the main reason behind the campaign against Addameer “is the firm position that the organisation has embraced in defending the rights of Palestinian prisoners, its position from the Israeli military system as part of [Israel’s] settler-colonial regime, and its close follow-up on cases of hunger strikers, administrative detention and torture. Another reason to attack Addameer is its work with the International Criminal Court.” Addameer has sent communications that provide evidence to the ICC on crimes committed against Palestinian prisoners in Israeli prisons. Also, Addameer has been among the main organisations promoting the boycott of G4S security company for its involvement in violations of the rights of Palestinian prisoners.

¹⁶⁹ Interview with Sahar Francis, General Director of Addameer, 24 January 2023.

¹⁷⁰ *Ibid.*

4.3 Al-Haq

Al-Haq is a Palestinian non-governmental human rights organisation established in 1979 to protect and promote human rights and the rule of law in the occupied Palestinian territory. The work of the organisation is focused on monitoring and documentation of human rights violations and international crimes, human rights advocacy, accountability and justice, corporate responsibility, and capacity building in areas related to international humanitarian law, human rights law, criminal law. In order to carry out its advocacy and accountability work, Al-Haq documents human rights violations irrespective of the identity of the perpetrators. Documentation is carried out by field researchers who investigate incidents of human rights violations and prepare reports on these violations. Al-Haq is the West Bank affiliate of the International Commission of Jurists based in Geneva, and enjoys special consultative status with the UN Economic and Social Council. Al-Haq is also a member of many local and international coalitions, including the Palestinian NGO Network, the Palestinian Human Rights Organisations Council, Habitat International Coalition, Euro-Mediterranean Human Rights Network, and others. Al-Haq is the recipient of many international prizes, including the Carter-Menil Human Rights Foundation Prize and the Geuzenpenning Prize for Human Rights Defenders.¹⁷¹

Since its establishment, Al-Haq’s staff has faced various forms of attack and smear campaigns by the Israeli authorities, ranging from the imposition of travel bans, office raids, death threats and arbitrary detention of staff members,, including the current general director of the organisation, Mr. Shawn Jabarin, Zahi Jaradat, and others. In 2002, during the Israeli raid on Ramallah under the so-called “Operation Defensive Shiled”, the office of the organisation was raided and the media officer, Mr. Yaser Al-Disi, who was working in the office as part of a contingency plan that Al-Haq prepared at the time, was arrested and spent 3 months under administrative detention.¹⁷² Shawan Jabarin was subjected to arbitrary measures, including detention and

¹⁷¹ For further information about Al-Haq, see its website at: <www.alhaq.org>, last accessed 25 July 2023.

¹⁷² See Al-Haq, “Screaming in the Dark: Life in Israeli Jails”, 2002, available at: <https://www.alhaq.org/cached_uploads/download/alhaq_files/publications/Screaming_in_the_Dark___Life_in_Israeli_Detention.pdf>, last accessed 4 May 2023.

a travel ban imposed between 2006 and 2012.¹⁷³ He has also been targeted with smear campaign by so-called NGO Monitor, the Israeli Ministry of Strategic Affairs, as well as other movements that support Israel in Europe.

The campaign against the organisation began to intensify in 2015 following Palestine's accession to the Rome Statute of the International Criminal Court.¹⁷⁴ Since then, Al-Haq, jointly with other Palestinian partner organisations, increased its engagement with the Court by sending communications providing evidence on crimes perpetrated in the occupied Palestinian territory. The intensification coincided also with the EU labeling of settlement products, in which Al-Haq played a key role through its advocacy efforts. At that time, Al-Haq staff started receiving anonymous e-mails and phone calls, which aimed at raising doubts regarding the organisation's transparency and financial management and creating discontent and confusion within Al-Haq's staff members.¹⁷⁵ The staff of the organisation and its administration had strongly suspected that the source of these messages was the Israeli occupying authorities, despite the fact that the senders attempted to cover up the source by claiming that the letters originated from the Palestinian Authority, a matter that was expressly and strongly refuted by the Palestinian Authority in an official statement that was issued by the Negotiations Affairs Department.¹⁷⁶

The campaign against the organisation continued unabated. International partner organisations received e-mails claiming that Al-Haq was being investigated for fraud and financial lack of transparency.¹⁷⁷ Staff members started receiving telephone calls from blocked numbers to intimidate and terrorize them. Al-Haq chose initially not to respond to these attacks, but the campaign started to take a more dangerous form when staff member Ms. Nada Kiswanson, as well as other staff members, started receiving telephone calls threatening her life due to her work on issues related to the

173 See Palestine News & Info Agency, "Israel Blocks Rights Defender's Travel", 11 March 2009, available at: <<https://english.wafa.ps/Pages/Details/107567>>, last accessed 4 May 2023.

174 See Al-Haq, "Al-Haq Under Attack – Staff Member's Life Threatened" 3 March 2016, available at: <<https://www.alhaq.org/advocacy/6432.html>>, last accessed 8 May 2023.

175 *Ibid.*

176 *Ibid.*

177 *Ibid.*

International Criminal Court.¹⁷⁸ Dutch authorities investigated the incident with Ms. Kiswanson. Although not directly mentioned as the state behind the campaign, the result of investigation made Al-Haq even more convinced that the Israeli occupying authorities stood behind the death threats.

At a later stage of the campaign, reports attacking Al-Haq and Mr. Shawan Jabarin, were published by the Israeli Ministry of Strategic Affairs and Public Diplomacy and NGO Monitor. A report under the title of "Money Trial: European Union Financing of Organisations Promoting Boycotts against the State of Israel" was published on 25 May 2018 and was followed by a second edition by the Israeli Ministry of Strategic Affairs and Public Diplomacy.¹⁷⁹ The report attacks Palestinian organisations including Al-Haq and calls on the EU to stop "funding to NGOs with connections to terror groups."¹⁸⁰ To keep the smear campaign and the pressure alive on Al-Haq and partners, another report titled "Terrorists in Suits: The Ties between NGOs Promoting BDS and Terrorist Organisations" was published in February 2019 by the same Ministry.¹⁸¹ The smear campaign and incitement against Al-Haq continued in different forms, including incitement of international donors to stop funding the organisation. Al-Haq learned from many international friends about the pressure put on them to stop funding the organisation.

On 19 October 2021, Al-Haq, together with five other CSOs, was designated as a "terrorist organisation" upon a decision by the Israeli Minister of Defence Benni Gantz. This decision was followed by a military order issued by so-called "Commander of IDF Forces Judea and Samaria" Area, Yehuda Fox, on 3 November 2021, declaring the organisation as "unauthorized organization

178 Al-Haq, "Dutch paper highlights attacks against Al-Haq", 11 August 2016, available at: <<https://www.alhaq.org/advocacy/6395.html>>, last accessed 23 May 2023. The article is available here: <https://www.nrc.nl/nieuws/2016/08/10/mensenrechtenjurist-in-nederland-ernstig-bedreigd-3652110-a1515667?utm_source=SIM&utm_medium=email&utm_campaign=Vandaag&utm_content&utm_term=20160811>, last accessed 23 May 2023.

179 Ministry of Strategic Affairs and Public Diplomacy, "Money Trial: European Union Financing of Organisations Promoting Boycotts against the State of Israel", 2nd edition, February 2019, available at: <https://www.gov.il/BlobFolder/generalpage/money_trial/en/strategic_affairs_money_en.pdf>, last accessed 22 May 2023.

180 *Ibid.*

181 Ministry of Strategic Affairs and Public Diplomacy, "Terrorists in Suits: The Ties Between NGOs Promoting BDS and Terrorist Organisations" February 2019, available at: De-Legitimization Brochure. pdf <<https://www.gov.il>>, last accessed 23 May 2023.



A picture of the door of the Al-Haq's office closed with a slab of iron and a copy of military order attached.

according to the definition of the Defence Regulations.”¹⁸² On 18 August 2022, the main Al-Haq office in Ramallah was raided and closed. A metal sheet was welded on the door blocking entrance to the office and a copy of the military order closing the organisation was attached to it. “When we came to the office in the morning of that day, we found that people who were present after the closure of the organisation opened the door after the Israeli occupying forces had left. Like most of the targeted organisations, Al-Haq decided to continue

¹⁸² An unofficial English translation of the military order is attached to this paper as annex.

working as usual because the military order “is invalid”, said Shawan Jabarin.¹⁸³

Al-Haq has always called and worked for the imposition of sanctions on Israel. Also, it has urged states to uphold their legal obligations to ban products of settlement from entering international markets including by the passage of laws. For example, Al-Haq played an important role in pushing discussions at the Irish Parliament level to pass the occupied territories bill, which bans products of Israeli settlements from entering Irish market.¹⁸⁴ Al-Haq is in direct discussions with other countries to pass similar laws. This has been a source of annoyance to the occupying authority. Coupled with its work on accountability with the ICC, these efforts pushed the Israeli occupying authorities well beyond its limits, against which it employed different tactics in order to gradually suffocate the organisation, as explained above. “If Al-Haq’s work had been confined to issuing statements that condemn Israeli violations, it would not have been targeted. But because the organisation is serious in defending the rights of the Palestinian people and crossed what Israeli occupying authorities define as red lines, especially its work on accountability issues and the provision of deep legal analysis that shows Israel as a settler-colonial project, it is targeted” said Shawan Jabarin.

¹⁸³ Interview with Shawan Jabarin, General Director of Al-Haq, 21 January 2023.

¹⁸⁴ See, for example, Al-Haq, “Al-Haq Welcomes the Passing of the Occupied Territories Bill through Detailed Scrutiny and thanks Niall Collins, TD and Senator Frances Black for their Continued Commitment to the Bill”, 17 December 2019, available at: <<https://www.alhaq.org/advocacy/16308.html>>, last accessed 25 July 2023.

4.4 The Orient House

The Orient House was originally built as a villa for the Hussein family by Isma'il Mousa Al-Husseini, the Mufti of Al-Quds in 1897 in Al-Sheik Jarrah neighbourhood in Jerusalem.¹⁸⁵ In 1983, the building began housing the Arab Studies Society, which was headed by Faisal Al-Husseini. Following the Madrid peace conference in 1991, Faisal Al-Husseini, who was in charge of the Jerusalem portfolio in the Palestine Liberation Organisation (PLO) at the time, used the villa as the PLO headquarters and a place for national gathering for Palestinians in the city.¹⁸⁶ As an organisation, the Orient House aspired to develop East Jerusalem as the capital of the Palestine and was the only Palestinian organisation in the city to wave the Palestinian flag.¹⁸⁷ The Orient House offered Palestinians in Jerusalem social, economic and political support, and promoted cultural and economic development projects, in an attempt to compensate for the widespread deprivations caused by the ongoing military occupation of the city.¹⁸⁸

The Orient House was the subject of many Israeli attempts to curtail its activities especially after the occupying power started to see it as a symbol for Palestinian identity in the city. Thus, the organisation was closed by the Israeli occupying authorities in 1988 under security pretexts, but was reopened in 1992 and used as a place for meetings of Palestinians to discuss issues related to the final status of Jerusalem and as headquarters for multilateral negotiations.¹⁸⁹

On Friday, 10 August 2001, however, Israeli occupying forces raided the Orient House again and “confiscated all the computers, files, data and valuable confidential information regarding issues on Jerusalem, which were intended to be used in negotiations with the Israeli government”,¹⁹⁰ upon a directive

¹⁸⁵ See the Orient House website, available at: <<http://www.orienthouse.org/about/history.html>>, last accessed 23 July 2023.

¹⁸⁶ See the Orient House website, available at: <<http://www.orienthouse.org/about/>>, last accessed 14 May 2023.

¹⁸⁷ *Ibid.*

¹⁸⁸ *Ibid.*

¹⁸⁹ *Ibid.*

¹⁹⁰ *Ibid.*

signed by Prime Minister Ariel Sharon and Minister of Public Security, Uzi Landau, for six months.¹⁹¹ The closure decision was taken against the backdrop of the “Dolphinarium bombing” carried out by a Palestinian on 1 June 2001, which only constitutes a pretext for the Israeli occupying authorities to close Palestinian organisations.¹⁹² The closure period is renewable and the decision regarding this matter was left to the political echelon.¹⁹³ The closure order is renewed every six months and the organisation is still closed until the present day. For example, in 2017, the Israeli Minister of Public Security Gilad Erdan decided to extend the closure of the Orient House for another six months.¹⁹⁴ The closure took place despite Israeli assurances that activities of Palestinian organisations in Jerusalem would not be hindered.¹⁹⁵

The Orient House was shut down because it started to entrench Palestinian presence and identity in the city. “The Orient House was one of the important organisations that strived to preserve Palestinian presence and identity in Jerusalem, and that is specifically why it was targeted by Israeli occupying forces. And that is why the organisation was closed” said Manaf Abbas an activist from Jerusalem.¹⁹⁶ “What happened to the Orient House and its affiliate departments is still happening with other organisations in the city. Israel, the occupying power, counters any sign of Palestinian sovereignty and any organisation that enhances values related to the national identity of the Palestinian people”, he added.

¹⁹¹ Haaretz, “Police: Orient House Closed for 6 Months” 14 August 2001, available at: <<https://www.haaretz.com/2001-08-14/ty-article/police-orient-house-closed-for-6-months/0000017f-f61e-d460-aff-ff7e8bc70000?ts=1684907306556>>, last accessed 23 May 2023.

¹⁹² Haaretz, “Orient Closure Order- After Disco Bomb”, 13 August 2001, available at: <<https://www.haaretz.com/2001-08-13/ty-article/orient-closure-order-after-disco-bomb/0000017f-f5f9-d460-aff-ffff83030000>>, last accessed 25 May 2023.

¹⁹³ *Ibid.*

¹⁹⁴ Palestine News & Info Agency, “Israel extends “Orient House” closure for six months”, 14 February 2017, available at: <<https://english.wafa.ps/page.aspx?id=eTH15xa52387340379aeTH15x>>, last accessed 23 May 2023.

¹⁹⁵ Journal of Palestine Studies, “Arshifaat Bayt Al-Sharq Al-Manhoubah” (Arabic for Pillaged Archives of the Orient House), vol.13, Spring 2002, p. 111, available at: <https://www.palestine-studies.org/sites/default/files/mdf-articles/%D8%A3%D8%B1%D8%B4%D9%8A%D9%81%D8%A7%D8%AA_%D8%A8%D9%8A%D8%AA_%D8%A7%D9%84%D8%B4%D8%B1%D9%82_%D8%A7%D9%84%D9%85%D9%86%D9%87%D9%88%D8%A8%D8%A9.pdf>, last accessed 25 July 2023.

¹⁹⁶ Interview with Manaf Abbas, an activist from Jerusalem, 15 March 2023.

5 REACTION OF INTERNATIONAL ORGANISATIONS AND PARTNERS: WHAT COULD BE DONE BETTER?

The decision of the Israeli occupying authorities to designate the organisations as terrorist organisations and subsequently close them in 2021-2022 has been initially met with skepticism and was then condemned by many organisations globally. Amnesty International and Human Rights Watch described the decision as “appalling and unjust”.¹⁹⁷ They added that “[t]his decision is an alarming escalation that threatens to shut down the work of Palestine’s most prominent civil society organizations. The decades-long failure of the international community to challenge grave Israeli human rights abuses and impose meaningful consequences for them has emboldened Israeli authorities to act in this brazen manner”.¹⁹⁸ Likewise, UN Agencies and the Association of International Development Agencies (AIDA) issued a statement confirming that “[t]he decision is a further erosion of civic and humanitarian space and stands to significantly constrain the work of the six organisations which have worked with the international community, including the UN, for decades, providing essential services to countless Palestinians,” and continued by reaffirming that “[p]ast allegations of misuse of our funds by Palestinian civil society organization partners have not been substantiated.”¹⁹⁹ In a report issued in April 2021, the Observatory for the Protection of Human Rights Defenders stated that smear campaigns against Palestinian organisations have reached “alarming proportions and significantly undermine the ability of human rights defenders and NGOs to carry out their legitimate and crucial work.”²⁰⁰

197 Joint Statement by Amnesty International and Human Rights Watch, “Designation of Palestinian Rights Groups as Terrorist, Attack on the Human Rights Movement”, 22 October 2022, available at: <<https://www.hrw.org/news/2021/10/22/israel/palestine-designation-palestinian-rights-groups-terrorists>>, last accessed 11 February 2023.

198 *Ibid.*

199 Joint Statement, “UN agencies¹ and the Association of International Development Agencies² stand by civil society organizations in the occupied Palestinian territory”, 9 November 2021, available at: <<https://www.ochaopt.org/content/un-agencies-and-association-international-development-agencies-stand-civil-society-organisations-occupied>>, last accessed 11 February 2023.

200 The Observatory for the Protection of Human Rights Defenders, “Target Locked, Israel: smear campaigns to stifle human rights defenders from the Golan, Israel and Palestine”, April 2021, available at: <<https://target-locked-obs-defenders.org/>>, last accessed 4 February 2023.

The former United Nations Commissioner for Human Rights, Ms. Michelet Bachelet, rejected the Israeli designation decision and stated in a statement that “Israel’s decision to designate six Palestinian civil society organizations as ‘terrorist organizations’ is an attack on human rights defenders, on freedoms of association, opinion and expression and on the right to public participation, and should be immediately revoked.”²⁰¹ On 8 December 2021, nine UN Special Rapporteurs sent a letter to Mr. Josep Borrell Fontelles, the High Representative of the European Union for Foreign Affairs and Security Policy, in which they stated that “[s]ince the October designation, there has been a striking lack of evidence and transparency offered by Israel to justify its allegations. The best available public information indicates that Israel has not substantiated these charges, neither publicly nor to Western governments, which support, either directly or indirectly, the work of many of these organizations”, and added that “[s]hould Israel’s allegations against these Palestinians organizations remain unsubstantiated, they will still likely cause serious harm.”²⁰²

States also took a stand regarding the designations. On 12 July 2022, nine European governments including Belgium, France, Germany, Denmark, Italy, Ireland, Spain, the Netherlands and Sweden issued a joint statement in which they decided to continue their relations with the targeted organisations since “[n]o substantial information was received from Israel that would justify

201 Press release, UN High Commissioner for Human Rights Bachelet Calls Israel’s “Terrorism” Designation an Unjustified Attack on Palestinian Civil Society, 26 October 2021, available at: <<https://www.un.org/unispal/document/un-high-commissioner-for-human-rights-bachelet-calls-israels-terrorism-designation-an-unjustified-attack-on-palestinian-civil-society-press-release/>>, last accessed 11 February 2023.

202 Letter by mandates of the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the promotion and protection of human rights while countering terrorism, the Special Rapporteur on the right to peaceful assembly and association, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on trafficking in persons, especially women and children, the Special Rapporteur on violence against women, its causes and consequences, the Working Group on discrimination against women and girls, and the Working Group on Business and Human Rights to Josep Borrell, High Representative of the European Union for Foreign Affairs and Security Policy, regarding designation by the Government of Israel of Six Palestinian Groups as Terrorist Organisations, 8 December 2021, available at: <<https://www.ohchr.org/sites/default/files/2022-01/LetterHRJosepBorrell.8.12.2021.pdf>>, last accessed 11 February 2023.

reviewing our policy towards the six Palestinian NGOs”.²⁰³ Similar positions were taken by other governments, including Norway²⁰⁴ and the United States.²⁰⁵ On 2 November 2021, Irish Foreign Minister Simon Coveney stated the following: “We have asked for, as has the EU, the evidence basis for designating those NGOs;...[b]ut “we have not gotten any credible evidence to link the NGOs to terrorism, certainly not that I have seen”.²⁰⁶

In addition to governments’ reactions, on 2 December 2022, the six targeted organisations were awarded the Middle East Studies Association Award for Academic Freedom 2022,²⁰⁷ in honor of their decades-long “pursuit of academic freedom, courageous resilience, and contributions to the field of Middle East Studies”.²⁰⁸

With regard to the Palestinian organisations in Jerusalem, the European Union also reacted to their closure by Israeli occupying authorities. For example, the EU mission in Jerusalem and Ramallah issued a statement in which it expressed its deep “regret [for] the continued closure of the Orient House and the Arab Chamber of Commerce and Industry over the past 15

203 Haaretz, “‘Insufficient Evidence’: Nine EU Nations to Keep Ties With Palestinian NGOs Israel Blacklisted as Terrorist Groups”, 12 July 2022, available at: <<https://www.haaretz.com/israel-news/2022-07-12/ty-article/.premium/9-eu-nations-to-keep-ties-with-palestinian-ngos-israel-blacklisted-as-terrorist-groups/00000181-f349-daef-a79b-f7dfa4650000>>, last accessed 13 February 2023.

204 See Haaretz, “Norway Becomes 10th European State to Reject Israel’s Blacklisting of Palestinian NGOs”, <<https://www.haaretz.com/israel-news/2022-07-21/ty-article/.premium/norway-becomes-10th-european-state-to-reject-israels-blacklisting-of-palestinian-ngos/00000182-2137-d76f-a9ae-27bf592f0000>>, 21 July 2022, last accessed 13 February, 2023.

205 See Haaretz, “U.S. Says Israeli Info on Palestinian NGOs Not Enough, ‘Concerned’ Over Raids”, 18 August 2022, available at: <<https://www.haaretz.com/us-news/2022-08-18/ty-article/.highlight/u-s-says-israeli-info-on-palestinian-ngos-not-enough-concerned-over-raids/00000182-b234-d1ed-a38e-f6ffb4730000>>, last accessed 13 February 2023. See also, The Guardian, “CIA unable to corroborate Israel’s ‘terror’ label for Palestinian rights groups”, 22 August 2022, available at: <<https://www.theguardian.com/world/2022/aug/22/cia-report-israel-palestinian-rights-groups>>, last accessed 13 February 2023.

206 The Jerusalem Post, “Israel hasn’t given us evidence linking NGOs to terror, Irish FM says”, 2 November 2021, available at: <<https://www.jpost.com/israel-news/israel-hasnt-given-us-evidence-linking-ngos-to-terror-irish-fm-says-683844>>, last accessed 23 May 2023.

207 The Middle East Studies Association (MESA) is a non-profit association. See MESA website here: <<https://mesana.org/about/>>, last accessed 25 July 2023.

208 Al-Haq, “The Targeted Six Organizations Awarded the Middle East Studies Association Award for Academic Freedom 2022”, available at: <<https://www.alhaq.org/advocacy/20972.html>>, last accessed 13 February 2022.

years.”²⁰⁹ The EU stressed the “strong need” for Palestinian organisations to carry out their work as their absence affects the political, economic, social and cultural life of Palestinians in Jerusalem.²¹⁰

These reactions were received positively by the targeted organisations.²¹¹ However, organisations believe that more can and should be done in order to prevent further harm to and assaults on Palestinian civil society. Organisations believe that international partners, both governments and organisations, could have helped Palestinian civil society in general and targeted organisations in particular, if they had not imposed political conditions on funding and had taken into consideration the special conditions Palestinians are living under, i.e., prolonged military occupation and settler-colonial apartheid regime imposed on them. Palestinian civil society organisations have never opposed conditions that relate to carrying out their work in a highly professional manner and exercise the highest levels of financial transparency. However, political conditions, which, according to some writers came as a result of Israeli pressures on partners,²¹² are not acceptable.

According to officials in the Israel prime minister’s office “Israel has repeatedly raised its concerns over the financing of ... NGOs that, under the false pretenses of human rights, promote anti-Semitism, BDS and lawfare against Israel. In some cases, activists in these groups are members of designated terrorist organizations with past involvement in terrorism. Israel has asked the EU and European countries to stop supporting such groups and to demand a complete end to such activities before they donate further funds. In the case you have inquired about, there is clear proof that most

209 EU, Local EU statement on the continued closure of Palestinian institutions in East-Jerusalem, 9 August 2016, available at: <https://www.eeas.europa.eu/node/12408_en>, last accessed 15 May 2023.

210 *Ibid.*

211 Al-Haq, “Al-Haq Welcomes the Statement by UN Human Rights Experts Calling on Governments to Take Immediate Effective Steps to Protect the Six Designated Organisations”, 25 April 2022, available at: <<https://www.alhaq.org/advocacy/19956.html>>, last accessed 14 February 2023. See also the statement issued by the six organisations, “The Palestinian Six Civil Society Organizations Welcome Steps Taken by Several States and Lawmakers Against Israel’s Arbitrary Criminalization of Their Critical Work”, 20 July 2022, available at: <<https://www.alhaq.org/advocacy/20304.html>>, Last accessed 14 February 2023.

212 See Tariq Dana, “Criminalizing Palestinian Resistance: The EU’s Additional Condition on Aid to Palestine”, 2 February 2020, available at: <<https://al-shabaka.org/commentaries/criminalizing-palestinian-resistance-the-eu-new-conditions-on-aid-to-palestine/>>, last accessed 14 February 2023.

of the so-called human rights groups refuse to even accept the minimal condition of refraining from cooperating with designated terrorists.²¹³ This has made some to believe that the inclusion of the condition came as a result of Israeli pressures, a matter that drives these persons to believe that the move contributes to the shrinking space imposed on Palestinian organisations. Further, it has encouraged Israeli occupying authorities to go further with its campaign against Palestinian organisations.²¹⁴ Such conditions hinder the work of organisations, especially the ones that work to dismantle Israel's settler-colonial enterprise in all of its malefactions by legal means. Palestinian CSOs have always called for the implementation and enforcement of international law with regard to the Palestinian struggle without politicisation. Under international law, the Palestinian territory is an occupied territory to which international humanitarian law and human rights law apply.²¹⁵ Palestinians have a right to national liberation, to achieve their right to self-determination²¹⁶ and regain sovereignty over their natural resources.

Palestinian organisations have always expressed concern over the inclusion of such political conditions in partnership contracts and demanded that they be removed. This has been clearly expressed by Palestinian organisations in bilateral meetings with international partners,²¹⁷ where they called for the implementation and enforcement of international law with regard to the Palestinian struggle without politicisation. The source of concern does not only relate to the well-functioning of the organisations and the fulfillment of their mandates, but to the fact that such conditions deprive Palestinians of their right to resist the occupation as enshrined under international law. As clearly articulated by some scholars, the inclusion of the politically-motivated conditions “not only further restricts the freedom of Palestinian civil society, but also criminalizes Palestinian resistance even

213 The medialine, “Palestinian NGOs Refuse ‘New’ Terror-Related EU Funding Terms”, 1 June 2020, available at: <<https://themedialine.org/by-region/palestinian-ngos-refuse-new-terror-related-eu-funding-terms/>>, last accessed 23 February 2023.

214 Interview with Sahar Francis, General Director of Addameer, 24 January 2023.

215 There is an international consensus on this.

216 See article 1(4) of Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts, 8 June 1977.

217 Interview with Shawan Jabarin, General Director of Al-Haq, 21 January 2023.

in its most peaceful forms”.²¹⁸ “The addition must be situated in the context of ongoing Israeli colonization and the ability of its colonial enterprise to invent new mechanisms of control. The latest EU move has been a result of constant Israeli pressure on the EU to refrain from funding many Palestinian organizations, especially those engaged in revealing and reporting on Israeli colonial practices, human rights violations, and crimes.”²¹⁹

The EU says that this condition is not new. According to the spokesperson of the EU office, the new clauses are not really new and they are in line with EU policy since 2001 to avoid financing groups classified as terrorist organizations, stating that “[w]e don’t have a single name of a Palestinian persona, but only movements and armed wings. We are not asking them [the NGOs] to recognize any [Palestinian] political party as a terrorist group, but [only] to refrain from funding them in any way.”²²⁰ In spite of the explanation provided by the EU regarding the including of the clauses the EU’s definition of terrorism is *per se* problematic as it is politically-motivated and “echoes the Israeli perspective and therefore largely serves these interests to suppress Palestinian critical voices.”²²¹ Organisations and researchers expressed their concern over the a new funding criterion. Muhsen Abu Ramadan, a writer and former PNGO official stated that “... the danger in agreeing to these terms lies in excluding the legitimate struggle of the Palestine people from its international legal framework and including it in the circle of terrorism.”²²²

What happened with the six organisations and the other organisations that are based in Jerusalem warns that further aggressive illegal measures will

218 Tariq Dana, “Criminalizing Palestinian Resistance: The EU’s Additional Condition on Aid to Palestine”, 2 February 2020, available at: <<https://al-shabaka.org/commentaries/criminalizing-palestinian-resistance-the-eu-new-conditions-on-aid-to-palestine/>>, last accessed 23 February 2023.

219 Ibid.

220 The medialine, “Palestinian NGOs Refuse ‘New’ Terror-Related EU Funding Terms”, 1 June 2020, available at: <<https://themedialine.org/by-region/palestinian-ngos-refuse-new-terror-related-eu-funding-terms/>>, last accessed 23 February 2023.

221 Tariq Dana, “Criminalizing Palestinian Resistance: The EU’s Additional Condition on Aid to Palestine”, 2 February 2020, available at: <<https://al-shabaka.org/commentaries/criminalizing-palestinian-resistance-the-eu-new-conditions-on-aid-to-palestine/>>, last accessed 23 February 2023.

222 Al-Shabaka, “EU funding criterion accused of ‘criminalising Palestinian resistance’”, 4 February 2020, available at: <<https://al-shabaka.org/mentions/eu-funding-criterion-accused-of-criminalising-palestinian-resistance/>>, last accessed 10 February 2023.

be taken unless practical steps are taken by the international community to protect these organisations and ensure they continue to carry out their mandates. It is therefore imperative that international partners draw conclusions from this and remove the “anti-terror” clauses that are rejected by civil society organisations²²³ from their partnership contracts with Palestinian organisations. This has become a must in light of the Israeli occupying authorities’ failure to substantiate its claims and to establish any link between civil society organisations as such and so-called “terror organisations”. The only argument that the occupying power keeps invoking are based on “secret evidence”, which it refuses to disclose. This is utterly unacceptable and illegal, as it violates the right of the accused to fair trial and only proves that the Israeli occupying authorities do not have any reliable evidence to substantiate their claims.

223 The medialine, “Palestinian NGOs Refuse ‘New’ Terror-Related EU Funding Terms”, 1 June 2020, available at: <<https://themedialine.org/by-region/palestinian-ngos-refuse-new-terror-related-eu-funding-terms/>>, last accessed 23 February 2023 “The newly imposed clauses in EU contracts with Palestinian NGOs demand that contractors, subcontractors, those participating in their training workshops, and those obtaining financial support from them, exclude groups that appear on the EU terrorist organizations list, such as Hamas, Izzedine al-Qassam Brigades, Al-Aqsa Martyrs Brigade, Islamic Jihad, and the Popular Front for the Liberation of Palestine.”

6 LEGAL ANALYSIS

Palestinian organisations and human rights defenders have endured many forms of arbitrary and unlawful acts at the hands of the Israeli occupying authorities, and have therefore suffered from many violations of their human rights, including the right to freedom of expression and association, the right to free movement, the right to fair trial, pillage, the right to privacy, wilfully depriving a protected person of the rights of fair and regular trial, arbitrary detention, forcible displacement, among other rights. This may give rise to various international crimes prosecutable and punishable under international criminal law. These crimes entail individual criminal responsibility of the perpetrators. Among these crimes is the crime against humanity of persecution.²²⁴ Article 7 (2) (g) of the Rome Statute of the ICC defines persecution as “the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity”. This article requires that the acts are committed in connection with crimes enumerated in the same paragraph (Para 1 of article 7) or other criminal acts defined as crimes falling within the jurisdiction of the Court under the Statute. However, article 21 (1) of the Statute defines the law that the Court should apply as follow:

- a. In the first place, this Statute, Elements of Crimes and its Rules of Procedure and Evidence;
- b. In the second place, where appropriate, applicable treaties and the principles and rules of international law, including the established principles of the international law of armed conflict

Defining the applicable law under this article widens the scope of the legal framework that the court should apply to include customary international law which does not require a connection with other crimes to prosecute the

224 Article 7 (1) (h) of the Rome Statute reads “[p]ersecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court”.

crime of persecution.²²⁵ In other words, acts such as movement restriction, violation of the right to freedom of assembly and association, violation of the right to expression and opinion may qualify as persecution if committed discriminatorily on grounds enumerated in article 7 (1) (h) above. In view of this, these acts may amount to the against humanity of persecution under the Rome Statute of the International Criminal Court and are prosecutable by the Court. Other jurists and experts agree with this analysis and believe that this connection is not required by customary international law. Commenting on this, Antonio Cassese stated the following:

Article 7 is less liberal than customary international law with regard to one element of the definition of persecution. Under Article 7(1)(h), in order to fall under the jurisdiction of the ICC, must be perpetrated 'in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court'. It would seem that under customary international law, no such link is required.²²⁶

Cassese goes on to explain that "the phrase "in connection with" which appears in article 7 "is unclear and susceptible to many interpretations".²²⁷

²²⁵ Fausto Pocar, "Persecution as a Crime Under International Criminal Law", *Journal of National Security Law & Policy*, Vol. 2: 2008, pp.355-365, available at: <https://jnslp.com/wp-content/uploads/2010/08/04_pocar-finalpageproofs-12-17-08changesJCS012109.pdf>, last accessed 9 April 2023.

²²⁶ Antonio Cassese, "Crime against Humanity" in Antonia Cassese et al (eds), Oxford, 2009, p 367, cited in Amnesty, "International Law Commission: The Problematic Formulation of Persecution Under the Draft Convention on Crimes against Humanity" 2018, available at: <<https://www.amnesty.org/en/wp-content/uploads/2021/05/IOR4092482018ENGLISH.pdf>>, last accessed 30 March 2023.

²²⁷ Ibid.

The elements of the crime of persecution under the Rome Statute are the following:

3. The perpetrator severely deprived, contrary to international law, one or more persons of fundamental rights.
4. The perpetrator targeted such person or persons by reason of the identity of a group or collectivity or targeted the group or collectivity as such.
5. Such targeting was based on political, racial, national, ethnic, cultural, religious, gender as defined in article 7, paragraph 3, of the Statute, or other grounds that are universally recognized as impermissible under international law.
6. The conduct was committed in connection with any act referred to in article 7, paragraph 1, of the Statute or any crime within the jurisdiction of the Court.
7. The conduct was committed as part of a widespread or systematic attack directed against a civilian population.
8. The perpetrator knew that the conduct was part of or intended the conduct to be part of a widespread or systematic attack directed against a civilian population".

Reflecting on the incidents relating to the targeting of Palestinian organisations and human rights defenders, and based on facts explained above in this paper, it is clear that the targeting of Palestinian organisations entails acts that deprive persons working for these organisations of fundamental rights on grounds of their belonging to a national group and for working for the realization of the rights of this national group. While the targeting of these originations may be viewed as a targeting of the Palestinian people as a national group, the staff of these organisations who are defending the national rights of the group, chiefly the right to self-determination, have suffered. As explained above the campaign against Palestinian organisations and defenders is not new and reflects a state policy which is systematic and widespread, as it targets anyone who opposes Israel's settler-colonial project in Palestine irrespective of the means of

opposition, over long periods of time. The fact that these organisations and human rights defenders are targeted for merely opposing the regime, and regardless of the legal means used to oppose the regime, proves the Israeli occupying authorities' retaliatory motive behind its actions.

Subjecting Palestinian CSOs and human rights defenders to smear campaigns and acts of harassment and intimidation may constitute an inhuman act of the crime of apartheid. Article 2(f) of the International Convention on the Suppression and Punishment of the Crime of Apartheid lists the “[p]ersecution of organisations and persons, by depriving them of fundamental rights and freedoms, because they oppose apartheid” as one of the acts that qualify as apartheid within the meaning of article 2 of the Convention. This is especially relevant, since such acts are committed for the purpose of establishing and maintaining domination by Israeli Jews over the Palestinian people under Israel's settler-colonial apartheid regime imposed against Palestinians to systematically oppress them.

More specifically, the Israeli occupying authorities' attacks against Palestinian CSOs and human rights defenders for their engagement with the ICC, including the raids, closures, and confiscation of files and equipment, may amount to an offence against the administration of justice. Particularly, Article 70 (1) (c) of the Rome Statute lists “[c]orruptly influencing a witness, obstructing or interfering with the attendance or testimony of a witness, retaliating against a witness for giving testimony or destroying, tampering with or interfering with the collection of evidence;” as an offence against the administration of justice.

7 Recommendations

In view of the above and in conclusion, it might be confidently argued that the organisations are targeted to achieve an ultimate goal by the Israeli occupying authorities, i.e., entrenching Israel's settler-colonial enterprise. The acts committed in the course of the attempts to silence and cripple organisations amount to the crime of persecution that falls under the jurisdiction of the International Criminal Court and, as such, the following is recommended:

- International partners put pressure on Israel, the occupying power, to urgently rescind the designations to enable organisations to carry out their work normally.
- The prosecutor of the International Criminal Court concludes the years-long investigation into the situation in Palestine and include the persecution of organisations within the scope of his investigations. Meanwhile, the Prosecutor should issue preventative statement to deter Israeli occupying authorities from further escalating attacks against organisations. This is urgently needed in view of the important role played by organisations in providing evidence on crimes committed by Israeli occupying authorities, preserving evidence, and reaching victims and affected communities.
- International partners and states send official letters to banks and financial institutions requesting them not to deal with any Israeli claims against organisations in light of Israeli occupying authorities' failure to provide any substantial and solid evidence to support its claims against organisations.
- European Union and individual states to take action towards removing the “terrorism” clause from their partnership contracts concluded with Palestinian organisations, and to consider the root causes of the conflict that must be dealt with based on collective rights-based approach rather than political considerations.
- States individually and collectively to impose sanctions on the occupying power to primarily, dismantle its colonial enterprise in

Palestine, and -as a bare minimum- reinforce Palestinian Jerusalemites presence in the city, and help protect the identity, history and culture of Jerusalem.

8 ANNEX

The Israeli Defense Forces

Defense Regulations (Emergency), 1945

Declaration of an Unauthorized Organization

By virtue of my authority as Commander of the IDF forces in the Judea and Samaria area and in accordance with Regulation 84(1)(b) of the Defense Regulations (Emergency), 1945 (hereinafter: the "Defense Regulations") and the additional authority vested in me by law or security legislation, and upon concluding that the subject organization of this declaration is an arm of the organization "the Popular Front for the Liberation of Palestine," which is an unauthorized organization, and that this act is necessary for the purpose of protecting the security of the Area, the security of the State of Israel, public welfare and order, I hereby declare that every association called the "Al-Haq Institution" or "Al-Haq," whether incorporated or not, whether operating on the Internet or in another manner, including a group, cell, stream, institution, central branch or faction thereof, by whatever name it shall be called, including any association belonging to this stream, known by various pseudonyms, is an unauthorized organization according to the definition of the Defense Regulations. Any holder of property of the unauthorized organization mentioned above, is required to notify the Commander of the IDF forces in Judea and Samaria via the Office of the Legal Advisor for Judea and Samaria by phone: 02-997-7071/711, and by fax: 076-539-9689. Anyone who considers himself to be harmed by this declaration may submit his objections to me in written form through the Office of the Legal Advisor for Judea and Samaria within 14 days of the date of publication of this declaration.

28 of Cheshvan 5772

3 November 2021

Yehuda Fox, General

Commander of IDF Forces Judea and Samaria Area



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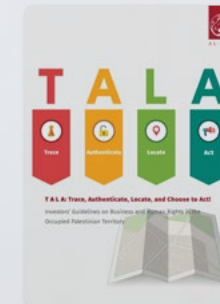
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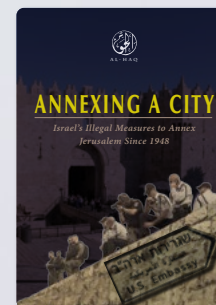
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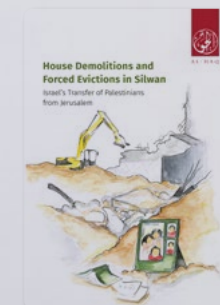
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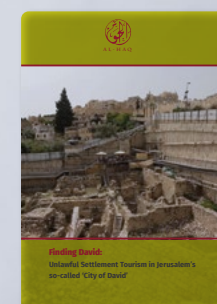
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SMART PHONES



 AL-Haq - 54 Main Street 1st & 2nd Fl. - Opp. Latin Patriarchate
Saint Andrew's Evangelical Church - (Protestant Hall)

 P.O.Box: 1413 - Ramallah - West Bank - Palestine

 Tel: +970 2 2954646/7/9

 Fax: +970 2 2954903

 www.alhaq.org



AL - HAQ

About Al-Haq

Al-Haq is an independent Palestinian non-governmental human rights organisation based in Ramallah in the Occupied Palestinian Territory (OPT). Established in 1979 to protect and promote human rights and the rule of law in the OPT, the organisation has special consultative status with the United Nations Economic and Social Council.

Al-Haq documents violations of the individual and collective rights of Palestinians in the OPT, irrespective of the identity of the perpetrator, and seeks to end such breaches by way of advocacy before national and international mechanisms and by holding the violators accountable. Al-Haq conducts research; prepares reports, studies and interventions on the breaches of international human rights and humanitarian law in the OPT; and undertakes advocacy before local, regional and international bodies. Al-Haq also cooperates with Palestinian civil society organisations and governmental institutions in order to ensure that international human rights standards are reflected in Palestinian law and policies. Al-Haq has a specialised international law library for the use of its staff and the local community.

Al-Haq is the West Bank affiliate of the International Commission of Jurists - Geneva, and is a member of the Euro-Mediterranean Human Rights Network (EMHRN), the World Organisation Against Torture (OMCT), the International Federation for Human Rights (FIDH), Habitat International Coalition (HIC), ESCR-Net – The International Network for Economic, Social and Cultural Rights, the Palestinian Human Rights Organizations Council (PHROC), and the Palestinian NGO Network (PNGO). In 2018, Al-Haq was a co-recipient of the French Republic Human Rights Award, whereas in 2019, Al-Haq was the recipient of the Human Rights and Business Award. In 2020, Al-Haq received the Gwynne Skinner Human Rights Award presented by the International Corporate Accountability Roundtable (ICAR) for its outstanding work in the field of corporate accountability.

