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NGO in Consultative Status with the Economic and Social Council of the United Nations



AL - HAQ

## **The Surveillance Industry and Human Rights: Israel's Marketing of the Occupation of Palestine**

**Submission to the UN Special Rapporteur on the Promotion and  
Protection of the Right to Freedom of Opinion and Expression**

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## Introduction

1. Since June 1967, Israel has occupied the West Bank, including East Jerusalem, and the Gaza Strip. Over the course of its over half century-long administration of the occupied Palestinian territory (OPT), Israel has developed and implemented countless policies and practices in order to harass, surveil, and control the protected Palestinian population. This has ranged from installing checkpoints, the Annexation Wall, and other barriers to movement, often with surveillance technologies, to holding Palestinians in detention on charges related to freedom of expression and opinion.<sup>1</sup>
2. This submission seeks to highlight how Israel's prolonged occupation, the use of the OPT as a "lab and a showroom,"<sup>2</sup> and various units of the Israeli Occupying Forces (IOF) are closely intertwined with its weapons and surveillance industries. The submission then details the Israeli company Elbit and the Mabat 2000 surveillance project in the Old City of Jerusalem. Al-Haq urges the Special Rapporteur to closely examine the Israeli arms and surveillance industry, its links to human rights abuses against the Palestinian population, as well as its connection to the targeting of human rights defenders, civil society, journalists, and others throughout the world.

### I. The Weapons & Cyber-surveillance Industries in Israel

3. In lieu of any real accountability for Israel's violations of international law, including those that may amount to international crimes, Israel has instead used its "expertise" at controlling Palestinian land and people as a selling point for its weapons and other technologies. For example, Israeli weapons manufacturers have used each assault against the occupied, besieged population in Gaza as a selling point, with one CEO of a weapons company stating, "After every campaign of the kind that is now taking place in Gaza, we see an increase in the number of customers from abroad."<sup>3</sup> Notably, manufacturers and the IOF cooperate in the development and adaptation of

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<sup>1</sup> See for example: Israel Arrests Palestinian Because Facebook Translated 'Good Morning' to 'Attack Them,' Haaretz, 22 October 2017, <https://www.haaretz.com/israel-news/palestinian-arrested-over-mistranslated-good-morning-facebook-post-1.5459427>

<sup>2</sup> Israeli organization Who Profits issued the report "A Lab and a Showroom: The Israeli Military Industries and the Oppression of the Great March of Return in Gaza" in June 2018. While the focus of the report was solely on Gaza, Israel's policy of using the entire OPT as a testing grounds for its weapons industry is well documented.

<sup>3</sup> For Israeli Arms Makers, Gaza War is a Cash Cow, Haaretz, 11 August 2014, <https://www.haaretz.com/gaza-war-is-arms-industry-cash-cow-1.5258893>



- weapons, including during operations.<sup>4</sup> Israel’s marketing of “field-tested” weapons against Palestinians has undoubtedly contributed to Israel becoming one of the top exporters of arms,<sup>5</sup> including to regimes known for their violations of human rights, including South Sudan and Myanmar.<sup>6</sup>
4. Alongside weapons, Israel has established itself as a leader in the cyber-security and surveillance industry, reportedly exporting \$6.5 billion in cyber-security products alone in 2016.<sup>7</sup> Similar to the close ties between Israeli military officers and weapons manufacturers, cyber-security companies are often founded by former members of “an elite division of the Israel Defense Forces known as Unit 8200.”<sup>8</sup> Unit 8200 is also known for its surveillance of Palestinians in the OPT and use of personal information, ranging from health concerns to sexuality, to “extort” individuals.<sup>9</sup> In 2018, Israel announced it would invest \$24 million in its cyber-security industry.<sup>10</sup> Also similar to the case of weapons, Israeli companies have sold cyber-surveillance technologies to governments and regimes which are then used to target activists, journalists, and perceived political opponents.
  5. Toronto-based Citizen Lab has extensively documented the use of Pegasus software by the Israeli company NSO “to target civil society” in “Bahrain, Kazakhstan, Mexico, Morocco, Saudi Arabia, and the United Arab Emirates,” while also being used “by other countries with dubious human rights records and histories of abusive behaviour by state security services.”<sup>11</sup> NSO software

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<sup>4</sup> Id.

<sup>5</sup> Trends in International Arms Transfers, 2017, Stockholm International Peace Research Institute, March 2018, available at [https://www.sipri.org/sites/default/files/2018-03/fssipri\\_at2017\\_0.pdf](https://www.sipri.org/sites/default/files/2018-03/fssipri_at2017_0.pdf)

<sup>6</sup> Israel Sold Advanced Weapons to Myanmar During anti-Rohingya Ethnic Cleansing Campaign, Haaretz, 24 October 2017, <https://www.haaretz.com/israel-news/israel-sold-arms-to-myanmar-during-ethnic-cleansing-campaign-1.5459614>; ‘Israel Would be Embarrassed if It Were Known It’s Selling Arms to These Countries,’ Haaretz, 7 August 2015, <https://www.haaretz.com/.premium-turning-blood-into-money-1.5383840>

<sup>7</sup> 6 Reasons Israel Became A Cybersecurity Powerhouse Leading The \$82 Billion Industry, Forbes, 18 July 2017, <https://www.forbes.com/sites/gilpress/2017/07/18/6-reasons-israel-became-a-cybersecurity-powerhouse-leading-the-82-billion-industry/#4ec4d877420a>

<sup>8</sup> How Israel became a leader in cybersecurity and surveillance, Miami Herald, 21 February 2017, <https://www.miamiherald.com/news/nation-world/national/article134016704.html>

<sup>9</sup> Intel troops: Why we won't serve in occupied territory, Ynet News, 9 December 2014, <https://www.ynetnews.com/articles/0,7340,L-4570337,00.html>

<sup>10</sup> Israel launches three-year program to boost cyber industry, Reuters, 15 August 2018, <https://www.reuters.com/article/us-israel-cyber/israel-launches-three-year-program-to-boost-cyber-industry-idUSKBN1L00VE>

<sup>11</sup> Hide and Seek, Tracking NSO Group’s Pegasus Spyware to Operations in 45 Countries, The Citizen Lab, 18 September 2018, <https://citizenlab.ca/2018/09/hide-and-see-tracking-nso-groups-pegasus-spyware-to-operations-in-45-countries/>



has most recently been linked to the murder of Saudi Arabian journalist Jamal Khashoggi.<sup>12</sup> It has been reported that NSO Group is owned by US-based “Francisco Partners and both Goldman Sachs and Blackstone are invested in it.”<sup>13</sup> Israeli-American company Verint Systems has also reportedly sold surveillance equipment that was used to target individuals in Peru and Uzbekistan, amongst other places.<sup>14</sup>

## II. Surveillance in the OPT

### *a. Elbit: Profiting from the Annexation Wall*

6. Elbit is an Israeli based manufacturer of military, security and surveillance equipment. Its surveillance technology is used in Israel’s Annexation Wall, which the International Court of Justice deemed as unlawful in a 2004 advisory opinion, as well as in Israeli settlements.<sup>15</sup> Elbit’s unmanned aerial vehicles (UAVs) are also documented as being used during West Bank raids, including in the course of arbitrary arrests, as well as “intelligence gathering operations in Gaza.”<sup>16</sup> Although pension funds,<sup>17</sup> most recently HSBC,<sup>18</sup> and others have divested from Elbit due to its contributions and links to human rights violations, the company continues to see its business grow, and along with other Israeli companies, had its stocks rise after the election of US President Donald Trump.<sup>19</sup>

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<sup>12</sup> The NSO Connection to Jamal Khashoggi, The Citizen Lab, 24 October 2018, <https://citizenlab.ca/2018/10/the-nso-connection-to-jamal-khashoggi/>

<sup>13</sup> <https://www.nybooks.com/daily/2019/01/04/exporting-the-technology-of-occupation/>; See also: Open Letter to Francisco Partners, The Citizen Lab, 1 November 2018, <https://citizenlab.ca/2018/11/open-letter-to-francisco-partners-continued-misuse-of-nso-groups-pegasus-technology/>; Facebook posts land Palestinian teens in administrative detention, DCI Palestine, 17 October 2016, <https://www.dci-palestine.org/facebook-posts-land-palestinian-teens-in-administrative-detention>

<sup>14</sup> With cheap Israeli spy tools, nations are ‘monitoring everyone,’ Times of Israel, 3 August 2016, <https://www.timesofisrael.com/with-cheap-israeli-spy-tools-nations-are-monitoring-everyone/>

<sup>15</sup> Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, 19 September 2012, A/67/379, para. 65, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N12/515/86/PDF/N1251586.pdf?OpenElement>

<sup>16</sup> Elbit Systems, WhoProfits, <https://whoprofits.org/company/elbit-systems/>

<sup>17</sup> Recommendation on the exclusion of the company Elbit Systems Ltd, Norwegian Government, 3 September 2009, <https://www.regjeringen.no/en/dokumenter/the-council-on-ethics-recommends-that-th/id575451/>

<sup>18</sup> BDS Victory: HSBC Divests From Elbit, War on Want, 27 December 2018, <https://waronwant.org/media/bds-victory-hsbc-divests-elbit>

<sup>19</sup> Israeli Firm That Fenced In Gaza Envisions A U.S.-Mexico Non-Wall, Vocativ, 27 April 2017, <https://www.vocativ.com/424500/israeli-firm-gaza-us-mexico-non-wall/index.html>



7. Notably, Elbit was profiting from US government contracts before President Trump's election. In March 2014, Elbit was "awarded a \$87m contract from the US Department of Homeland Security to produce and install surveillance systems for the US-Mexico border fence." In January 2016, Elbit was awarded a \$145 million dollar contract for an "Integrated Towers System" for the US-Mexico border.<sup>20</sup>

*b. Mabat 2000: Suffocating Jerusalem's Old City*

8. Israel has targeted the city of Jerusalem via unlawful annexation, beginning with the western part of the city in 1949 and continuing in 1967 to the eastern side of the city. As part of its annexation, Israel has implemented various policies in order to achieve its stated demographic objective of 70:30 Israeli Jews to Palestinians in the city. The Old City of Jerusalem represents a microcosm of these policies, where Israel seeks to create a coercive environment aimed at Palestinian transfer. Central to this is Israel's Mabat 2000 program.
9. Israel established "Mabat 2000," a system of 320-400<sup>21</sup> Closed-Circuit Television (CCTV) cameras placed throughout the Old City in 2000. The cameras can be "maneuvered 360 degrees to follow and track movements,"<sup>22</sup> while the software used allegedly predicts behavior based on algorithms.<sup>23</sup> In 2017, the Israeli government pledged to upgrade the system including with "facial recognition abilities, the ability to detect if an individual is carrying a weapon, including concealed weapons, and providing full profiles of individuals who walk through the streets of the Old City."<sup>24</sup> The cameras are monitored 24 hours a day, 7 days a week on "36 hi-tech touch screens," and the "system is constantly recording."<sup>25</sup> In 2013, it was stated that the presence

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<sup>20</sup> Elbit Systems wins homeland security contract, Reuters, 2 March 2014, <https://www.reuters.com/article/us-elbitsystems-arizona-contract/elbit-systems-wins-homeland-security-contract-idUSBREA2104K20140302>

<sup>21</sup> Jerusalem's Mabat 2000: Catching terrorists in the act, Ynetnews, 18 November 2015, <https://www.ynetnews.com/articles/0,7340,L-4727621,00.html>

<sup>22</sup> The Eyes of the Old City: 'Mabat 2000' Captures All, The Jerusalem Post, 18 June 2013, <https://www.jpost.com/National-News/The-eyes-of-the-Old-City-Mabat-2000-captures-all-316885>

<sup>23</sup> "Big Brother" in Jerusalem's Old City: Israel's Militarized Visual Surveillance System in Occupied East Jerusalem, Who Profits, November 2018, p.11

<sup>24</sup> "Big Brother," Who Profits, p.11-12

<sup>25</sup> Old City Hi-Tech Helps Israeli Police Prevent Crime, Jerusalem Post, 1 August 2016, <https://www.jpost.com/Israel-News/Old-City-hi-tech-helps-police-prevent-crime-462907>



of 320 cameras corresponds to one camera per every 125 permanent residents.<sup>26</sup>

10. Palestinian residents and shopkeepers in the Old City are keenly aware of the presence of the cameras. In a 2018 WhoProfits report, one resident was quoted as saying “the Old City, the streets and alleyways used to be our collective social spaces, our living rooms. Now, not only are our living rooms surveilled, but they can even see underneath our clothes. Our privacy and liberty are systematically deprived from us, to make us leave and stop resisting.”<sup>27</sup> This sentiment was reinforced by a shopkeeper, who stated “They don’t only want to watch us, they want us to know that they are watching at all time, that they are the controllers.”<sup>28</sup>
11. Importantly, Israeli and international businesses facilitate this comprehensive surveillance system, which is showcased as part of Israel’s training programs with police and other security forces globally.<sup>29</sup> After participating in such a program, the chief of the Atlanta Police Department in the United States reportedly established the city’s Video Integration Center, a “network of more than 5,300 both public and private cameras,” modeled after the Mabat 2000.<sup>30</sup>
12. Israeli company C. Mer Group was awarded the contract to install and maintain Mabat 2000,<sup>31</sup> while system hardware used includes that from: VideoTec, a private Italian company; Dahua Technology, a public Chinese company; and Evron Systems Ltd., a private Israeli company.<sup>32</sup> WhoProfits also documented cameras from Sony, a public Japanese company, were at Bab Al Amud.<sup>33</sup>

### III. Accountability and Business and Human Rights

13. In a 2012 report, former UN Special Rapporteur Richard Falk called on businesses to comply with the UN “Guiding Principles on Business and Human Rights, the Global Compact and relevant international laws and standards,

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<sup>26</sup> The Eyes of the Old City: ‘Mabat 2000’ Captures All, The Jerusalem Post, 18 June 2013, <https://www.jpost.com/National-News/The-eyes-of-the-Old-City-Mabat-2000-captures-all-316885>

<sup>27</sup> “Big Brother,” Who Profits p.12

<sup>28</sup> “Big Brother,” Who Profits p.13

<sup>29</sup> US law enforcement officials find security in Israel, Israel 21c, 25 June 2006,

<https://www.israel21c.org/us-law-enforcement-officials-find-security-in-israel/>

<sup>30</sup> Atlanta Police Host International Law Enforcement Officials, Liberty Voice, 24 August 2015,

<https://guardianlv.com/2015/08/atlanta-police-host-international-law-enforcement-officals/>

<sup>31</sup> “Big Brother,” Who Profits p.10

<sup>32</sup> “Big Brother,” Who Profits p.12-14

<sup>33</sup> “Big Brother,” Who Profits p.14





with respect to their activities connected with the Government of Israel and its settlements and wall in the occupied Palestinian territory, including East Jerusalem.”<sup>34</sup> In a 2014 statement, the UN Working Group on Business and Human Rights called on Israel and businesses to ensure that they are not contributing to human rights violations in the OPT, and settlements more specifically.<sup>35</sup> In 2016, the UN Human Rights Council passed resolution 31/36 calling for the establishment of a database of all business enterprises engaged in certain Israeli settlement activity. Nearly three years later, the database is yet to be published.

14. Countless statements have been issued by UN bodies and experts, who have documented human rights abuses by corporate entities present in the OPT, the latter having aided and abetted *inter alia* the ongoing colonization and annexation of Jerusalem. Human rights violations continue to persist at the hands of these corporate entities, and Palestinian victims are left with no recourse before the Israeli courts, who shield both corporate entities and individuals from criminal liability.<sup>36</sup> In this way, corporations presence and their ties to the OPT have become a selling point for weapons and surveillance manufacturers.

In light of the above, Al-Haq calls on the Special Rapporteur to:

- Pay particular attention to Israeli manufacturers of surveillance equipment, their connections to Israeli government authorities, and their ties to human rights abuses in the OPT and globally.
- Highlight the obligations of UN Member States and High Contracting Parties to the Geneva Conventions to ensure the protection of the occupied Palestinian population.
- Support the call for the publication of the UN Database on Business Enterprises with Activities in and Relationships with Israeli Settlements in the OPT.
- Call on businesses to ensure their respect for human rights, and conduct enhanced due diligence before operating in conflict-affected areas.

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<sup>34</sup> Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, 19 September 2012, A/67/379, para. 95, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N12/515/86/PDF/N1251586.pdf?OpenElement>

<sup>35</sup> Statement on the implications of the Guiding Principles on Business and Human Rights in the context of Israeli settlements in the Occupied Palestinian Territory, Mandate of the Working Group on the issue of human rights and transnational corporations and other business enterprises, 6 June 2014.

<sup>36</sup> See, Al-Haq, “Legitimising the Illegitimate” (2010), available at: <http://www.alhaq.org/publications/publications-index/item/legitimising-the-illegitimate>

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- Call for all states to stop importing weapons and surveillance equipment from Israel.