

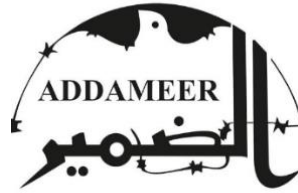
**Joint Submission to the United Nations Special Rapporteur on the Promotion and Protection of Freedom of Opinion and Expression, Ms. Irene Khan, in Response to a Call for Input on Disinformation and Freedom of Opinion and Expression**

**Submitted by:**

**Addameer Prisoner Support and Human Rights Association**

**Al-Haq, Law in the Service of Man**

**Al Mezan Center for Human Rights**



**AL - HAQ**

**مركز الميزان لحقوق الإنسان**

**Al Mezan Center for Human Rights**



**Date: 15 February 2021**

## 1. Introduction

1. Since the *Nakba* in 1948, Israel has instituted and designed a series of discriminatory laws, policies, and practices that constitute the legal foundation of its institutionalised regime of systematic dispossession, fragmentation, racial domination, and oppression over the Palestinian people as a whole, including Palestinians on both side of the Green Line and Palestinian refugees and exiles abroad.<sup>1</sup> This regime, which ultimately aims to deprive the Palestinian people of their inalienable rights, including their right to self-determination, amounts to *inter alia* the crime of apartheid under international law.<sup>2</sup>
2. A core element of the crime of apartheid is the intention of maintaining the regime.<sup>3</sup> One of the methods of achieving this is by silencing opposition to its widespread and systematic human rights violations committed against the Palestinian people, through intimidation and institutionalised harassment.<sup>4</sup> These measures, which include mass arbitrary detention, torture and other ill-treatment, widespread collective punishment, travel bans, punitive residency revocation, and deportation, ultimately create a climate of fear and intimidation for Palestinians.<sup>5</sup> In particular, these enacted policies and practices fall under Article II(f) of the 1973 International Convention on the Suppression and Punishment of the Crime of Apartheid (hereinafter the ‘Apartheid Convention’), which recognises the “[p]ersecution of organizations and persons, by depriving them of fundamental rights and freedoms, because they oppose apartheid” as an element of the crime of apartheid.<sup>6</sup>
3. Mindful of the legal obligations of Israel, the Occupying Power, the present submission, prepared by Addameer Prisoner Support and Human Rights Association, Al-Haq – Law in the Service of Man, and Al Mezan Centre for Human Rights (hereinafter the ‘organisations’), aims to address and document Israel’s attacks on Palestinian civil society organisations and human rights defenders, including the systematic smear and disinformation campaigns that, *inter alia*, violate the right to freedom of opinion and expression and ultimately aim to silence opposition to its unlawful policies and practises and maintain its apartheid regime. With our trust that it will be of use to the United Nations (UN) Special Rapporteur on the promotion and protection of freedom of opinion and expression (hereinafter the ‘Special Rapporteur’), this submission comes in response to a

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<sup>1</sup> Al-Haq, Al Mezan Center for Human Rights, Addameer Prisoner Support and Human Rights Association, BADIL Resource Center for Palestinian Residency and Refugee Rights, Civil Coalition for Palestinian Rights in Jerusalem, Cairo Institute for Human Rights Studies, and Habitat International Coalition, “Joint Parallel Report to the United Nations Committee on the Elimination of Racial Discrimination on Israel’s Seventeenth to Nineteenth Periodic Reports,” 10 November 2019, available at: <https://www.alhaq.org/advocacy/16183.html>, (hereinafter ‘Joint Parallel Report to the United Nations Committee on the Elimination of Racial Discrimination on Israel’s Seventeenth to Nineteenth Periodic Reports’).

<sup>2</sup> *Rome Statute of the International Criminal Court* (adopted 17 July 1998, entry into force 1 July 2002) 2187 UNTS 3, (hereinafter ‘Rome Statute’).

<sup>3</sup> Rome Statute, Article 7(2)(h).

<sup>4</sup> Joint Parallel Report to the United Nations Committee on the Elimination of Racial Discrimination on Israel’s Seventeenth to Nineteenth Periodic Reports, para. 122.

<sup>5</sup> Al-Haq and others, “Joint Parallel Report to the United Nations Committee on the Elimination of Racial Discrimination on Israel’s Seventeenth to Nineteenth Periodic Reports,” 10 November 2019, para. 122.

<sup>6</sup> *International Convention on the Suppression and Punishment of the Crime of Apartheid* (adopted 30 November 1973, entry into force 18 July 1976) A/RES/34/27, (hereinafter ‘Apartheid Convention’).

call for input issued by the Special Rapporteur ahead of her upcoming annual thematic report on disinformation and freedom of opinion and expression, which will be presented to the Human Rights Council at its 47<sup>th</sup> Regular Session in June 2021.<sup>7</sup>

## **2. Background**

4. Immediately following the Israeli occupation of the West Bank, including East Jerusalem, and the Gaza Strip, in what constitutes Occupied Palestinian Territory (OPT), the Israeli occupying authorities issued a series of military orders and three proclamations, the first of which announced the administrative takeover of the Israeli military and the powers of preserving public security and order, justifying itself as “in the interests of security and public order.” Proclamation Number 2 assured the continuity of a judiciary system, and declared the powers of the Military Commander of the Israeli occupying forces (IOF). Finally, Proclamation Number 3 put forth legal procedures of military courts, whereas Military Order 3 established the military courts, which were later re-established by Military Order 378 of 1970, which further defined their jurisdiction, and set out the applicable criminal code, by defining “security offenses” and regulating the rights of the detainees under military law.<sup>8</sup>
5. Utilising its discriminatory military judicial system, Israel has been using mass arbitrary arrest as a tool of repression and control of the occupied Palestinian people.<sup>9</sup> Under Military Order 101 of 1967,<sup>10</sup> every aspect of Palestinian life, including exercising civil activities, such as organising and participating in protests, taking part in assemblies or vigils, waving flags and other political symbols, and printing and distributing political material, is criminalised,<sup>11</sup> denying Palestinians their freedom of expression, amongst other rights.
6. Following the announcement of the United States Former President Donald Trump on 6 December 2017, recognising Jerusalem as the capital of Israel,<sup>12</sup> waves of protests erupted across the OPT, notably in East Jerusalem, which were violently suppressed by the IOF.<sup>13</sup>
7. On 14 December 2017, dozens of Jerusalemites gathered in front of the steps of Damascus Gate to pray, and afterwards chant slogans to condemn Trump’s announcement. The IOF immediately began to close the area surrounding the steps of the Gate, shutting the entry

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<sup>7</sup> OHCHR, “Report on disinformation,” available at:

<https://www.ohchr.org/EN/Issues/FreedomOpinion/Pages/Report-on-disinformation.aspx>.

<sup>8</sup> Addameer, “Military Courts in the Occupied Palestinian Territory,” 23 October 2018, available at:

<https://www.addameer.org/publications/military-courts-occupied-palestinian-territory>.

<sup>9</sup> Al-Haq, “Palestinian Prisoner’s Day: Israel’s Use of Arbitrary Detention as a Tool of Repression and Control of Palestinians,” 20 April 2018, available at: <https://www.alhaq.org/advocacy/6241.html>.

<sup>10</sup> Israeli Military Order 101 allows for a maximum 10 years imprisonment for participating in a gathering of more than 10 people that Israel deems political, publishing political material against the Israeli occupation or even raising the Palestinian flag.

<sup>11</sup> Addameer, “Israeli military orders relevant to the arrest, detention and prosecution of Palestinians,” July 2017, available at: [https://www.addameer.org/israeli\\_military\\_judicial\\_system/military\\_orders](https://www.addameer.org/israeli_military_judicial_system/military_orders).

<sup>12</sup> Mark Landler, “Trump Recognizes Jerusalem as Israel’s Capital and Orders U.S. Embassy to Move,” 6 December 2017, New York Times, available at: <https://www.nytimes.com/2017/12/06/world/middleeast/trump-jerusalem-israel-capital.html>.

<sup>13</sup> Al-Haq, “Suppression of Peaceful Assemblies in Jerusalem,” 23 December 2017.

points with metal barriers, and barring Palestinians from entering the Old City, with the exception of those proving residency there. Shortly thereafter, the IOF began removing protestors that were peacefully gathered on the steps using force and hitting them. The IOF then arrested seven protestors,<sup>14</sup> under the pretext of participating in an illegal sit-in and for raising Palestinian flags, and took them to the police station on Salah Al Din. According to the Palestinian Red Crescent, 26 Palestinians were injured that day as a result of the IOF's forcible dispersal.<sup>15</sup>

8. Following the relocation of the United States embassy to Jerusalem,<sup>16</sup> which constitutes a flagrant violation of the customary international law prohibition against not recognising an illegal situation as lawful, including the “inadmissibility of the acquisition of territory by force,”<sup>17</sup> Israel violently quashed peaceful protests and prevented protestors from peacefully assembling. Through stalling buses travelling to the location of the embassy, intimidating protesters including by taking pictures and videos of Palestinian participants who wanted to board the buses traveling to the embassy location, documenting bus drivers' licenses and registration numbers, and threatening to document the ID numbers and names of those boarding the buses, armed Israeli forces, including police and border police, attempted to silence Palestinian protestors.<sup>18</sup>
9. In occupied and illegally-annexed East Jerusalem,<sup>19</sup> Palestinians have a ‘permanent residency’ status, which Israel can revoke at will, for considerations including incitement to ‘terrorism’, a loosely defined term, which can cover almost any charge.<sup>20</sup> The collection of Palestinian ID numbers was intended to have a chilling effect and prevent Palestinians

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<sup>14</sup> The protestors were released on Tuesday, 19 December 2017.

<sup>15</sup> Wafa, “Update: 26 Palestinians injured during protest in Jerusalem,” 14 December 2017, available at: <https://english.wafa.ps/page.aspx?id=GxxDZZa95625479169aGxxDZZ>.

<sup>16</sup> Al-Haq, “Al-Haq Condemns Relocation of US Embassy to Occupied Jerusalem,” 14 May 2018, available at: <https://www.alhaq.org/advocacy/6218.html>.

<sup>17</sup> UN Security Council Resolution 2334, adopted 23 December 2006.

<sup>18</sup> Al-Haq, “Jerusalem: Israeli occupying Forces Prevent Peaceful Assembly and Forcibly Prevent the Display of Palestinian Flags,” 17 May 2018, available at: <https://www.alhaq.org/advocacy/6207.html>.

<sup>19</sup> “The illegal annexation of East Jerusalem was first brought about by an amendment to the Law and Administrative Ordinance 1948, passed on 27 June 1967, which held that the law, jurisdiction and administration of the state shall extend to any area of Eretz [Land] Israel designated order of the government. On 28 June 1967, the Israeli authorities used this amendment to place 30,000 dunums of the West Bank part of Jerusalem, including its Old City, under Israeli judicial and administrative control. On the same day, and using another amended law, the Israeli Municipality of West Jerusalem extended its borders over those same 30,000 dunums, bringing the Palestinians of East Jerusalem within its jurisdiction. The East Jerusalem Municipality was ordered to cease operations the next day, and Israel completed its annexation under the banner of integration of services.” See Al-Haq, “40 Years after the Unlawful Annexation of East Jerusalem: Consolidation of the Illegal Situation Continues through the Construction of the Jerusalem Light Rail,” 12 October 2010, available at: <http://alhaq.org/advocacy/topics/wall-and-jerusalem/144-40-years-after-the-unlawful-annexation-of-east-jerusalem-consolidation-of-the-illegal-situation-continues-through-the-construction-of-the-jerusalem-light-rail>.

<sup>20</sup> Prime Ministers Office, Security Cabinet Approves Series of Additional Measures to Deal with the Wave of Terrorism (14 October 2015), available at: [http://www.hamoked.org/files/2015/1159861\\_eng.pdf](http://www.hamoked.org/files/2015/1159861_eng.pdf). See also, HCJ 1635/16, *Abu Kaf et al. v. Government of Israel et al. Petition for Order Nisi*; Proposed Article 11(1)(e), Bill for the Entry into Israel Law (Amendment – Cancellation of Visa and Permanent Residence Permits of Terrorists and their Families after their Participation in Terrorist Activities) – 2016 [5776]. Submitted to the Knesset Chairman and deputies and presented to the Knesset table on the date of 21 March 2016 [11 Adar II, 5776].

from travelling to the embassy area, for fear their residency status might be revoked, whereupon they would become stateless.

10. Coinciding with the relocation of the United States embassy from Tel Aviv to Jerusalem, Palestinians in the Gaza Strip have been participating in mass grass root movement, which was later known as the Great Return March, in response to decades of Israeli oppression. Commencing on Land Day, on 30 March 2018,<sup>21</sup> Palestinians protested Israel's 13-year closure and blockade of the Gaza Strip, which has brought Gaza to the brink of collapse, and Israel's prolonged occupation, exemplified in its policies and measures to colonise and annex the OPT. The protesters also called for the realisation of their inalienable rights, in particular, their right to self-determination, including permanent sovereignty over natural resources, and the right of return of Palestinian refugees to their homes, lands, and property, who were expelled and displaced following the Nakba in 1948, and who constitute approximately 73 percent of the population in Gaza.<sup>22</sup>
11. Since 2007, Israel has maintained a comprehensive land, sea, and air blockade and closure over the Gaza Strip, imposing unlawful collective punishment over two million Palestinians. The closure, which has undermined all aspects of life in Gaza, denying Palestinians the enjoyment of all rights and freedoms, including their right to self-determination and right of return, has resulted in profound levels of poverty, aid dependency, food insecurity, and unemployment, as well as the collapse of essential services, including healthcare. Consequently, a human-made humanitarian crisis arose, which effectively led the UN to project Gaza as uninhabitable by 2020.
12. Frustrated by the systematic deprivation of their individual and collective rights, and the uninhabitable situation caused by Israel's closure regime, Palestinians protested on a near-weekly basis by Gaza's perimeter fence.
13. In light of their largely peaceful and non-violent nature, the Great March of Return demonstrations represented a legitimate exercise of the right to freedom of expression.<sup>23</sup> Yet, Israel's response to attempts to challenge its closure and blockade of Gaza, including through the Great March of Return since 30 March 2018, were met with unnecessary and disproportionate use of force and lethal force, because in essence, such challenges threatened the maintenance of Israel's apartheid regime and persecution that is

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<sup>21</sup> Land Day is annually commemorated by Palestinians since 1976, when Israeli Police killed six Palestinian citizens of Israel as they protested the State's expropriation of thousands of dunums of their land in the Galilee. *See, for example*, Al-Haq, "Joint Statement: On Land Day Civil Society Urge Accountability and End to Israel's Illegal Closure of Gaza," 30 March 2020, available at: <https://www.alhaq.org/advocacy/16657.html>; Al-Haq, "Al-Haq Reaffirms Rights-Based Root Causes of Great Return March at its One-Year Commemoration in the Gaza Strip," 30 March 2019, available at: <https://www.alhaq.org/advocacy/6078.html>; Rania Muhareb, "The Nakba 70 Years On: Israel's Failure to Erase Palestinian Collective Memory," Al-Haq, 15 May 2018, available at: <https://www.alhaq.org/advocacy/6215.html>; and Al-Haq, "Palestinian Land Day Observes Decades of Israeli Land Expropriation," 30 March 2005, available at: <https://www.alhaq.org/publications/7367.html>.

<sup>22</sup> UNRWA, Official Website, "Where we work" section, available at: [www.unrwa.org/where-we-work/gaza-strip](http://www.unrwa.org/where-we-work/gaza-strip)

<sup>23</sup> Al Mezan, "Attacks on Unarmed Protesters at the "Great March of Return" Demonstrations. A Two-Year Report from the Start of Demonstrations on 30 March 2018", April 2020, at: <https://www.mezan.org/en/uploads/files/15952354571567.pdf>.



implemented through the separation and fragmentation of the Palestinian people as a whole.

14. Between 30 March 2018 and the suspension of the demonstrations in March 2020, Palestinian human rights organisations documented the killing of 217 Palestinians, including 48 children, four health workers, two journalists, and eight persons with disability during the Great Return March. In the same period, thousands were injured by the IOF, including 9,515 with live ammunition and shrapnel, including 2,134 children.<sup>24</sup>
15. On 18 March 2019, the UN Commission of Inquiry on the 2018 protests in the OPT found reasonable grounds to believe that during the Great March of Return in Gaza, the IOF “killed and gravely injured civilians who were neither participating directly in hostilities nor posing an imminent threat to life.”<sup>25</sup> The Commission called on Israel to revise its rules of engagement for the use of live fire, which it found to be in apparent violation of international human rights law, and called on the Israeli occupying authorities to “[r]efrain from using lethal force against civilians, including children, journalists, health workers and persons with disabilities, who pose no imminent threat to life.”<sup>26</sup>
16. The Commission of Inquiry further called on Israel to lift the Gaza closure and to ensure that those injured during the Great Return March were granted prompt access to hospitals outside of Gaza,<sup>27</sup> however, the Israeli occupying authorities failed to implement these recommendations, demonstrating Israel’s pervasive impunity for widespread and systematic human rights violations committed against the Palestinian people, with this impunity embedded in Israel’s apartheid regime.
17. Israel has continued to resort to its long-established policies of excessive use of force, intimidation, and harassment, shirking its responsibility to protect and respect Palestinians’ right to freedom of expression, in order to maintain its apartheid regime. Palestinian civil society organisations and human rights defenders who monitor and document human rights violations and seek international justice, accountability and an end to Israel’s impunity for international crimes committed in the OPT, have also been targeted and attacked.

### **3. Systematic and Institutionalised Disinformation Campaign**

18. In an attempt to shrink civil society space, delegitimise, oppress, and dominate them, the Israeli government, through its Ministry of Strategic Affairs and in coordination with government-operated non-governmental organisations (GONGOs), has led a systematic,

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<sup>24</sup> Recent materials on the Gaza closure were compiled by Al-Haq, Al Mezan Centre for Human Rights, the Palestinian Centre for Human Rights (PCHR), and Medical Aid for Palestinians in a blog that marks 13 years of illegal Israeli closure. The blog, part of the Gaza2020 campaign, calls for the immediate lifting of the Gaza closure: <https://medium.com/@lifttheclosure/its-2020-lift-the-gaza-closure-c3f586611c11>.

<sup>25</sup> Human Rights Council, “Report of the detailed findings of the independent international Commission of inquiry on the protests in the Occupied Palestinian Territory,” 18 March 2019, UN Doc A/HRC/40/CRP.2, *Summary*.

<sup>26</sup> Human Rights Council, Report of the independent international commission of inquiry on the protests in the Occupied Palestinian Territory, 25 February 2019, A/HRC/40/74, paras. 119(a) and 119(b).

<sup>27</sup> *Ibid*, para. 122.

carefully orchestrated, and institutionalised smear disinformation campaign against Palestinian human rights organisations and defenders.

19. Critically, since 2015, that is, when the International Criminal Court (ICC) Prosecutor opened a preliminary examination into the Situation in Palestine, the attacks and harassment campaigns against staff members of Palestinian human rights organisations actively engaging in international justice mechanisms dramatically increased, with some receiving death threats directed at themselves and their families because of their work.
20. In 2016, coinciding with, and as a result of, the progress achieved at the ICC and decisions at the European Union (EU) level regarding the labelling of settlement products, Ms. Nada Kiswanson, Al-Haq's, Legal Advocacy Officer in the Hague at the time, and Mr. Shawan Jabarin's, Al-Haq's General Director, received death threats.<sup>28</sup> Delivering the death threat from a blocked number, the anonymous caller directly connected the death threat with Al-Haq's work regarding the ICC.<sup>29</sup>
21. This ongoing disinformation and smear campaign is often carried out in symbiosis with several Israeli government-affiliated organisations. It focuses, in large part, on vilifying both individuals and groups documenting Israel's 53-year occupation and colonisation of Palestine, as well as its apartheid regime over the Palestinian people, using inaccurate and false information. With the intended purpose of delegitimising their message, Israel and its surrogate organisations have branded Palestinian human rights defenders as "terrorists," falsely accused several Palestinian organisations of being involved or linked to "terrorism" or associated with the BDS movement, and improperly labelled Palestinian rights advocacy as "anti-Semitic."
22. Implemented and reasserted through many publications by both the Israeli government and Israeli GONGOs, this narrative is deliberately designed to obstruct and undermine the pursuit of international justice and accountability. In addition to the many hazards already highlighted above, one of the intended purposes of this campaign is to hinder the granting and allocation of funds from international donors to Palestinian organizations, thereby inevitably harming their key human rights and accountability work.
23. Since May 2018, the Israeli Ministry of Strategic Affairs has published several reports against organisations and named individuals, under the pretext of 'exposing' allegations of 'terrorist' affiliations and interrogating the funding sources of Palestinian and European

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<sup>28</sup> See, Al-Haq, "Al-Haq Under Attack – Staff Member's Life Threatened," 3 March 2016, available at: <http://www.alhaq.org/advocacy/6432.html>, Al-Haq, "Update: Attacks Against Al-Haq Continue," 4 June 2016, available at: <http://www.alhaq.org/advocacy/6408.html>, Al-Haq, "Dutch paper highlights attacks against Al-Haq," 11 August 2016, available at: <http://www.alhaq.org/advocacy/6395.html>, and ESCR-Net, "Al-Haq staff member faces ongoing death threats in connection with human rights defense for Palestinians," 2016, available at: <https://www.escrnet.org/news/2016/al-haq-staff-member-faces-ongoing-death-threats-connection-human-rights-defense>.

<sup>29</sup> Al-Haq, "Al-Haq Under Attack – Staff Member's Life Threatened," 3 March 2016, available at: <http://www.alhaq.org/advocacy/6432.html>.

civil society organisations which promote a “delegitimization and boycott campaign” against Israel.<sup>30</sup>

24. While there is yet no legal definition of terrorism in international law, the Israeli Ministry of Strategic Affairs’ reports use “terrorism” as an undefined term, in an ostensibly legal context, to attack organisations and individuals. Failing to put forward a methodology section that clarifies what is meant by the term “terrorism”, these reports rely on utilising it in a rhetorical and ultimately empty manner.<sup>31</sup>
25. The reports of the Israeli Ministry of Strategic Affairs, and other similar reports, deliberately distort and omit crucial information and fail to mention that Al-Haq General Director Shawan Jabarin was administratively detained without charge, during which time he was repeatedly tortured by Israeli officials.<sup>32</sup> Purposely ignoring these facts, the Israeli Ministry of Strategic Affairs continues to smear Mr. Jabarin, promoting hate speech and incitement against him.
26. Most recently, Al-Haq staff members, specifically Shawan Jabarin, have endured an online Israeli-led campaign of hate speech and incitement, which resulted in hate speech and death threats by Zionists and supporters. Initiated after Al-Haq marked its 40th anniversary, an event which brought together, *inter alia*, dozens of distinguished international diplomatic representatives, eminent academics and representatives from different UN and EU bodies, offices and international organisations, 4IL, the official social media account of Israel’s Ministry of Strategic Affairs and calls on members to “be on the front line of defense against Israel hate and antisemitism online,” publicised allegations and misinformation against Al-Haq and its General Director, allowing for unfiltered defamatory comments on its public platforms., including death threats.<sup>33</sup>
27. NGO Monitor, an Israeli proxy organisation that purports to be “an independent and nonpartisan research institute dedicated to promoting transparency and accountability of NGOs claiming human rights agendas, primarily in the context of the Arab-Israeli

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<sup>30</sup> See, The Israeli Ministry of Strategic Affairs and Public Diplomacy, “The Money Trail: the Millions Given by EU Institutions to NGOs with Ties to Terror and Boycotts against Israel,” May 2018, available at: <https://www.jewishvirtuallibrary.org/jsource/images/bdsmoneytrail.pdf>; The Israeli Ministry of Strategic Affairs and Public Diplomacy, “The Money Trail: European Union Financing of Organizations Promoting Boycotts against the State of Israel,” January 2019, The Israeli Ministry of Strategic Affairs, “Terrorists in Suits: the Ties between NGOs Promoting BDS and Terrorist Organizations,” February 2019, available at: [https://www.gov.il/BlobFolder/generalpage/terrorists\\_in\\_suits/en/DeLegitimization%20Brochure.pdf](https://www.gov.il/BlobFolder/generalpage/terrorists_in_suits/en/DeLegitimization%20Brochure.pdf), and The Israeli Ministry of Strategic Affairs and Public Diplomacy, “Terrorists in Suits: Bloody Money, European Funded Palestinian NGOs & their Terror Operatives,” May 2020.

<sup>31</sup> Al-Haq, “Submission to the United Nations Special Rapporteur on the Situation of Human Rights Defenders, Ms. Mary Lawlor, in Response to a Call for Input on the Killings of Human Rights Defenders,” 5 October 2020, para. 10.

<sup>32</sup> Anthony Lewis, “Abroad at Home; One Step for Justice,” New York Times, 27 February 1990, available at: <https://www.nytimes.com/1990/02/27/opinion/abroad-at-home-one-step-for-justice.html>.

<sup>33</sup> Al-Haq, “Submission to the United Nations Special Rapporteur on the Situation of Human Rights Defenders, Ms. Mary Lawlor, in Response to a Call for Input on the Killings of Human Rights Defenders,” 5 October 2020, paras 22-25.



conflict,”<sup>34</sup> is a leading entity of the ongoing disinformation campaign against Palestinian organisations, that nevertheless holds a special consultative status as an NGO with the UN Economic and Social Council (ECOSOC). NGO Monitor frequently publishes reports filled with inaccurate and false information on Palestinian civil society organizations, including Al-Haq, Al Mezan, and Addameer.<sup>35</sup>

28. In its “Al-Haq and GLAN’s Not-So-Subtle BDS Agenda: Analysis of Submission on ‘Business and Human Rights in Occupied Territory’” report, NGO Monitor continues its efforts to associate Al-Haq with the BDS movement.<sup>36</sup> Denying the Business and Human Rights legal framework Al-Haq assumes in its work, including with regards to corporate accountability,<sup>37</sup> in which Al-Haq is a prominent actor and has been recognized internationally for its work,<sup>38</sup> NGO Monitor continues to label Al-Haq as “a leader in BDS and lawfare campaigns targeting Israel, with its advocacy focusing on anti-Israel activities.”<sup>39</sup>
29. Al Mezan was also the subject of an online disinformation campaign by NGO Monitor, which, on 31 August 2020, issued a smear and intimidation publication titled “Al Mezan Center for Human Rights’ Ties to the PFLP Terror Group”, which contains entirely false, totally unfounded, and glaringly inaccurate allegations concerning Al Mezan staff-

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<sup>34</sup> NGO Monitor, Official Website, FAQs Section, available at: <https://www.ngo-monitor.org/about/faqs/>.

<sup>35</sup> See, for example, NGO Monitor, “Al-Haq”, last updated 17 September 2020, available at: [https://www.ngo-monitor.org/ngos/al\\_haq/](https://www.ngo-monitor.org/ngos/al_haq/), NGO Monitor, “Al Mezan Center for Human Rights”, available at: [https://www.ngo-monitor.org/ngos/al\\_mezan\\_center\\_for\\_human\\_rights/](https://www.ngo-monitor.org/ngos/al_mezan_center_for_human_rights/), NGO Monitor, “Addameer,” last updated 18 October 2020, available at: <https://www.ngo-monitor.org/ngos/addameer/>, NGO Monitor, “EU Funding to Terror-Linked Palestinian NGOs Since 2011,” 11 June 2020, available at: <https://www.ngo-monitor.org/reports/eu-funding-to-terror-linked-palestinian-ngos-since-2011/>, and NGO Monitor, “Key Issue: International Criminal Court (ICC) and NGOs”, available at: <https://www.ngo-monitor.org/key-issues/international-criminal-court-icc-and-ngos/which-ngos-are-involved-in-lobbying-the-icc/>.

<sup>36</sup> NGO Monitor, “Al-Haq and GLAN’s Not-So-Subtle BDS Agenda: Analysis of Submission on ‘Business and Human Rights in Occupied Territory,’” 10 September 2020, available at: <https://www.ngo-monitor.org/reports/al-haq-and-glanbds-agenda-business-human-rights/>.

<sup>37</sup> While Al-Haq supports the rights of other organisations and individuals to support the BDS movement, the organisation has never endorsed the 2005 call for BDS. Rather, Al-Haq continuously advocates for Third States to uphold their obligations under international law in relation to trade and investment with illegal Israeli settlements in the occupied West Bank, including East Jerusalem, including by taking measures to ensure that multinational corporations are not involved in gross human rights abuses, to protect and promote the rule of law, equal access to remedy and adequate accountability, and to protect against human rights abuses within their territory and/or jurisdiction by business enterprises. See, for example, Al-Haq, “Database Letters: Al-Haq Calls on Home States to Businesses Listed in the United Nations Database as Engaged in Activities with Israeli Settlements to Take Action,” 1 July 2020, available at: <http://www.alhaq.org/advocacy/17042.html>, and Al-Haq, “World Tourism Day: Al-Haq calls for Corporate Accountability for Adverse Human Rights Impacts on Palestinian Host Communities,” 26 September 2020, available at: <http://www.alhaq.org/advocacy/17360.html>.

<sup>38</sup> Al-Haq, “Al-Haq Receives the Gwynne Skinner Human Rights Award,” 1 October 2020, available at: <http://www.alhaq.org/advocacy/17372.html>, and Al-Haq, “Al-Haq Attends 8th Annual UN Forum on Business and Human Rights, Receives the Human Rights and Business Award,” 3 December 2019, available at: <http://www.alhaq.org/advocacy/16269.html>.

<sup>39</sup> NGO Monitor, “Al-Haq and GLAN’s Not-So-Subtle BDS Agenda: Analysis of Submission on ‘Business and Human Rights in Occupied Territory,’” 10 September 2020, available at: <https://www.ngo-monitor.org/reports/al-haq-and-glanbds-agenda-business-human-rights/>.

members and Al Mezan's alleged ties to proscribed organizations.<sup>40</sup> The deliberate aim of this publication was to intimidate individual human rights defenders as well as to undermine Al Mezan's credibility at the international level and to deter its donors.

30. Although Al Mezan has thoroughly refuted every single allegation in confidential correspondence with its donors, the Dutch Government had to reply to a parliamentary question targeting Al Mezan, which was based on the false information provided by NGO Monitor's defamatory report.<sup>41</sup> Moreover, in the months that followed, NGO Monitor continued its disinformation campaign against Al Mezan on various social media platforms, posting false information on Facebook<sup>42</sup> and Twitter.<sup>43</sup> In so doing, NGO Monitor further increased the spread of false information with the deliberate aim of directly harming Al Mezan's work and staff.
31. Similarly, in May 2020, the Jerusalem Center for Public Affairs, "a leading independent research institute specializing in public diplomacy and foreign policy,"<sup>44</sup> published a report aimed at discrediting the Prosecutor of the ICC, her Office, Al-Haq, Al Mezan, the Palestinian Centre for Human Rights and Al Dameer Association for Supporting Prisoners and Human Rights,<sup>45</sup> involvement in international justice mechanism by repeating the false and fabricated accusations made the Israeli government and its proxy organisations, including NGO Monitor.<sup>46</sup> It is also worth noting that this report is authored by a former Director-General of Israel's Ministry of Strategic Affairs and a former Secretary-General of the World Jewish Congress.
32. In addition to using GONGOs, the Israeli government, including its Ministry of Strategic Affairs, has deployed other means to further its disinformation campaign, including by lobbying foreign politicians, governments, and donors, urging and pressuring them to halt their funding to Palestinian organisations.
33. The Israeli Prime Minister, Benjamin Netanyahu, has repeatedly called on European government officials to halt their funding of Palestinian human rights organisations,

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<sup>40</sup> NGO Monitor, "Al Mezan Center For Human Rights' Ties to the PFLP Terror Group", 31 August 2020, at: <https://www.ngo-monitor.org/reports/al-mezan-center-for-human-rights-ties-to-the-pflp-terror-group/>

<sup>41</sup> Al Mezan, "Al Mezan welcomes Dutch government's dismissal of Israeli smear campaign", 21 October 2020 at: <http://mezan.org/en/post/23836>

<sup>42</sup> See, for example, NGO Monitor, Facebook page, post, available at: <https://www.facebook.com/NgoMonitor/posts/3357354840952593>, see also: <https://www.facebook.com/NgoMonitor/posts/3367382606616483>

<sup>43</sup> See, for example, NGO Monitor, Facebook page, post, available at: <https://twitter.com/ngomonitor/status/1300318474779136000>, see also: <https://twitter.com/ngomonitor/status/1321070977258786817>.

<sup>44</sup> The Jerusalem Center for Public Affairs, "About the Jerusalem Center for Public Affairs," available at: <https://jcpa.org/about/>.

<sup>45</sup> The aforementioned four organisations have submitted six substantial communications and and thousands of eyewitness files to the Office of the Prosecutor, along with an *amicus curiae* submission to the Pre-Trial Chamber in March 2020.

<sup>46</sup> The Jerusalem Center for Public Affairs, "Legal Assault: How the ICC Has Been Weaponized Against the U.S. and Israel," 5 May 2020, available at: <https://jcpa.org/legal-assault-how-the-icc-has-been-weaponized-against-the-u-s-and-israel/>.

including Al-Haq and Addameer, amongst other Palestinian civil society organisations, which he claimed were involved in “anti-Israel incitement and promoting boycotts of the Jewish state,”<sup>47</sup> and thanked Denmark for tightening the conditions for providing its funding.<sup>48</sup> Following this, he met with European officials, including the Norwegian, Irish, and Dutch foreign ministers, smearing the work of Al-Haq.<sup>49</sup>

34. In 2015, false letters, allegedly sent by the Palestinian Authority (PA), were sent to several European donors that funded Al-Haq, claiming that Al-Haq was being investigated by the consulting firm Ernst & Young for “financial irregularities, corruption, fraud and misuse of donations and 37 funds.” Later on, these allegations were refuted by the Ernst & Young and the PA.<sup>50</sup>
35. Israeli diplomats and representatives Israeli surrogate organisations such as United Nations Watch and NGO Monitor have also engaged in the silencing, harassment, and intimidation of representatives of Palestinian and regional human rights organisations engaging with UN human rights mechanisms and mandates, a practice that effectively mirrors the actual Israeli oppression Palestinians face on the ground. Such episodes have occurred at the 2017 UN Civil Society Forum, at the 41<sup>st</sup>, 42<sup>nd</sup> and 45<sup>th</sup> regular sessions of the UN Human Rights Council,<sup>51</sup> and during Israel’s review by the UN Committee on the Elimination of Racial Discrimination in December 2019. Notably, the latter episode was also addressed in the UN Secretary-General’s report on cooperation with the United Nations, its representatives and mechanisms in the field of human rights.<sup>52</sup>
36. In their engagement at the United Nations human rights mechanisms, Al Mezan staff-members have been subjected to verbal attacks and harassments by both Israel’s officials and its surrogate organisations intended at spreading disinformation about Al Mezan and

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<sup>47</sup> Middle East Monitor, “Netanyahu thanks Denmark for cutting aid to Palestinian NGOs,” 25 December 2017, available at: <https://www.middleeastmonitor.com/20171225-netanyahu-thanks-denmark-for-cutting-aid-to-palestinian-ngos/>.

<sup>48</sup> Israel Ministry of Foreign Affairs, “Denmark announces cessation of funding for Palestinian NGOs,” 24 December 2017, available at: <https://mfa.gov.il/MFA/PressRoom/2017/Pages/Denmark-announces-cessation-of-funding-for-Palestinian-NGOs-24-December-2017.aspx>.

<sup>49</sup> Herb Keinon, Greer Fay Cashman, “Netanyahu, Norwegian FM at odds over Palestinian NGO,” the Jerusalem Post, 7 January 2018, available at: <https://www.jpost.com/Arab-Israeli-Conflict/Netanyahu-Norwegian-FM-at-odds-over-Palestinian-NGO-533054>.

<sup>50</sup> *See, for example*, Human Rights Council, Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, UN Doc A/HRC/34/70, 13 April 2017, para. 40, Al-Haq, “Al-Haq Under Attack – Staff Member’s Life Threatened,” 3 March 2016, available at: <http://www.alhaq.org/advocacy/6432.html>, and FIDH/OMCT, “Ongoing smear campaign against Al-Haq staff members Mr. Shawan Jabarin and Ms. Nada Kiswanson,” 10 November 2017, available at: <https://www.fidh.org/en/issues/human-rights-defenders/israel-occupied-palestinianterritory-ongoing-smear-campaign-against#nh6-1>.

<sup>51</sup> *See* NGO Monitor, “NGO Monitor Analysis: 42nd Session of the UN Human Rights Council,” 30 October 2019, available at: <https://www.ngo-monitor.org/ngo-monitor-analysis-42nd-session-of-the-un-human-rights-council/>, and NGO Monitor, “NGO Monitor Analysis: 41st Session of the UN Human Rights Council,” 22 July 2019, available at: <https://www.ngo-monitor.org/ngo-monitor-analysis-41-session-of-the-un-human-rights-council/>.

<sup>52</sup> OHCHR, “Cooperation with the United Nations, its representatives and mechanisms in the field of human rights – Report of the Secretary-General,” 25 September 2020, A/HRC/45/36, para. 82.

at harming its work.<sup>53</sup> For instance, on 30 June 2017, following the UN Civil Society Forum organised by the Committee on the Exercise of the Inalienable Rights of the Palestinian People, in which a staff member of Al Mezan spoke, Ambassador Danny Danon, the Permanent Representative of Israel to the UN, gave a public statement in which he falsely claimed that “Al Mezan is an organization which cooperates with Hamas, an internationally recognised terror group”.<sup>54</sup>

37. Successively, in September 2020, during the General Debate for Item 9 at the 45<sup>th</sup> session of the UN Human Rights Council, representatives of the Permanent Mission of Israel to the UN interrupted a joint statement by Palestinian, regional and international human rights organisations condemning the imposition of apartheid on the Palestinian people by Israel and accused them of inappropriate language that contradicts UN standards.<sup>55</sup>
38. This institutionalised disinformation campaign by Israel and its proxy organisations did not remain unnoticed. In his March 2019 report to the UN Human Rights Council, Professor Lynk shared his particular concern regarding “the harmful practices employed by political leadership and States authorities in Israel to silence human rights defenders’ criticism of certain government policies. This includes verbal attacks, disinformation campaigns and de-legitimisation efforts, as well as targeting of civil society funding sources [...] Those accused included respected European and Palestinian organizations such as Al-Haq, the Palestinian Centre for Human Rights and Al-Mezan.”<sup>56</sup> Similar concerns were also expressed in a joint statement on behalf of 47 of the UN Special Procedures mandates that, in condemning Israel’s plans to *de jure* annex further parts of the OPT, underlined how “Palestinian and Israeli human rights defenders, who peacefully bring public attention to these violations, are slandered, criminalised or labelled as terrorists.”<sup>57</sup>

#### **4. Silencing of opposition**

39. To silence and delegitimise Palestinian human rights groups and defenders, Israel relies on both its official bodies—including its governmental, judicial, military and diplomatic apparatus—and various entities affiliated with the Israeli government. Over the years, Palestinian human rights groups and defenders have endured systematic intimidation and

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<sup>53</sup> See, for instance, NGO Monitor, “NGO Monitor Analysis: 41st Session of the UN Human Rights Council,” 22 July 2019, available at: <https://www.ngo-monitor.org/ngo-monitor-analysis-41-session-of-the-un-human-rights-council/>.

<sup>54</sup> UN Web TV, 29 June 2017, at: <http://webtv.un.org/watch/danny-danon-israel-on-terrorism-and-other-matters-security-council-media-stakeout-29-june-2017/5487255078001>

<sup>55</sup> Al Haq, “United Nations: Israel attempts to silence growing condemnation of its apartheid regime,” 10 October 2020, at: <https://www.alhaq.org/advocacy/17431.html>.

<sup>56</sup> OHCHR, Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, A/HRC/40/73, 15 March 2019, para. 24.

<sup>57</sup> OHCHR, “Israeli annexation of parts of the Palestinian West Bank would break international law – UN experts call on the international community to ensure accountability”, 16 June 2020, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25960>

attacks on them, including death threats;<sup>58</sup> arbitrary arrests;<sup>59</sup> travel bans and severe restrictions on freedom of movement;<sup>60</sup> punitive residency revocation,<sup>61</sup> forcible transfers and deportations;<sup>62</sup> harassments and intimidations—also on UN premises;<sup>63</sup> raids on offices;<sup>64</sup> cyber-attacks and hacking;<sup>65</sup> and online/offline defamation campaigns.<sup>66</sup>

40. The IOF raided the offices of Addameer Prisoner Support and Human Rights Association three times. The most recent being on 19 September 2019 during a dawn raid. The IOF partially destroyed the offices; ransacked filing cabinets and scattered files. In addition, they confiscated five laptops, memory cards, and other technical equipment. These raids aim to obstruct Addameer’s mission to defend Palestinian political prisoners. The first raid occurred in 2002 during the invasion of Ramallah, and the second was on 11 December 2012, in which the IOF confiscated five computers, a camera, a number of legal files as

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<sup>58</sup> See, for example, Al-Haq, “Al-Haq Under Attack – Staff Member’s Life Threatened,” 3 March 2016, at: <https://www.alhaq.org/advocacy/6432.html>, Al Mezan, “Al Mezan Condemns Continued Death Threats to Staff Members and Calls on the International Community to Intervene”, 11 August 2016, at: <http://www.mezan.org/en/post/21475/>, Frontline Defenders, “Death Threats Against Staff Members of Al Mezan Organisation,” 16 August 2016, at: <https://www.frontlinedefenders.org/en/case/death-threats-against-staff-members-al-mezan-organisation>.

<sup>59</sup> See, for example, Al-Haq, “Israel’s Policy of Arbitrary Arrest of Human Rights Defenders Continues,” 24 July 2008, available at: <http://www.alhaq.org/advocacy/7256.html>, and Al-Haq, “Israeli Attacks on Human Rights Defenders Must End,” 16 February 2010, available at: <http://www.alhaq.org/advocacy/7161.html>.

<sup>60</sup> See, for example, Al Mezan “PHROC Condemns Israeli Imposed Movement Restrictions and Travel Ban against Amnesty International Staff Laith Abu Zeyad”, 6 November 2019, at: <http://mezan.org/en/post/23601>, “PHROC Condemns Israel’s Policy of Silencing Those Who Raise the Voice of Justice,” 8 June 2020, available at: <http://www.alhaq.org/palestinian-human-rights-organizations-council/16957.html>.

<sup>61</sup> Al-Haq, “Punitive Residency Revocation: the Most Recent Tool of Forcible Transfer”, 17 March 2018, at: <https://www.alhaq.org/advocacy/6257.html>

<sup>62</sup> Human Rights Watch, “Israel Expels Human Rights Watch Director Today”, 25 November 2019, at: <https://www.hrw.org/news/2019/11/25/israel-expels-human-rights-watch-director-today>, Al-Haq, “PHROC Condemns Israel’s Order to Deport Human Rights Watch Director, Omar Shakir, as a Grave Violation of Right to Freedom of Expression, and Systematic Shrinking of Civil Society Space,” 23 May 2018, available at: <http://www.alhaq.org/advocacy/6199.html>.

<sup>63</sup> Human Rights Council, Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, 15 March 2019, A/HRC/40/73, para. 24.

<sup>64</sup> See, for example, Addameer, “Israeli Occupation Forces Raid Addameer’s Office and Steal its Belongings,” 19 September 2019, available at: <https://www.addameer.org/news/israeli-occupation-forces-raid-addameers-office-and-steal-its-belongings>; Al-Haq, “Al-Haq Condemns Israeli Occupation Forces Raid on Addameer Prisoner Support and Human Rights Association,” 20 September 2019, available at: <https://www.alhaq.org/advocacy/15199.html>; Amnesty International, “Israel ramps up assault on civil society with chilling raid on Palestinian NGO Addameer,” 19 September 2019, available at: <https://www.amnesty.org/en/latest/news/2019/09/israel-ramps-up-assault-on-civil-society-with-chilling-raid-on-palestinian-ngo-addameer/>, and Al-Haq, “Al-Haq condemns Israeli raids against Palestinian organisations in Ramallah,” 11 December 2012, available at: <https://www.alhaq.org/advocacy/6806.html>;

<sup>65</sup> See, for example, Human Rights Council, “Report of the Special Rapporteur on the situation of human rights in the Palestinians territories occupied since 1967, Michael Lynk,” 16 March 2017, A/HRC/34/70, para. 39, and Al Mezan, “Al Mezan Condemns Continued Death Threats to Staff Members and Calls on the International Community to Intervene”, 11 August 2016, at: <http://www.mezan.org/en/post/21475/>.

<sup>66</sup> Al-Haq, “Al-Haq submits a joint urgent appeal to the United Nations Special Procedures on the ongoing Israeli smear campaign against Al-Haq,” 24 August 2019, available at: <https://www.alhaq.org/advocacy/14857.html>.



well as posters of prisoners and detainees.<sup>67</sup> In 2019, the Israel Security Agency “Shabak” and the Israeli police successfully filed for a publication ban on a group of Palestinian detainees who were interrogated in Al-Mascobiyyeh interrogation centre. The ban prevented Addameer, along with other human rights organisations, from publishing any details on the nature and conditions of the extreme interrogation techniques to which the detainees were subjected. The ban was renewed multiple times spanning over three months. Nevertheless, the Shabak and Israeli media released information on the detainees to the public multiple times.

41. Israel employs its policy of mass incarceration of the Palestinian civilian population as a means to oppress and dominate the protected Palestinian population.<sup>68</sup> Since 1967, over 800,000 Palestinians have been detained under Israeli military orders, making up approximately 20 per cent of the total Palestinian population in the OPT and as much as 40 per cent of the total male Palestinian population.<sup>69</sup> As of January 2021, Israel continues to detain some 4,500 Palestinian political prisoners and detainees in 17 prisons, four interrogation centres, and four detention centres.<sup>70</sup>
42. On 30 July 2020, the Israeli occupying forces arrested Mahmoud Nawajaa, a 34-year-old Palestinian human rights defender and the coordinator of the Palestinian National Committee of the Boycott, Divestment and Sanctions (BDS) movement from his house in Abu-Qash village, near Ramallah in the occupied West Bank.<sup>71</sup> On 18 August 2020, the Salem Military Court, in the northern occupied West Bank, released Mahmoud without condition.<sup>72</sup>
43. Among the Palestinian political prisoners detained by the Israeli occupying authorities, 450 are administrative detainees, including five members of the Palestinian Legislative Council (PLC),<sup>73</sup> three women, and three children.<sup>74</sup> Children as young as 14 have been issued administrative detention orders and serve out their detention in the same facilities as adults.
44. Israel frequently and systematically uses administrative detention without charge or trial, one of the many aspects of Israel’s discriminatory judicial system, as a method of subjugation, intimidation, and control. The utilisation of this policy fluctuated over the years, steadily rising since the outbreak of the Second Intifada in September 2000, following the 2014 Israeli military escalation on Gaza, and after the recent escalation of

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<sup>67</sup> Addameer, “IOF Raid of Addameer Offices” 11 December 2012, available at:

<https://www.facebook.com/media/set/?set=a.10151616228375200.606291.82295125199&type=1>.

<sup>68</sup> Al-Haq, “Palestinian Prisoner's Day: Israel's Use of Arbitrary Detention as a Tool of Repression and Control of Palestinians,” 20 April 2018, available at: <https://www.alhaq.org/advocacy/6241.html>.

<sup>69</sup> Joint Parallel Report to the United Nations Committee on the Elimination of Racial Discrimination on Israel’s Seventeenth to Nineteenth Periodic Reports, para. 123.

<sup>70</sup> Addameer, Official Website, Statistics Section, available at: <http://www.addameer.org/statistics>.

<sup>71</sup> Al-Haq, “PHROC Condemns the Arrest of Human Rights Defender Mahmoud Nawajaa,” 6 August 2020, available at: <http://www.alhaq.org/palestinian-human-rights-organizations-council/17191.html>.

<sup>72</sup> Middle East Monitor, “Israel court releases BDS activist Mahmoud Nawajaa,” 18 August 2020, available at: <https://www.middleeastmonitor.com/20200818-israel-court-releases-bds-activist-mahmoud-nawajaa/>.

<sup>73</sup> Addameer, Official Website, Statistics Section, available at: <http://www.addameer.org/statistics>.

<sup>74</sup> Figures provided by Addameer Support and Human Rights Association, as of January 2021.

October 2015. Critically, the Israeli occupying authorities rely on administrative detention to arrest a large number of Palestinians, serving as a widespread tool of oppression and domination, forming part and parcel of Israel's institutionalised effort to silence Palestinians and to undermine any efforts seeking to challenge Israel's apartheid regime.<sup>75</sup>

45. Israel's utilisation of "secret information" for the purposes of administrative detention has been criticised by the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Professor Michael Lynk, who had previously warned that such a policy "is not in compliance with the extremely limited circumstances in which [administrative detention] is allowed under international humanitarian law."<sup>76</sup> Similarly, the UN High Commissioner for Human Rights has stated: "[g]iven the frequent invocation of vague security grounds and the use of secret evidence in the Occupied Palestinian Territory, it is often impossible to determine whether the detention is based on a legitimate ground."<sup>77</sup>
46. The Israeli occupying authorities further routinely employ and impose policies of travel bans and movement restrictions on those who raise opposition to its unlawful policies and practices against the Palestinian people, as a tactic to punish and silence Palestinian human rights defenders. For almost six years, soon after he was elected as the General Director of Al-Haq, Mr. Shawan Jabarin was banned from leaving the occupied West Bank.<sup>78</sup> Notably, the entire case against Mr. Jabarin was based on "secret information," which undermines and fundamentally violated his right to a fair trial. Similar restrictions were also imposed on a consultant for Al Mezan and on Mr. Issam Younis, Al Mezan's Director and Commissioner General of the Independent Commission for Human Rights in Palestine.<sup>79</sup>
47. With the approval of Israel's Supreme Court on 5 November 2019, Omar Shakir, the Director of Human Rights Watch Israel/Palestine, was deported on 25 November 2019 for his human rights work.<sup>80</sup> On 6 October 2019, the Israeli Interior Minister instructed the

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<sup>75</sup> Joint Parallel Report to the United Nations Committee on the Elimination of Racial Discrimination on Israel's Seventeenth to Nineteenth Periodic Reports, para. 124.

<sup>76</sup> OHCHR, UN Special Rapporteur on OPT calls on Israel to comply with international law on detention, 16 May 2017, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21624&LangID=E>.

<sup>77</sup> OHCHR, Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General, 21 February 2018, available at: <https://www.un.org/unispal/wp-content/uploads/2018/07/A-HRC-37-42.pdf>.

<sup>78</sup> Al-Haq, "Human rights organisations call on Israel to lift travel ban on Shawan Jabarin," 29 November 2011, available at: <http://www.alhaq.org/advocacy/6959.html>.

<sup>79</sup> Communication to the State of Israel by Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, AL ISR 12/2019, 28 August 2019, at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24813>

<sup>80</sup> See, for example, Al-Haq, "Statement: Israeli Court Orders the Deportation of Human Rights Watch Director Omar Shakir," 17 April 2019, available at: <http://www.alhaq.org/advocacy/6067.html>, Al-Haq, "PHROC Condemns Israel's Order to Deport Human Rights Watch Director, Omar Shakir, as a Grave Violation of Right to Freedom of Expression, and Systematic Shrinking of Civil Society Space," 23 May 2018, available at: <http://www.alhaq.org/advocacy/6199.html>, and, Human Rights Watch, "Israel: Supreme Court Greenlights Deporting Human Rights Watch Official," 5 November 2019, available at: <https://www.hrw.org/news/2019/11/05/israel-supreme-court-greenlights-deporting-human-rights-watch-official>.

legal department of the Population, Immigration and Borders Authority to prepare the legal framework for the revocation of Omar Barghouti's residency status, placing him at risk of deportation.<sup>81</sup> Omar Barghouti is a Palestinian human rights defender and co-founder of the BDS movement, who has been constantly targeted by Israel for his work calling for freedom, justice, and equality for the Palestinian people in accordance with international law.<sup>82</sup>

48. Most recently, Laith Abu Zeyad, a Palestinian human rights defender and a campaigner on the OPT and Israel with Amnesty International, has been prevented from travelling outside the occupied West Bank by the Israeli occupying authorities since 26 October 2019, for alleged and undisclosed "security reasons".<sup>83</sup> Notably, the entire case against Laith is based on "secret information," undermining his right to fair trial, which constitutes a violation of international human rights and humanitarian law. The presented material was examined by the Judge, while Laith's lawyer was denied any access to it, in violation of due process rights. Israel's utilisation of the "secret information" pretext, which is also widely used for the purposes of administrative detention, has been criticized and rejected by international organisations and experts.<sup>84</sup>
49. Utilising a different method of intimidation, the Israeli occupying authorities officially notified Salah Hammouri, a 35-year-old Palestinian-French human rights defender and lawyer with Addameer Prisoner Support and Human Rights Association, on 3 September 2020, of its intention to revoke his permanent residency rights in Jerusalem for so-called "breach of allegiance" to the State of Israel. Israeli occupying authorities have previously targeted Salah, including by banning him from accessing parts of the West Banks for 16 months, arbitrarily arresting him, and deporting his wife, Elsa Lefort, a French national, separating him from her and their five-year-old son.<sup>85</sup>
50. By creating the precarious status of "permanent residents" for Palestinians in occupied East Jerusalem, Israel has created a situation whereby entry into and residency in Jerusalem is a revocable privilege as opposed to a right. Residency revocation is the most common and

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<sup>81</sup> Al-Haq, "Omar Barghouti at Imminent Risk of Deportation as Israeli Interior Minister Initiates Proceedings to Punitively Revoke his Residency Status," 4 November 2019, available at: <http://www.alhaq.org/advocacy/16156.html>.

<sup>82</sup> Al-Haq, "Palestinian and regional groups send joint urgent appeal to UN special procedures warning against the imminent deportation of Omar Barghouti," 8 November 2019, available at: <http://www.alhaq.org/advocacy/16181.html>.

<sup>83</sup> See, for example Al-Haq, "PHROC Condemns Israeli Imposed Movement Restrictions and Travel Ban against Amnesty International Staff Laith Abu Zeyad," 6 November 2019, at: <http://www.alhaq.org/advocacy/16170.html>, and Al-Haq, "PHROC Condemns Israel's Policy of Silencing Those Who Raise the Voice of Justice," 8 June 2020, at: <https://www.alhaq.org/palestinian-human-rights-organizations-council/16957.html>.

<sup>84</sup> See Office of the High Commissioner for Human Rights, UN Special Rapporteur on OPT calls on Israel to comply with international law on detention, 16 May 2017, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21624&LangID=E>, and, Office of the High Commissioner for Human Rights, Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General, 21 February 2018, available at: <https://www.un.org/unispal/wp-content/uploads/2018/07/A-HRC-37-42.pdf>.

<sup>85</sup> Al-Haq, "Human Rights Organisations Send Urgent Appeal to UN Special Procedures on the Imminent Threat of Forcible Transfer of Salah Hammouri," 5 October 2020, available at: <https://www.alhaq.org/advocacy/17385.html>.

direct tool used to transfer protected Palestinians from occupied East Jerusalem.<sup>86</sup> Over the years, Israel has gradually expanded the criteria for the revocation of residency rights, including more recently on punitive grounds.

51. Since 7 March 2018, based on the Entry into Israel Law of 1952 and Amendment No.30 to the Citizenship and Entry into Israel Law, the Israeli Minister of Interior has been granted broad discretion to revoke Palestinians' residency status, further threatening the transfer of Palestinians from Jerusalem, as a punitive measure.<sup>87</sup> According to the Law, as amended, "breach of allegiance" is defined as committing, participating in, or incitement to commit a terrorist act, or belonging to a terrorist organisation, as well as committing acts of treason or aggravated espionage. Justified by the vague and illegal ground of "breach of allegiance" to the State of Israel, the practice of punitive residency revocation, which amounts to unlawful collective punishment,<sup>88</sup> is based solely on the Israeli Interior Ministers' interpretations that the resident "has committed an act which is considered a breach of loyalty to the State of Israel."<sup>89</sup>
52. Israel's policy of revoking Palestinian residency rights in East Jerusalem violates Article 43 of the Hague Regulations and Article 64 of the Fourth Geneva Convention, which stipulate that the Occupying Power may not act as a sovereign legislator or extend its own legislation over the occupied territory.<sup>90</sup> Moreover, the criterion of allegiance to Israel is illegal, as international humanitarian law explicitly forbids the Occupying Power from demanding allegiance from the occupied population, as stated in Article 45 Hague Regulations and Article 68(3) of the Fourth Geneva Convention.<sup>91</sup>
53. In a webinar highlighting the Israeli-harassment of Salah Hammouri, and the broader context of these attacks, Professor Michael Lynk, reminded Israel and the international community that "international law is not meant to be an umbrella that folds up at the first hint of rain."<sup>92</sup>
54. Israel has worked tirelessly to silence and delegitimise human rights defenders raising their voice against its systematic oppression of the Palestinian people and rampant human rights violations, to maintain its apartheid regime. With the same intention, Israel further attacks Palestinian, Israeli and international civil society organisations documenting and reporting

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<sup>86</sup> Al-Haq, "Residency Revocation: Israel's Forcible Transfer of Palestinians from Jerusalem," 3 July 2017, available at: <https://alshabaka.org/releases/residency-revocation-israels-forcible-transfer-palestinians-jerusalem/>.

<sup>87</sup> Al-Haq, "Palestinian and regional groups send joint urgent appeal to UN special procedures warning against the imminent deportation of Omar Barghouti," 8 November 2019, available at: <http://www.alhaq.org/advocacy/16181.html>.

<sup>88</sup> Human Rights Council, Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, 15 July 2020, available at: [https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session44/Documents/A\\_HRC\\_44\\_60.pdf](https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session44/Documents/A_HRC_44_60.pdf).

<sup>89</sup> Entry into Israel Law (Amendment No. 30) of 2018, available in English (unofficial translation) at: [http://www.alhaq.org/cached\\_uploads/download/alhaq\\_files/images/thumbnails/images/stories/Images/1201.pdf](http://www.alhaq.org/cached_uploads/download/alhaq_files/images/thumbnails/images/stories/Images/1201.pdf).

<sup>90</sup> Hague Convention (IV) Respecting the Laws and Customs of War on Land and Its Annex: Regulations Concerning the Laws and Customs of War on Land (adopted 18 October 1907, entry into force 26 January 1910) (henceforth the "Hague Regulations") Article 43, Hague Regulations, and Article 64, Fourth Geneva Convention.

<sup>91</sup> Article 45, Hague Regulations, and Article 68(3), Fourth Geneva Convention.

<sup>92</sup> Al-Haq, "Civil Society Organize Webinar "HRD Salah Hammouri at Imminent Threat of Deportation from Jerusalem: Israel Must Be Held Accountable,"" 15 December 2020, at: <https://www.alhaq.org/advocacy/17650.html>.

Israel’s systematic, widespread and gross human rights violations and apparent war crimes and crimes against humanity against the occupied Palestinian people—that include the imposition of an overarching apartheid regime—and working towards achieving international legal justice and accountability.

## **5. Conclusion and Recommendations**

55. Considering the above, it can be ultimately concluded that the Israeli occupying authorities, along with its proxy organisations, are consistently engaged in a concerted smear and disinformation campaign aimed at harming both individuals and organisations defending Palestinian rights, including through the deliberate spread of so-called “fake news”.
56. In particular, the measures adopted by Israel to silence opposition are in flagrant violation of a wide set of human rights, foremost the right to freedom of opinion and expression. Indeed, the ongoing orchestrated spread of misinformation by Israel is yet another way in which the Occupying Power puts freedom of expression in serious jeopardy. Intended to maintain apartheid over all Palestinians and to delegitimise the work of human rights defenders and organisations that advocate for Palestinian rights, these Israeli measures are also fuelled by racist hate speech and incitement to racial hatred and violence, and will continue to be utilised as long as Israeli impunity persists.
57. Highlighting Israel’s failure to adhere to its legal obligations under the Declaration on Human Rights Defenders, Professor Lynk, observed: “[a]s the occupation becomes further entrenched,” human rights defenders “will continue to be among the prime targets of those who are intolerant of their criticisms, yet alarmed by their effectiveness.”<sup>93</sup>
58. Following the landmark decision of the Pre-Trial Chamber of the ICC affirming that the Court has full territorial jurisdiction over the OPT, the undersigned organisations fear that, if not countered, Israel’s attacks and disinformation campaign against Palestinian, Israeli and international human rights organisations and defenders engaging with the Court will inevitably increase.
59. Accordingly, the undersigned organisations offer Special Rapporteur Khan the following recommendations:
  - i. Examine Israel, as Occupying Power, and the manner in which it spreads fake news and false information about human rights organisations and defenders both online, including on social media platforms, and offline, particularly through its Ministry of Strategic Affairs and government-affiliated organisations; and include the results of such examinations in the Special Rapporteur’s annual thematic report to be presented to the Human Rights Council at its 47th session in June 2021;
  - ii. Urge Israel to immediately and unconditionally cease any and all practices and policies intended to harass, intimidate and silence human rights defenders and

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<sup>93</sup> Human Rights Council, Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, UN Doc A/HRC/34/70, 13 April 2017, para. 64.



organisations, not only through disinformation campaigns, but also through arbitrary detention, torture and other ill-treatment, institutionalised hate speech and incitement, residency revocation, deportations, and other coercive or punitive measures;

- iii. Publicly call for international justice and accountability for Israel’s war crimes and crimes against humanity, including its apartheid regime, by publicly supporting the recent decision of the Pre-Trial Chamber of the ICC,<sup>94</sup> and urging the Prosecutor to immediately begin, without any further delay, a full, thorough, and comprehensive ICC investigation into the Situation in the State of Palestine. Specifically call on third States to comply with their humanitarian law obligations under Article 1 of the Fourth Geneva Convention and Rome Statute obligations to fully cooperate with the Office of the Prosecutor of the International Criminal Court.
- iv. Engage with online platforms such as Facebook to ensure that posts containing death threats and misinformation about human rights defenders are removed and that Facebook and other online platforms adhere to their human rights responsibilities.
- v. Highlight the root causes underpinning Israel’s disinformation campaign and quashing of the freedom of opinion and expression in the Occupied Palestinian Territory, and call for an end to the 14-year land and naval closure of the Gaza Strip, an end to the 53-year occupation of the West Bank including East Jerusalem and the Gaza Strip, and an end to the 73-year apartheid on both sides of the Green Line.

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<sup>94</sup> Al-Haq, “Landmark Decision of the Pre-Trial Chamber of the International Criminal Court Welcomed by Human Rights Organizations, 6 February 2021, available at: <https://www.alhaq.org/advocacy/17878.html>.