



General Assembly

Distr.: General
XX February 2021

English only

Human Rights Council

Forty-six session

22 February–19 March 2021

Agenda item 3

Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Joint written statement* submitted by Al-Haq, Law in the Service of Man, Al Mezan Centre for Human Rights, Cairo Institute for Human Rights Studies, Palestinian Centre for Human Rights, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[01 February 2021]

* Issued as received, in the language(s) of submission only.

Silencing Opposition and Shrinking Civil Society Space in Palestine

Since the Nakba in 1948, Israel has instituted and designed a series of discriminatory laws, policies, and practices, which 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, which amounts to the crime of apartheid under international law (1).

Israel has aggressively and actively pursued a policy of silencing opposition to apartheid policies through intimidation and institutionalised harassment to shrink space for Palestinian civil society. These policies and measures, which include death threats, mass arbitrary detention, torture and other ill-treatment, widespread collective punishment, travel bans, punitive residency revocation, deportation, and Government-led smear campaigns, ultimately create a climate of fear and intimidation for Palestinians (2).

Intended to maintain apartheid over all Palestinians and to delegitimise the work of human rights defenders and organisations that advocate for Palestinian rights and call for international justice and accountability, these Israeli measures are fuelled by racist hate speech and incitement to racial hatred and violence, and will continue to be utilised as long as Israeli impunity persists.

Palestinian Human Rights Defenders: Systematically Harassed and Targeted

The Israeli occupying authorities, through official bodies within the Israeli government, such as the Ministry of Strategic Affairs, have pursued a campaign of intimidation, harassment, and delegitimation targeted at Palestinian human rights organisations and defenders, including by coordinating efforts with several Israeli government-operated organisations (3) to carry out ongoing, systematic, and organised attacks, amounting to a concerted smear campaign against civil society, in an attempt to defame and construct a key narrative linking Palestinian human rights defenders with ‘terrorism,’ as well as directly targeting the organisations’ funding in order to undermine their human rights and accountability work (4).

Israeli government-led smear campaigns have utilised different tactics including death threats against Palestinian human rights activists and defenders, to intimidate and silence them. These tactics include, inter alia, widespread arbitrary detention, systematic torture and ill-treatment, travel bans, punitive residency revocation, and deportation. For example, Shawan Jabarin, the General Director of Al-Haq, received death threats and was banned from traveling for a number of years. He is still being targeted with smear and defamation campaigns for his human rights work.

More recently, Laith Abu Zeyad, a Palestinian human rights defender and a campaigner on the occupied Palestinian territory and Israel with Amnesty International, has been prevented from traveling outside the occupied West Bank by the Israeli occupying authorities since 26 October 2019, for alleged and undisclosed “security reasons” (5). Notably, the entire case against Laith is based on “secret information,” undermining his right to a fair trial, which constitutes a violation of international human rights and humanitarian law. The presented material was examined by the Jerusalem District Court 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 (6). Nonetheless, Israel continues to employ this practice, as is evident with Laith, and previously with Al-Haq’s General Director, Shawan Jabarin (7).

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. The 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 (8).

Israel illegally applies its domestic Entry into Israel Law to the protected Palestinian people in occupied East Jerusalem, revoking permanent residency rights, as a tool of direct forcible transfer (9) in violation of Article 49 of the Fourth Geneva Convention, in order to establish an Israeli-Jewish demographic majority in the city of Jerusalem. By requiring protected Palestinians to pledge allegiance to Israel, the Occupying Power further breaches Article 45 of the Hague Regulations which states that “it is forbidden to compel the inhabitants of occupied territory to swear allegiance to the hostile Power.”

In a webinar highlighting the Israeli-harassment of Salah, the United Nations Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Professor Michael Lynk, has 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” (10).

Conclusion and Recommendations

By silencing Palestinian civil society, and those who monitor and document human rights violations and seek international justice and accountability and an end to Israel’s impunity for international crimes committed in the occupied Palestinian territory, Israel seeks to maintain its repressive and prolonged 53-year military occupation, and institutionalised apartheid, while rapidly expanding its colonisation and annexation of occupied Palestinian territory, and denying the Palestinian people their inalienable rights to self-determination and return.

While Israel has not been held accountable for its smear and delegitimisation of civil society, its systematic and organised efforts to undermine the work of Palestinian human rights defenders have not gone unnoticed. A June 2020 joint statement on behalf of 47 of the United Nations’ independent Special Procedures mandates, which condemned Israel’s plans to de-jure annex further parts of the occupied Palestinian territory, underlined how “Palestinian and Israeli human rights defenders, who peacefully bring public attention to these violations, are slandered, criminalised or labeled as terrorists”(11).

In light of the above, we call on Member States of the Human Rights Council to:

1. Urge Israel the Occupying Power to immediately cease all practices and policies intended to intimidate, delegitimise, and silence human rights defenders in violation of their right to freedom of expression;
2. Support the critical role of Palestinian local, regional, and international civil society in their efforts to monitor, document, and advocate for an end to human rights violations and suspected international crimes committed against Palestinians, particularly in the face of an ongoing and protracted smear campaign by the State of Israel and government-operated groups targeting human rights defenders and activists; and
3. Recognise and address silencing efforts as part of an apartheid system over the Palestinian people as a whole, and endorse the 2019 concluding observations on Israel of the United Nations Committee on the Elimination of Racial Discrimination, which recognised Israeli policies and practices of racial segregation and apartheid over Palestinians on both sides of the Green Line.

Addameer Prisoner Support and Human Rights Association, Aldameer Association for Human Rights, Community Action Center, the Civic Coalition for Palestinian Rights in Jerusalem, and the Palestinian NGOs Network (PNGO), NGO(s) without consultative status, also share the views expressed in this statement.

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

2 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.

3 Ben White, “Delegitimizing Solidarity: Israel Smears Palestine Advocacy as Anti-Semitic,” *Journal of Palestine Studies*, 1 February 2020, at: <https://online.ucpress.edu/jps/article-abstract/49/2/65/107373/Delegitimizing-Solidarity-Israel-Smears-Palestine>.

4 See, Al-Haq “Israel’s Ongoing and Systematic Smear Campaign against Al-Haq and its Staff Members,” 5 October 2020, at: <https://www.alhaq.org/advocacy/17466.html>, and Al-Haq, “Israeli Ministry of Strategic Affairs Campaign of Institutionalised Harassment Continues with the Alleged Closure of Palestinian NGOs’ Financial Accounts,” 19 June 2019, at: <http://www.alhaq.org/advocacy/6039.html>.

5 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>.

6 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, 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, at: <https://www.un.org/unispal/wp-content/uploads/2018/07/A-HRC-37-42.pdf>.

7 See Al-Haq, “Update on the Case in the Israeli High Court of Justice Regarding the Travel Restrictions Imposed on Al-Haq’s General Director,” 20 June 2007, at: <http://www.alhaq.org/advocacy/7303.html>; and Al-Haq, “The Secret to Success: Secret Evidence Provides Sole Basis for Continuation of Travel Ban on Al-Haq’s General Director,” 14 July 2008, at: <http://www.alhaq.org/advocacy/7257.html>.

8 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, at: <https://www.alhaq.org/advocacy/17385.html>.

9 See, for example, Al-Haq, “Residency Revocation: Israel’s Forcible Transfer of Palestinians from Jerusalem,” 3 July 2017, at: <https://www.alhaq.org/advocacy/6331.html>.

10 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>.

11 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, at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25960>.