

Mandates of the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the promotion and protection of human rights while countering terrorism, the Special Rapporteur on the right to peaceful assembly and association, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on trafficking in persons, especially women and children, the Special Rapporteur on violence against women, its causes and consequences, the Working Group on discrimination against women and girls, and the Working Group on Business and Human Rights.

Ref.: Letter 12/2021
(Please use this reference in your reply)

To: Mr. Josep Borrell Fontelles, High Representative of the European Union for Foreign Affairs and Security Policy

Re: Designation by the Government of Israel of Six Palestinian Groups as Terrorist Organizations

8 December 2021

Dear European Union High Representative Borrell,

We are writing to you in our capacity as members of the United Nations Special Procedures of the Human Rights Council. We are independent human rights experts, appointed by the Council for six-year terms with specific thematic and geographic mandates.

As you are already aware, on 19 October 2021, the Israeli Minister of Defence, Mr. Benny Gantz, signed an order designating six Palestinian human rights and civil society organizations as terrorist organizations, which effectively criminalized and banned their activities within Israel. Two weeks later, on 3 November, Israel's Chief Military Commander in the West Bank declared these organizations to be "unlawful associations" in the occupied West Bank.

The six organizations are Al-Haq, Addameer-Prisoner Support and Human Rights Association, the Bisan Centre for Research and Development, the Union of Agricultural Work Committees, Defense for Children International-Palestine and the Union of Palestinian Women's Committees.

We are of the opinion that the intended and actual effect of these orders by the Israeli government and military is to outlaw the six organizations. This enables the Israeli military to

shutter their offices, ban their activities, cut off their funding, arrest their staff and seize their assets. It threatens to end their operations, their community work, their human rights documentation, their demands for accountability and their quest to end an interminable and unjust occupation.

Most importantly, the intended outcome of these designations would silence many of the leading Palestinian voices advocating respect for human rights under occupation regarding both Israeli and Palestinian authorities, representing many marginalized communities (including women and children, prisoners and rural communities) in the occupied Palestinian territory (OPT) who are otherwise without meaningful protection. This would put these communities at further risk of discrimination and violence, including gender-based violence against women and girls.

The designated organizations are part and parcel of the modern international human rights movement. They are well-respected for their work, many of them have consultative status with the Economic and Social Council and they have developed a strong working relationship with United Nations bodies. Several of them have received international awards for their human rights work. They offer vital contributions to the global promotion and protection of human rights through their reports, publications and international campaigns in shining a spotlight on the wide-spread and serious human rights violations associated with the Israeli occupation.

As a result of their strong advocacy, they have long been exposed to an unremitting campaign – led by the Israeli government and pro-occupation private organizations – to undermine their work and cut off their foreign funding.

International Protections for Human Rights and Civil Society Organizations

International law and democratic best practices provide a number of declarative protections to safeguard the indispensable work of human rights and civil society organizations from interference and repression in any society.

First, international human rights law guarantees – as part of the fundamental freedoms enjoyable by all – the freedoms of association, assembly and expression.¹ These are the cornerstone rights for any society and government, which claims to adhere to the rule of law and a rules-based international order. These rights offer solid protection for civil society and non-governmental organizations – human rights bodies, trade unions, faith-based groups, political parties and minority rights activists, among others – to function freely and advocate critically, subject only to reasonable limitations consistent with the rule of law. These rights, guarantees and limitations apply equally during an occupation. As de Tocqueville said of the right of association: “No legislator can attack it without impairing the foundations of society.”

Second, the United Nations General Assembly adopted the Declaration on Human Rights Defenders in 1999.² While not legally binding, its unanimous support by the General Assembly indicates its political importance. In adopting the legal framework of the fundamental freedoms of expression, assembly and association, the Declaration set out a number of commitments specific to the work of human rights defenders. These include the right to conduct human rights work at the national and international level; the right to effective protection under national law

¹ *International Covenant on Civil and Political Rights* (1966), Articles 19, 21 and 22.

² UNGA Resolution 53/144 (8 March 1999).

when monitoring and reporting human rights violations; and the right to solicit and receive resources to conduct human rights work (including the receipt of funding from abroad).

And third, governments must not misuse counter-terrorism and national security legislation to hinder or criminalize the work of human rights organizations or to unjustifiably curtail civil liberties. The United Nations Security Council, the General Assembly and the Human Rights Council have all been very clear that counter-terrorism measures must be applied in a manner consistent with international law, and cannot be employed beyond their specific and restricted purposes. In the modern world, it has become a temptation of authoritarian governments, and of democratic governments with illiberal tendencies, to rely upon counter-terrorism laws to discredit and smother criticism of their troublesome human rights records raised by civil society organizations.

The Lack of Persuasive Evidence Presented by the Israeli Government

When the Israeli government and military announced that they were designating the six Palestinian organizations as “terrorist” and “unlawful” organizations, they justified these decisions by linking them to an organization named by Israel and some Member States as a designated terrorist group: the Popular Front for the Liberation of Palestine (PFLP). The Israeli government stated that it had conclusive confirmation that the PFLP controlled these organizations and used them to finance its operations, recruit members and promote terrorism.

These are very serious charges. However, since the October designation, there has been a striking lack of evidence and transparency offered by Israel to justify its allegations. The best available public information indicates that Israel has not substantiated these charges, neither publicly nor to Western governments, which support, either directly or indirectly, the work of many of these organizations.

Credible reporting – primarily by responsible outlets within the Israeli press – have indicated that the designations derive from allegations in a classified Israeli government report, which is based on reportedly harsh interrogations by Israeli security agents of former Palestinian employees who had worked for a seventh, unrelated non-governmental organization.³ In May, Israel shared this report with the EU and European governments. Since then, it has failed to substantiate its allegations, despite the repeated requests of a number of governments.

In this context, we note the recent statements by senior European diplomatic figures with reference to the lack of evidence provided to them to date, including the following:

- Your statement dated 17 November 2021: “We are asking for answers from the Israeli government, and we have not yet received convincing answers.”⁴
- Irish Foreign Minister Mr. Simon Coveney said on 2 November 2021, during a visit to Israel and Palestine, that: “ We have not gotten any credible evidence to link the NGOs to terrorism, certainly not that I have seen...The document Israel has provided to Ireland did not make the case for such a charge, so more evidence is needed.”⁵

³ <https://www.972mag.com/shin-bet-dossier-palestinian-ngos/>

⁴ [Israel yet to prove banned Palestinian groups have terror ties, says top EU diplomat | The Times of Israel](#)

⁵ [Israel hasn't given us evidence linking NGOs to terror, Irish FM says - The Jerusalem Post \(jpost.com\)](#)

- Norwegian Foreign Minister Ms. Anniken Huitfeldt said on 3 November 2021: “We are in contact with the Israeli government. It is up to them to document the allegations. If there is insufficient documentation to substantiate the allegations, we will request that the decision be reversed...Previous reviews of the affected organizations carried out by various donors have not revealed any indications of participation in terrorist activity.”⁶

Should Israel’s allegations against these Palestinian organizations remain unsubstantiated, they will still likely cause serious harm. One common tactic of governments, which fear the criticism of human rights organizations is to advance, and repeat, reputational smears against such groups, with the expectation that foreign governments and funding bodies will decide it is not worth the headache of supporting these organizations because of the diplomatic and political energy involved in assessing each baseless attack. The international community must avoid this scenario.

The Shrinking Space for Human Rights Organizations in Palestine and Israel

In our view as UN human rights experts, the Government of Israel has been significantly deficient in honouring its obligations under the Declaration on Human Rights Defenders. From the many reports issued by the United Nations and civil society, Israel’s treatment of human rights defenders, be they Palestinian, Israeli or international, who work on the vital issues arising from the occupation, has been contrary to the basic guarantees of international human rights law.

Nor is the situation improving. As Israel’s military occupation becomes further entrenched and as human rights defenders persist with their intrepid activism to investigate and oppose the regime of human rights violations that is integral to this occupation, all indications are that these human rights defenders will continue to be among the prime targets of those who are intolerant of their criticisms, yet alarmed by their effectiveness.

We align ourselves fully with the comments made by Michelle Bachelet, the UN High Commissioner for Human Rights, on this situation. She stated, on 26 October 2021, that:

“Claiming rights before a UN or other international body is not an act of terrorism, advocating for the rights of women in the occupied Palestinian territory is not terrorism, and providing legal aid to detained Palestinians is not terrorism...I call upon the Israeli authorities to revoke their designations against Palestinian human rights and humanitarian organizations as terrorist organizations...”

⁶ <https://www.stortinget.no/no/Saker-og-publikasjoner/Sporsmal/Skriftlige-sporsmal-og-svar/Skriftlig-sporsmal/?qid=86327>

Conclusion

Accordingly, we would respectfully ask you to carry out the following:

1. **Demand that Israel publicly present, within a short and defined timeframe, concrete and credible evidence that the six Palestinian organizations are, and operate as, terrorist organizations;**
2. **Demand that, if Israel fails to present such evidence within a short and defined timeframe, it should fully and publicly withdraw its allegations and the designations without delay;**
3. **While the allegations are still being advanced by Israel, insist that the six Palestinian organizations are to be provided with a meaningful and transparent process consistent with international legal protections to access all charges against them and to be permitted to fully answer them;**
4. **Continue to support the designated and other Palestinian civil society organizations, including financially, as they continue to document, and to promote, accountability for the human rights violations in the OPT;**
5. **Work with financial institutions and service providers within your jurisdiction to ensure that the flow of funding to the designated organizations and their financial operations continue unimpeded;**
6. **Reaffirm publicly the important role played by human rights defenders and civil society organizations in both Palestine and Israel who are critical of the Israeli occupation; and**
7. **Monitor the use, and misuse, of counter-terrorism and security legislation to stifle human rights defenders working to end the Israeli occupation.**

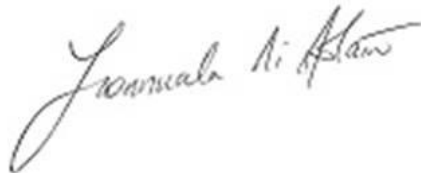
Yours very truly.

A handwritten signature in black ink, appearing to read 'Michael Lynk', with a long horizontal stroke extending to the right.

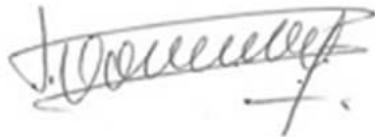
Michael Lynk
Special Rapporteur on the situation of human rights in the Palestinian territory occupied since
1967



Mary Lawlor
Special Rapporteur on the situation of human rights defenders



Special Rapporteur on the promotion and protection of human rights while countering terrorism



Clément Nyaletsossi Voule
Special Rapporteur on the rights to freedom of peaceful assembly and of association



Irene Khan
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression



Siobhán Mullally
Special Rapporteur on trafficking in persons, especially women and children,

Reem Alsalem

Reem Alsalem
Special Rapporteur on violence against women, its causes and consequences,

Melissa Upreti

Melissa Upreti, Chairperson
Working Group on discrimination against women and girls

Surya Deva

Surya Deva, Chairperson
Working Group on Business and Human Rights.