



General Assembly

Distr.: General
8 September 2021

English only

Human Rights Council

Forty-eighth session

13 September–1 October 2021

Agenda item 2

**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

**Joint written statement* submitted by Al-Haq, Law in the
Service of Man, Al Mezan Centre for Human Rights, Human
Rights & Democratic Participation Center "SHAMS",
Palestinian Centre for Human Rights, Palestinian Initiative
for the Promotion of Global Dialogue and Democracy
(MIFTAH), 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.

[22 August 2021]

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



Israel's Systematic Crackdown on Palestinian Civil Society Organisations and Human Rights Defenders Intensifies

Determined to maintain its institutionalised racial domination and oppression, which forms the foundation of its apartheid legal regime over the Palestinian people as a whole, Israel has been systematically employing silencing measures to repress Palestinians, including civil society actors, working towards achieving justice and demanding international accountability for Israeli crimes and violations of international law. In recent years; however, these efforts have intensified through the increased utilisation of retaliatory measures, including the issuance of military closure orders and raids on civil society's offices, and as well as the misuse of "terrorism" to arbitrarily detain and punish civil society actors. Notably, by depriving Palestinian organisations and persons of fundamental rights and freedoms because they oppose apartheid, Israel is persecuting these actors and is committing inhuman acts for the purpose of maintaining and expanding Israeli domination over the Palestinian people as a whole.¹

Intensified Attacks Against Palestinian Civil Society Organisations

Palestinian civil society organisations have long been the target of Israel's smear campaigns, with a narrative that is designed and orchestrated to obstruct the work of achieving justice and accountability, while infringing on the rights of civil society actors to peaceful assembly and association and jeopardising their access to resources, including funds, in blatant violation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders).²

During the past months, the IOF raided the headquarters of several Palestinian civil society organisations, including Defense for Children International – Palestine (DCI-Palestine),³ the Health Work Committees (HWC),⁴ Bisan Center for Research and Development,⁵ and the Union of Agricultural Work Committees (UAWC),⁶ vandalising their offices, confiscating equipment and files, and forcibly closing off the headquarters of the UAWC and the HWC, which were declared as "unlawful and illegitimate" organisations by the Occupying Power, for six months. While these aggressions are not unprecedented,⁷ they seriously hamper the indispensable work carried out by these organisations, especially those providing services to marginalised Palestinian communities most affected by Israel's discriminatory and settler-colonial policies and practices of settler transfer and de-facto annexation, including child prisoners and communities in Area C.

¹ Article II(f) of the International Convention on the Suppression and Punishment of the Crime of Apartheid, 1973.

² Articles 1,5,13 of the Declaration on HRDs.

³ DCI-Palestine, "Israeli forces raid DCIP office, confiscate computers and client files", 29 July 2021, at: https://www.dci-palestine.org/israeli_forces_raid_dcip_office_confiscate_computers_and_client_files.

⁴ Al-Haq, "Israel's Attack on the Palestinian Health Work Committees is Part of its Systematic Targeting of Palestinian Civil Society", 19 June 2021, at: <https://www.alhaq.org/advocacy/18527.html>.

⁵ Bisan Center, "Occupation Forces Raid the Offices of Bisan Center for Research and Development," 29 July 2021, at: <https://www.bisan.org/occupation-forces-raid-the-offices-of-bisan-center-for-research-and-development/>.

⁶ UAWC, "Statement UAWC after Israeli military raid on our headquarters", 9 July 2021, at: <https://viacampesina.org/en/statement-uawc-after-israeli-military-raid-on-our-headquarters/>.

⁷ Al-Haq, "Al-Haq Condemns Israeli Occupation Forces Raid on Addameer Prisoner Support and Human Rights Association," 20 September 2019, at: <https://www.alhaq.org/advocacy/15199.html>.

Continuous Targeting of Human Rights Defenders

Human rights defenders have endured several intimidation measures aimed to criminalise and discredit their work, including death threats,⁸ deportation,⁹ travel bans,¹⁰ and smear campaigns.¹¹ Most recently, the IOF arbitrarily detained Ms. Shatha Odeh Abu Fannouneh, 60-year-old Executive Director of the HWC, from her house on 7 July 2021.¹² Ms. Odeh's detention, interrogation and prosecution violate fundamental human rights, primarily given that she is a civilian being prosecuted according to the inherently discriminatory Israeli military judicial system.¹³ Ms. Odeh suffers severe violations of fair trial standards,¹⁴ harassment, and ill-treatment in various forms,¹⁵ including denying her from obtaining underclothing for almost two weeks, and monitoring her by surveillance camera, infringing on her privacy.¹⁶ Due to medical negligence by the Israeli Prison Services, Ms. Odeh, who has chronic illnesses, has lost nine kilograms thus far, as her health continues to deteriorate.¹⁷

Having her arbitrary detention extended five times by Israeli military court, Ms. Odeh is charged with five charges which primarily target her work and leadership role within the HWC. Furthermore, the punishment of Ms. Odeh, as an individual, based on mere membership in an organisation classified as "unlawful", without actual proving of the individual's responsibility concerning the allegedly unlawful activities, paves way for the collective punishment of civil society actors, which undermines criminal law proceedings and principles. As rightly put by United Nations experts, "[t]he Israeli military court system in the West Bank is deeply flawed and has been repeatedly used to silence human rights defenders. The system follows a vague interpretation of offences and military orders fail to clarify what conduct can result in criminal offence".¹⁸

As another mean of intimidation, Mr. Salah Hammouri, a 36 year-old Palestinian-French human rights defender and lawyer with Addameer Prisoner Support and Human Rights Association, faces an imminent threat of residency revocation, leading to his possible forcible transfer/deportation.¹⁹ This comes after a series of arbitrary tactics utilised against Mr. Hammouri, including denying him access to the West Bank for 16 months, arbitrarily arresting him, and separating him from his wife and son after deporting his French wife, Elsa Lefort. On Tuesday 29 June 2021, the Israeli Interior Minister Ayelet Shaked announced,

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

⁹ 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, at: <https://www.alhaq.org/advocacy/6199.html>.

¹⁰ 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>.

¹¹ Al-Haq, "Three Palestinian Civil Society Organisations Send Submission to UN Expert on Israel's Smear Campaigns and Disinformation," 3 March 2021, at: <https://www.alhaq.org/advocacy/17958.html>; and Al-Haq, "Israel's Ongoing and Systematic Smear Campaign against Al-Haq and its Staff Members," 22 October 2020, at: <https://www.alhaq.org/advocacy/17466.html>.

¹² See Al-Haq, "Al-Haq Sends an Urgent Appeal on the Arbitrary Detention and "Severe Suffering" of Human Rights Defender Ms. Shatha Odeh Abu Fannouneh, General Director of the Health Work Committee", 24 July 2021, at: <https://www.alhaq.org/advocacy/18644.html>.

¹³ Israeli Military Orders", Addameer, July 2017, at: https://www.addameer.org/israeli_military_judicial_system/military_orders.

¹⁴ Article 8(2)(a)(vi) of the Rome Statute of the ICC.

¹⁵ Article 8(2)(b)(xxi) of the Rome Statute of the ICC.

¹⁶ Article 17 of the International Covenant on Civil and Political Rights (ICCPR).

¹⁷ Article 25 of the Universal Declaration of Human Rights (UDHR) and Article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR).

¹⁸ UNISPAL, "Israel's Conviction of Human Rights Defender Shows Disdain for International Obligations, Say UN Special Rapporteurs", 26 January 2021, at: <https://www.un.org/unispal/document/israels-conviction-of-human-rights-defender-shows-disdain-for-international-obligations-say-un-special-rapporteurs-press-release/>.

¹⁹ 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>.

through a tweet, the adoption of the recommendations to revoke the permanent residency of Salah based on “breach of allegiance”.²⁰ Although the approval of the Israeli Attorney General and Minister of Justice is still required to finalise and enforce the revocation decision, this punitive and retaliatory measure violates international humanitarian and human rights laws.²¹ The case of Salah is one example of Israel’s widespread and systematic policy to transfer the Palestinian population, amounting to the crime against humanity and war crime of forcible population transfer from the occupied territories.²²

Conclusion and Recommendations:

The set of measures employed by Israel in the suppression of Palestinian human rights work are intertwined and fundamental to sustaining the system of institutionalised regime of racial oppression, domination and dispossession over the Palestinian people as a whole. With the aim to establish an environment of fear and deterrence in contravention with the basic guarantees of peaceful human rights advocacy, not only are the Palestinian human rights hampered, but the universal culture of human rights as a whole is attacked. Of serious concern in this regard is the punishment of one individual for mere membership in an organisation classified as “unlawful” based on the oppressive regime’s own criteria, and abuse of anti-terrorism and security-related laws to stifle voices of Palestinian human rights advocates.

Accordingly, we call on Member States of the Human Rights Council to:

- i. Recognise that the institutionalised oppressive laws, policies, and practices employed against Palestinian human rights defenders and organisations from part of Israel’s institutionalised racial domination and oppression, amounting to the crime of apartheid;
- ii. Condemn Israel’s practices against Palestinian civil society actors and urge Israel to immediately cease practices and policies intended to repress, intimidate and delegitimise them;
- iii. Hold Israel accountable for its systematic violations of its international obligations, which may give rise to international crimes, including before the ICC through cooperating with the Court in its investigation in the Situation in the State of Palestine;
- iv. Urgently intervene to immediately release Ms. Odeh from arbitrary detention and guarantee her physical integrity and psychological well-being in all circumstances, and protect Mr. Hammouri against the imminent threat of transfer/deportation, and;
- v. Take measures against Israel’s continuous misuse of “terrorism” laws as guise to cripple the work of human rights defenders and civil society organisations.

Palestinian NGOs Network Addameer Prisoner Support and Human Rights Association DCI - Defense for Children International – Palestine Jerusalem Legal Aid and Human Rights Center Aldameer Association for Human Rights Ramallah Center for Human Rights Studies – Hurriyat Center for Defense of Liberties and Civil Rights The Independent Commission for Human Rights (Ombudsman Office) Muwatin Institute for Democracy and Human Rights The Civic Coalition for Palestinian Rights in Jerusalem Community Action Center/Al-Quds University, NGO(s) without consultative status, also share the views expressed in this statement.

²⁰ Shaked, Ayelet [Ayelet __Shaked], Twitter, 30 June 2021 at: https://twitter.com/Ayelet__Shaked/status/1410150714094063622.

²¹ Article 45 of the Hague Regulations, Article 68(3) of the Fourth Geneva Convention, and Articles 12, 19, 21, 22 of the ICCPR.

²² Articles 7(1)(e) and 8(2)(b)(viii) of the Rome Statute of the ICC.