Mandate of the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; 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; the Special Rapporteur on violence against women, its causes and consequences; the Special Rapporteur on trafficking in persons, especially women and children; the Working Group on discrimination against women and girls; and the Working Group on the issue of human rights and transnational corporations and other business enterprises

2 August 2022

Excellency,

We are writing to you in our capacity as special procedures mandate-holders of the United Nations Human Rights Council. We are independent human rights experts, appointed by the Council for a six-year term with specific thematic and geographic mandates.

Following our earlier correspondence of 8 December 2021 about Israeli Minister of Defence’s designation of six Palestinian civil society organizations as “terrorist organizations” and the Chief Military Commander in the West Bank’s designation of the same organizations as ‘unlawful associations’ (Letter 12/2021), we were relieved to see that, following a review conducted by the European Union’s (EU) Anti-Fraud Office - which found “no suspicions of irregularities and/or fraud” and “did not find sufficient ground to open an investigation” - the EU has decided to resume its funding to Al-Haq, one of the six organizations in question. In parallel, the EU lifted its suspension of funding for the Palestinian Centre for Human Rights (PCHR) – another leading human rights organization in the occupied Palestinian territory (oPt).

Already in December 2021, the lack of concrete and credible evidence presented by the Israeli Government in support of the said designation, and the generally hostile and prosecutorial climate for civil society in the oPt, could suggest the Israeli Government’s intent to disrupt and ostracize the six organizations through these designations, in order to undermine their operations and activities, thus directly impacting the communities they serve, and disrupting their work for the protection and monitoring of human rights, as well as to shield itself from accountability.
The Israeli Government’s failure to substantiate its allegations against the six Palestinian organizations was also reflected in the statement issued on 12 July 2022 by nine EU Member States. We further welcome this statement, which states that: “no substantial information was received from Israel that would justify reviewing our policy towards the six Palestinian NGOs on the basis of the Israeli decision to designate these NGOs as ‘terrorist organizations’… In the absence of such evidence, we will continue our cooperation and strong support for the civil society in the oPT.”

These positive developments present an opportunity for us to encourage and urge you to intensity such efforts, for the protection and defense of the space for civil society in the oPt, as one of the critical enablers and necessary preconditions for the full realization of human rights in a region ridden with countless crises, especially for the most at-risk populations. We believe this can only be achieved by bringing to an end the overarching settlement enterprise that Israel seems to maintain in the oPt and the perpetual military occupation that makes such an enterprise possible. While much more needs to be done to address this situation, measures to secure the existence, operation and safety of the six CSOs labeled as “terrorist organizations” by Israel, as well as of Palestinian civil society at large, are of a matter of urgency, and remain indispensable in order to resolve such crises.

We maintain that the root causes of human suffering, insecurity and injustice cannot be exclusively addressed by financial and development support. Civil society organizations in the oPt are deeply engaged in the defense of human rights, that continue to be systematically violated at an aggravating scale and escalating pace. While concerted action by States to address the overall illegality and illegitimacy of the situation in the oPt is needed - namely, bringing to an end Israel’s 55-year-long military occupation and help realize Palestinian self-determination - preserving civic space for the Palestinian people, as an interim measure, is of critical importance, in order to protect the rights of marginalized groups, including women and girls who continue to disproportionately suffer the consequences of the occupation. Civil society must be protected and enabled to conduct its vital and urgent work, in accordance with international human rights norms as well as with the EU’s fundamental values and norms and the EU Guidelines on Human Rights Defenders. It is of paramount importance that EU member states do all that is in their power to ensure that the Israeli Government fully complies with the framework to protect human rights defenders.

We would like to further seize this opportunity to reiterate the concerns raised on 3 March 2022 by the UN High Commissioner for Human Rights, Michelle Bachelet, over the use of counter-terrorism legislation and military orders by the Israeli Government to halt, restrict or criminalize legitimate human rights and humanitarian activities, including essential work for the promotion of accountability for violations of such rights. As noted by the UN High Commissioner, these measures build on a series of actions undermining civil society organizations working for the promotion and protection of human rights among Palestinians, restrict the legitimate activities of human rights defenders, and seriously inhibit the rights to freedom of association, opinion and expression and the right to public participation.

Considering the above, we urge the EU, in line with the call on 25 April 2022 of UN human rights experts, to demand that Israel retract the designations and cease any such restrictions on all

His Excellency Mr. Josep Borrell Fontelles
High Representative of the European Union for Foreign Affairs and Security Policy

Cc: Mr. Eamon Gilmore, European Union Special Representative for Human Rights
Palestinian, Israeli and international human rights and civil society organizations, promoting human rights and accountability in Israel and Palestine.

In addition, we call on the EU to reject and counter Israel’s apparent misuse of counter-terrorism legislation to carry out smear campaigns and judicial actions against some of the leading civil society organizations in Palestine. An alarming example of the abusive outcomes of this legislation is the reported attempt to intimidate the legal defense of the designated NGOs. More recently, some of the lawyers defending the organizations in question received letters from the Israeli Ministry of Defense, comprising what could be considered as an implicit threat of legal action on the basis that they represent terrorist organizations, and that they had engaged in “transactions in terrorist property” (sic) by receiving legal fees from them without prior authorization, in purported violation of the Counter-Terrorism Law. This would appear to be yet further evidence of Israel’s overt attempt to undermine the operations of the six organizations, notably by preventing their financial and other support, including their fundamental right to legal representation.

We stand ready to provide the EU with any technical support, in the effort to end the misuse of counter-terrorism legislation to violate human rights and restrict civic space.

Please note that this letter will be posted on our respective webpages on 16 August 2022.

Please accept, Excellency, the assurance of our highest consideration.

Francesca P. Albanese
Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967

Reem Alsalem
Special Rapporteur on violence against women and girls

His Excellency Mr. Josep Borrell Fontelles
High Representative of the European Union for Foreign Affairs and Security Policy

Cc: Mr. Eamon Gilmore, European Union Special Representative for Human Rights
His Excellency Mr. Josep Borrell Fontelles
High Representative of the European Union for Foreign Affairs and Security Policy

Cc: Mr. Eamon Gilmore, European Union Special Representative for Human Rights
Clément Nyaletossi Voule
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Melissa Upreti
Chair-Rapporteur of the Working Group on discrimination against women and girls

His Excellency Mr. Josep Borrell Fontelles
High Representative of the European Union for Foreign Affairs and Security Policy

Cc: Mr. Eamon Gilmore, European Union Special Representative for Human Rights