



General Assembly

Distr.: General
29 May 2017

English only

Human Rights Council

Thirty-fifth session

6-23 June 2017

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 the International Organization for the Elimination of All Forms of Racial Discrimination (IAFORD), the Arab Organization for Human Rights, the Indian Movement "Tupaj Amaru", the International-Lawyers.Org, the Meezaan Center for Human Rights, the Union of Arab Jurists and the Women's Centre for Legal Aid and Counseling, non-governmental organizations in special consultative status, the International Educational Development, Inc., the World Peace Council, non-governmental organizations on the roster

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

[15 May 2017]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.17-08602(E)



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Silencing Dissent: Israel's Persecution of Political Opponents*

This report sheds light on the deteriorating conditions under which dissidents and human rights defenders (HRDs) in Occupied Palestine Territory (OPT) and Israel exercise their freedom of expression, assembly, and association. Israel employs repressive methods to restrict, discredit, and criminalize their work to document and oppose government policies and practices, in particular the Israeli occupation and associated severe violations. In their tireless and intrepid work to expose and oppose Israeli violations, Palestinians and Israelis are confronted with severe restrictions, threats to security, liberty and life, and physical assault, cyber-attacks, and arrests and imprisonment.

Stifling Dissent and Calls for “Dai la-Kibbush”

While severe restrictions on Palestinians' freedom of expression, assembly, and association have been in place since the imposition of the occupation in 1967, the recent years have seen an increase of restrictions, criminalization, and violence targeting anyone demanding “Dai la-Kibbush” (*Hebrew*: Stop the Occupation) and focusing on associated abuses – including Israeli and international actors. Anyone protesting Israeli violations is considered enemy of the Israeli State and thus potential target of arrests and violence. The space for civil society in occupied Palestine and in Israel is therefore further diminishing¹. Human rights groups, and especially activist groups, have experienced severe interference with their work by the Israeli government, the military, and hostile Israeli organizations and individuals, including through harassment, violence, and arrests. During direct action, activists are regularly prevented from documenting violations and face verbal and physical abuse.

Anti-Democratic Legislation

Notably, legislation that drastically restricts the freedom of expression and work by human rights and anti-occupation organizations includes the Boycott Prohibition Law, the Budget Foundations Law, and the Law Requiring Disclosure Supported by Foreign Governmental Entities (“NGO Disclosure Law”), which criminalize and impose drastic restriction and economic sanctions on individuals and institutions that “act against state policies” and express opposition to Israeli policies and practices in occupied Palestine:

- The **Law for Prevention of Damage to State of Israel through Boycott** (“Boycott Prohibition Law”), approved by the Knesset on 11 July 2011, declares any support of and advocacy for cultural, economic or academic boycott of Israel, one of its institutions or the goods it produces, a civil offence, which is punished with stringent penalties. Institutions supporting boycotts are divested of their tax-exempt status, are ineligible for vital forms of public funding, and can be sued by those affected by boycotts.
- The **Budget Foundations Law** (Amendment No. 40) 5771 (“Nakba Law”), adopted on 22 March 2011, enables the Minister of Finance to withdraw state funding to public institutions, including schools and other local bodies, that organize activities commemorating “the day of the establishment of the state as a day of mourning” or which contest the “the existence of Israel as a Jewish and democratic state”. Particularly, the law penalizes cultural, academic or other institutions that commemorate the 1948 Nakba and question Israel as “Jewish democracy”.
- The **Law Requiring Disclosure Supported by Foreign Governmental Entities** (“NGO Disclosure Law”), approved in July 2016, obliges Israeli NGOs that acquire more than half of their funding from foreign state sources

¹ For instance, NGOs in Israel and in East Jerusalem such as “al-Quds Organization for Development” and “Iqraa (read) for Supporting Palestinian Students in Israeli Universities” have been closed down.

to display this information in communications with Israeli authorities, in internet and media outlets, and research and advocacy documents. Failure to do so entails high fines (NIS 29,000, approximately \$7,500 US).

In the context of the new laws, Israeli NGOs opposing the occupation and their State's policies and practices have become increasingly discredited and are criminalized as "terror or terror supporting organizations". For instance, Israeli human rights NGOs, particularly those submitting reports to the UN, have been prevented from receiving foreign funds.

Criminalization of Political Dissent

Israeli criminal law's arbitrariness² is strategic, and is directed against anyone considered enemy of the state. The entrenched stigmatization of Palestinian citizens as public enemies and security threat is increasingly applied to political opponents, including Jewish Israeli dissidents. Numerous Israeli dissidents have already been incarcerated.

In January 2016, it was revealed that over the course of the past months, a right-wing, settler-backed organization called Ad Kan had been planting infiltrators into different human rights organizations to spy on and record activities with hidden cameras, in an attempt to acquire any kind of evidence that could be used against them. Targets of this operation included anti-occupation and dissident groups such as Breaking the Silence, Anarchists Against the Wall, and Ta'ayush. About a year earlier, a mole from Ad Kan had posed as a Ta'ayush³ activist over the course of several months, had recorded episodes with a hidden camera, and had recently provided a ready-made "reportage" full of decontextualized statements and untruths to a major Israeli investigative television program.

The infiltration was seen as part of the larger attempt by the Israeli State to damage the human rights and anti-occupation scene. In the week following the television broadcast, three Ta'ayush activists were arrested on accusations of manslaughter and connecting with "foreign agents" (here the courts were referring to officials from the Palestinian Authority) and denied contact with their attorneys as their arrests were placed under gag order. They were eventually released, after more than a week, with no charges pressed. The arrests were entirely political, with the purpose of undermining the activities against Israeli violations.

Omnipresent Power

The infiltration and the arrests of the three activists had significant repercussions on Israeli anti-occupation and human rights activists and reverberated in the activist circles. Amidst an atmosphere of distrust and paranoia, people are afraid to speak, fear being spied on, and do not know who they can trust. Given the incessant deterioration of state policies and radicalization of right-wing actors, dissidents fear for their safety, liberty and lives and regularly fall victim to verbal and physical assault.

Israeli police raid and search dissidents' homes, confiscate equipment and documents, and arrest suspects under dubious pretexts. During interrogation and imprisonment, political arrestees face ill-treatment and psychological and physical torture methods.

Under the invocation of the activists as national security threats, the Israeli State retains authority over unprecedented forms of covert and overt surveillance in dissidents' private and political lives. The government and its various

² Statute 103 of the Israeli Penal Code, entitled "Defeatist Propaganda", stipulates: "Anyone who, during a period of warfare, and with the intention of causing public panic, disseminates information that might undermine the spirit of the soldiers and inhabitants of Israel in their resilience against the enemy, will be sentenced to five years imprisonment; anyone who does so with an intent to harm national security will be sentenced to ten years imprisonment."

³ Founded in 2000, Ta'ayush is a grassroots group based in West Jerusalem that engages in direct action and protest activities in support of and solidarity with Palestinian activists and communities to meet the realities of occupation on the ground. For instance, the group rebuilds demolished infrastructure or houses and accompanies Palestinian shepherds when entering zones which have been declared state land or military zones, or are surrounded by settlements. Besides, the group initiates legal action.

ministries might soon employ the monitoring system “Buzzilla” to surveil online activities by specific – in particular politically dissident – individuals, as reported on Haaretz on 29 March 2017.

Conclusion

The real and deeply felt omnipresence of the Israeli State leaves scars in the Palestinian and Israeli activists’ consciousness and threatens their lives, safety and wellbeing. The State is an ever-present and malevolent power tracking their every step, ready to claw at them with one of its many arms – to harass, arrest, and attack them. The criminalization of legitimate and peaceful political expression and assembly, which is translated into laws and decrees, undermines claims by Israel of representing “the only democracy in the Middle East” and subjects anyone opposing its illegal activities and inhumane actions to persecution.

For offering invaluable analysis and advocacy for human rights and for protesting and opposing illegal and inhumane actions by the Israeli State, courageous Palestinians and Israelis face repeated violations of their fundamental rights and freedoms. The targeting by the government and Israeli right-wing groups of those actors that dare to stand up for human rights and democratic values in an effort to silence them further entrenches the occupation and places in jeopardy the enjoyment of human rights for everyone in the region.

Recommendations

The undersigned organizations contend that shattering the manifold pillars of the occupying system would not only finally guarantee Palestinians their inalienable rights but would end all kinds of violations and also liberate Israelis. The system of occupation and apartheid – one that negates humanity, erodes the rule of law, scorns international commitments, and persecutes defenders of fundamental rights – must be disassembled to give way to real democracy and peace in the region for the benefit of all citizens. The signatories to this statement therefore recommend to the United Nations, in particular the Human Rights Council, to take all necessary measure to ensure that Israel:

- Fully respect the fundamental freedoms of assembly, association, expression and movement in occupied Palestine and in Israel;
- Cease and rescind its anti-democratic and restrictive practices and legislation targeting dissidents and HRDs and guarantee their fundamental freedoms and rights;
- End the use of the criminal, legal and security tools to obstruct legitimate opposition, including the use of arbitrary arrests and detentions, and ensure fair and speedy trials for anyone charged with an offence;
- Prevent incitement and attacks against dissidents and HRDs, thoroughly investigate violations, and bring perpetrators to justice.

*Geneva International Centre for Justice (GICJ), The Arab Lawyers Association- UK, Human Rights Defenders (HRD), The Brussels Tribunal, Human Rights and Democracy Media Center “SHASM”, Euro-Mediterranean Human Rights Monitor, Youth Against Settlements (YAS), Alternative Information Center (AIC), Association of Humanitarian Lawyers (AHL), Hebron Human Rights Defenders (HRD), The Iraqi Commission for Human Rights (ICHR), Association of Human Rights Defenders in Iraq (AHRD), Alliance to Renew Co-operation among Humankind, General Federation of Iraqi Women (GFIW), Organisation for Justice & Democracy in Iraq (OJDI), Women Will Association (WWA), The Iraqi Centre for Human Rights, The Perdana Global Peace Foundation, The International League of Iraqi Academics (ILIA), Organization for Widows and Orphans (OWO), International Anti-Occupation Network (IAON), Kuala Lumpur Foundation to Criminalise War, NGOs without consultative status, also share the views expressed in this statement.