

2 June 2023

English only

Human Rights Council
Fifty-third session

Detailed findings on attacks and restrictions on and harassment of civil society actors, by all duty bearers

Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel*

* Information complementary to that contained in the official report (A/HRC/53/22) submitted to the Human Rights Council pursuant to resolution S-30/1.

I. Introduction

1. In resolution S-30/1, the Human Rights Council established the Independent International Commission of Inquiry with a mandate to “investigate, in the Occupied Palestinian Territory, including East Jerusalem, and in Israel all alleged violations of international humanitarian law and all alleged violations and abuses of international human rights law leading up to and since 13 April 2021 [...]”.

2. Navanethem Pillay (South Africa), Miloon Kothari (India) and Christopher Sidoti (Australia) are the three members of the Commission. A secretariat from the Office of the United Nations High Commissioner for Human Rights (OHCHR) is supporting the Commission.

3. In its first report to the Human Rights Council at its 50th session, the Commission noted the strength of credible evidence that Israel has no intention of ending the occupation, has clear policies for ensuring complete control over the Occupied Palestinian Territory, and is acting to alter the demography through the maintenance of a repressive environment for Palestinians and a favourable environment for Israeli settlers. The report also briefly identified actions being taken by the Palestinian Authority and the de facto authorities in Gaza which significantly curtailed civic space and demands for democracy, human rights, and accountability. This includes the unwillingness and/or failure to protect specific groups of activists that are at particular risk in Palestinian society, including those advocating for the rights of women and the lesbian, gay, bisexual, transgender and queer community. In its first report to the General Assembly’s 77th session, the Commission noted that there are reasonable grounds to conclude that “the Israeli occupation of Palestinian territory is now unlawful under international law owing to its permanence and to actions undertaken by Israel to annex parts of the land de facto and de jure. Actions by Israel that are intended to create irreversible facts on the ground and expand its control over territory are reflections as well as drivers of its permanent occupation”. The report also identified policies aimed at ensuring and enshrining the permanent occupation, including through the targeting of voices challenging Government policies and narratives, in relation to the occupation and Palestinian rights. The Commissioners observed that these policies are fuelling tensions in the Occupied Palestinian Territory and increasingly in Israel itself.

4. **This extended report examines attacks, restrictions, and harassment of civil society actors, by all duty bearers as well as key developments limiting civic space.** The Commission will examine developments and cases linked to the use of force, including in demonstrations, by all duty bearers, in a separate future report. This report focuses on trends, processes, violations, and abuses by duty bearers against civil society actors, many of whom work on opposing, documenting, and reporting on human rights violations by duty bearers.¹ The report should be read in conjunction with A/HRC/53/22 submitted to the Human Rights Council’s 53rd session.

II. Methodology, definitions and cooperation

5. In its resolution S-30/1, the Human Rights Council called upon all relevant parties to cooperate fully with the Commission and to facilitate its access. The Commission is grateful to the Government of the State of Palestine for its continued cooperation. The Government of Egypt continued to indicate its willingness to cooperate with the Commission but has not yet responded to the Commission’s repeated request to be given access to the Gaza Strip through the Rafah crossing.

6. The Commission regrets the continued lack of cooperation on the part of the Government of Israel, along with its refusal to allow entry into Israel and with its obstruction

¹ This report does not focus on all underlying violations by duty bearers that underscore civil society actors’ activities. The Commission’s first report to the Human Rights Council (A/HRC/50/25) and its first report to the General Assembly (A/77/328) examine many of these underlying violations in greater depth.

of access to the Occupied Palestinian Territory, despite the desire of the State of Palestine to allow the Commission to visit.

7. This report is based on 127 interviews conducted with primary and secondary sources up to May 2023, research, in-person, and online discussions with stakeholders and 21 submissions received following a call for submissions issued on 2 November 2022. The cases and developments reflected in the report primarily cover the period of 2020-2023. However, the report also includes information and developments pre-dating this period, where these were relevant to establishing the facts. Only material that met the standard of proof of ‘reasonable grounds to conclude’ was included. Unless otherwise specified, all information provided in this report is based on evidence and victim and witness testimonies documented by the Commission, including testimonies documented during the public hearings.² All cases that were included in A/HRC/53/22 have also been included in this extended report, in addition to new cases. Some cases have been updated following documentation of additional information or new developments.

8. Civic space is defined in the report as the environment that enables different civil society actors to participate meaningfully in the political, economic, social, and cultural life of society, including the most excluded and marginalized.³ The Commission uses the terminology “civil society” to refer to actors working within the civic space. Civil society encompasses a variety of actors, including human rights defenders, women human rights defenders, lesbian, gay, bisexual, transgender and queer activists, Non-Governmental Organizations (NGOs), journalists, academics and students, political artists, and cultural activists.⁴

9. Women human rights defenders are defined in the report as “all women and girls working on any human rights issue and people of all genders who work to promote women’s rights and rights related to gender equality.”⁵ The definition also includes any civil society actors who may not self-identify as human rights defenders or those who work on non-traditional human rights fields (journalists, health workers, environmental activists, peacebuilders, private actors, development and humanitarian actors).⁶

III. Applicable legal framework

10. The Commission laid out the applicable international legal framework in the Occupied Palestinian Territory and in Israel in its two previous reports (to the Human Rights Council in its 50th session and the General Assembly’s 77th session), and in its terms of reference. The Commission noted that the Occupied Palestinian Territory, including East Jerusalem and Gaza, and the occupied Syrian Golan are currently under belligerent occupation by Israel, to which international humanitarian law applies concurrently with international human rights law.⁷

11. This report examines violations by all duty bearers. In doing so, the Commission again acknowledges that the territory over which the Government of the State of Palestine can exert its authority as duty bearer has been under occupation by Israel since 1967, which poses severe challenges to its ability to assert its state functions. Nonetheless, and while not affecting the obligations of Israel, the accession of the State of Palestine to international

² <https://www.ohchr.org/en/hr-bodies/hrc/co-israel/public-hearings>.

³ https://www.ohchr.org/sites/default/files/Documents/Issues/CivicSpace/UN_Guidance_Note.pdf, p. 3.

⁴ A/73/230, para. 5.

⁵ <https://www.ohchr.org/en/women/women-human-rights-defenders>

⁶ This definition is based on, *inter alia*, reports by the Special Rapporteur on the situation of human rights defenders, A/HRC/16/44 (2010), para. 30 and A/HRC/40/60 (2019), para. 12. See also UN General Assembly resolution 68/181 (2013) and OHCHR, Information Series on Sexual and Reproductive Health and Rights, Women Human Rights Defenders (revised in 2020), available at: https://www.ohchr.org/sites/default/files/Documents/Issues/Women/WRGS/SexualHealth/INFO_WH RD_WEB.pdf. Noting that there are debates in some cases regarding this definition, for the purposes of this report, it shall be interpreted as broadly inclusive.

⁷ A/HRC/50/21, paras. 14 - 25. See also https://www.ohchr.org/sites/default/files/2022-01/TORs-UN-Independent_ICI_Occupied_Palestinian_Territories.pdf.

human rights treaties engages its responsibility, to the extent of its jurisdiction and effective control.

12. The Commission also re-emphasizes that within the Gaza Strip, the Hamas-led de facto authorities bear human rights obligations in light of their exercise of government-like functions. Within the territory and over the residents of Gaza, they share some effective control with Israel, each exercising certain functions. Under the treaties ratified by the State of Palestine and customary human rights law, the de facto authorities are internationally responsible for violations that they commit in Gaza or from within Gaza.⁸

International Human Rights Law⁹

13. International human rights law requires duty bearers to guarantee the right to freedom of expression and opinion- which includes political discourse, commentary on public affairs, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse.¹⁰ Article 19 of the International Covenant on Civil and Political Rights states that the exercise of the right to freedom of expression and opinion carries with it special duties and responsibilities, and for this reason it may be subject to certain restrictions but the restrictions must be “provided by law” and “necessary”, and conform to the strict tests of necessity and proportionality.¹¹ The Human Rights Committee has stated that such restrictions may never be used as a “justification for the muzzling of any advocacy of democratic tenets and human rights.”¹² Furthermore, any arbitrary arrest, torture, threat to life and killing is not compatible with article 19 of the International Covenant on Civil and Political Rights.

14. International human rights law recognises the right of participation of all individuals in different facets of public life, including in the promotion and protection of human rights. Participation in public life by all members of society, including human rights defenders, is fundamental to the functioning of a democratic society and to strengthening of rule of law. Article 1 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 establishes that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.”

15. The obligation of State parties to ensure the equal rights of men and women to the enjoyment of all civil and political rights is set forth in article 3 of the International Covenant on Civil and Political Rights. The Human Rights Committee also reiterates that State parties must take special measures of protection for persons whose lives have been placed at particular risk by specific threats or pre-existing patterns of violence, including victims of sexual and gender based violence.¹³ State parties to the Convention on the Elimination of All Forms of Discrimination Against Women must take all appropriate measures to eliminate discrimination against women in political and public life, including the equal right to participate in civil society and the public and political life in the country.¹⁴ The landmark resolution on women human rights defenders adopted by the General Assembly on 18 December 2013 also reiterates the necessity for States to create a safe and enabling

⁸ A/HRC/50/21, para. 24.

⁹ Israel is a State Party to: Convention Against Torture; International Covenant on Civil and Political Rights; Convention on the Elimination of All Forms of Discrimination against Women; International Convention on the Elimination of All Forms of Racial Discrimination; International Covenant on Economic, Social and Cultural Rights; Convention on the Rights of the Child; and Convention on the Rights of Persons with Disabilities. The State of Palestine is a State Party to: Convention Against Torture; International Covenant on Civil and Political Rights; Convention on the Elimination of All Forms of Discrimination against Women; International Convention on the Elimination of All Forms of Racial Discrimination; International Covenant on Economic, Social and Cultural Rights; Convention on the Rights of the Child; and Convention on the Rights of Persons with Disabilities.

¹⁰ Human Rights Committee, General Comment No. 34, para. 11.

¹¹ Human Rights Committee, General Comment No. 34, para. 22.

¹² Human Rights Committee, General Comment No. 34, para. 23.

¹³ Human Rights Committee, General Comment No. 36, para. 23.

¹⁴ Convention on the Elimination of All Forms of Discrimination Against Women, art. 7.

environment for the defence of human rights with a gender perspective, ensuring that women human rights defenders can engage in peaceful protests and not be subjected to any acts of intimidation or reprisal against them or their family members.¹⁵

16. The Committee of the Convention on the Elimination of All Forms of Discrimination Against Women has stated that gender-based violence leads to multiple human rights violations, such as State or non-State attacks on women's rights defenders, which undermine women's equal and meaningful participation in political and public life.¹⁶ The Committee has noted that the stigmatization of women who are fighting for their rights may be an obstacle for access to justice; and it recommended that States "ensure that women human rights defenders are able to gain access to justice and receive protection from harassment, threats, retaliation and violence."¹⁷ In General Recommendation No. 35 (2017) (updating General Recommendation No. 19), the Committee highlighted a similar message noting that discrimination against women is linked to other factors that affect their lives, such as the stigmatization of women who fight for their rights, including human rights defenders. The Committee made a particular reference to women human rights defenders when it recommended that State parties "adopt and implement effective measures to encourage the media to eliminate discrimination against women, including the harmful and stereotypical portrayal of women or specific groups of women, such as women human rights defenders..."¹⁸

17. The Convention on the Rights of the Child recognizes children as part of civil society and as such recognises their entitlement to enjoy all relevant fundamental rights, including the right to freedom of expression and freedom of assembly.¹⁹ 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, though not legally binding, applies to children as well and affirms that there is no minimum age to act for the protection, promotion and fulfilment of human rights in a civil society.²⁰ Children can exercise their rights effectively to act as child human rights defenders.²¹ States must ensure that children have an enabling environment in which they can exercise their rights in a safe and meaningful manner in line with do no harm and best interests of the child.

18. Furthermore, the Convention on the Rights of the Child recognizes the special status and needs of children. Article 2 (2) of the Convention outlines a distinct form of discrimination against children: that is, any form of punishment or targeting of children due to their parents' or guardians' status, activities, expressed opinions, or beliefs. This clause provides standalone protection to children against any discrimination based on attributes of their parents, legal guardians, or family members - a unique element in the Convention on the Rights of the Child distinguishing it from other international and regional human rights instruments.

19. Similarly, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights contain two provisions that extend the general non-discrimination clause to children. According to article 24 (1) of the International Covenant on Civil and Political Rights, every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by her or his status as a minor, on the part of her or his family, society, and the State. This specific approach to child

¹⁵ General Assembly Resolution 68/181 (18 December 2013).

¹⁶ The Committee on the Elimination of All Forms of Discrimination Against Women, General Recommendation No. 30, para. 37.

¹⁷ The Committee on the Elimination of All Forms of Discrimination Against Women, General Recommendation No. 33, para. 15 (i).

¹⁸ The Committee on the Elimination of All Forms of Discrimination Against Women, General Recommendation No. 35, para. 30 (d).

¹⁹ Convention on the Rights of the Child, arts 13 and 15.

²⁰ Office of the United Nations High Commissioner of Human Rights (OHCHR) (2018) Day of General Discussion: Protecting and Empowering Children as Human Rights Defenders: Outcome Report, p. 5: https://www.ohchr.org/sites/default/files/Documents/HRBodies/CRC/Discussions/2018/crc_dgd_2018_outcomereport_en.pdf.

²¹ Ibid.

discrimination in the context of special measures of protection is also enshrined in article 10 (3) of the International Covenant on Economic, Social and Cultural Rights which states that special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children should be protected from any harm or threat to life that hampers their development, particularly as a way of deterring their parents from working as human rights defenders, activists, journalists or in any other capacity and such acts should be prohibited and punishable by law.

20. In accordance with their obligations, States must ensure that individuals are protected, not just against violations by state actors, but also against acts committed by private persons or entities that would impair the enjoyment of the rights enshrined in the treaties.²² According to the Human Rights Committee, for instance, the duty to protect the right to life requires State parties to take special measures of protection towards persons in vulnerable situations whose lives have been placed at particular risk because of specific threats or pre-existing patterns of violence. These persons include human rights defenders.²³ Further, States must protect individuals against reprisals for promoting and striving to protect and realize human rights, and to take the necessary measures to respond to death threats and to provide adequate protection to human rights defenders, including the creation and maintenance of a safe and enabling environment for defending human rights.²⁴ Likewise, the Committee on Economic, Social and Cultural Rights has pointed out that in view of the obligations of States to respect, protect and realize the rights enshrined in the International Covenant on Economic, Social and Cultural Rights, States must ensure that human rights defenders are effectively protected against any and all forms of abuse, violence and reprisal that they might experience while carrying out their work to promote the realization of those rights.²⁵

21. By the same token, the obligation to respect and protect the freedoms of opinion and expression also requires States to ensure that persons are protected from any acts by private persons or entities that would impair the enjoyment of the freedoms of opinion and expression.²⁶ Attacks aimed at silencing those exercising their right to freedom of expression should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, should receive appropriate forms of redress.²⁷

22. The right to personal security under article 9 of the International Covenant on Civil and Political Rights also obliges States to take appropriate measures in response to death threats against persons, and more generally to protect individuals from foreseeable threats to life or bodily integrity proceeding from any governmental or private actors. According to the Human Rights Committee, States must respond appropriately to patterns of violence against categories of victims such as intimidation of human rights defenders and journalists.²⁸ In relation to the freedom of assembly, the Committee further points out the particular importance of the role of journalists and human rights defenders in monitoring or reporting on assemblies, and stated that they may not be prohibited from, or unduly limited in, exercising these functions, including with respect to monitoring the actions of law enforcement officials.²⁹

23. In relation to the use of surveillance, article 17 (1) of the International Covenant on Civil and Political Rights provides that “[n]o one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence.” Article 17 permits interference with the right to privacy only where it is “authorized by domestic law that is accessible and precise and that conforms to the requirements of the Covenant”, is in pursuit

²² Human Rights Committee, General Comment No. 31, paras. 6 and 8.

²³ Human Rights Committee, General Comment No. 36, para. 23.

²⁴ Human Rights Committee, General Comment No. 36, para. 53.

²⁵ Statement by the Committee on Economic, Social and Cultural Rights, Human rights defenders and economic, social and cultural rights (29 March 2017), E/C.12/2016/2.

²⁶ Human Rights Committee, General Comment No. 34, para. 7.

²⁷ Human Rights Committee, General Comment No. 34, para. 23.

²⁸ Human Rights Committee, General Comment No. 35, para. 9.

²⁹ Human Rights Committee, General Comment No. 37, para. 34.

of “a legitimate aim” and “meet[s] the tests of necessity and proportionality.” On several occasions the Human Rights Committee expressed its concerns about State-sponsored hacking, in particular when employed without adequate oversight or safeguards.³⁰ OHCHR has noted that the right to privacy regarding surveillance, interception and hacking requires establishing robust export control-regimes applicable to surveillance technologies, having oversight systems in place, including by adopting national legislations that in compliance with international human rights law; establishing systematic human rights due diligence to regularly assess the human rights impacts; adopting effective measures to increase “the transparency of the use of surveillance technologies” as well as promoting public debate to ensure meaningful participation; and ensuring the involvement of the judiciary in the authorization of such measures and, where possible, ensuring access to remedy to those who are affected.³¹

24. The right to artistic freedom is explicitly mentioned in provisions of both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights and is a fundamental aspect of cultural rights. It includes the freedom to seek, receive and impart information and ideas of all kinds “in the form of art”, the right “to enjoy the arts” and the creativity of others, as well as obligations on States to “respect the freedom indispensable for...creative activity.”³² Artistic freedom is also linked to the wider right to freedom of opinion, and freedom of thought, conscience, and religion, since art is also a means of expressing opinion and thoughts and beliefs. Article 27 of the International Covenant on Civil and Political Rights guarantees the artistic freedoms of persons belonging to ethnic, religious or linguistic minorities.³³ The Special Rapporteur on Cultural Rights observed in her 2013 report on the right to freedom of artistic expression and creativity that artistic expressions and creations come under particular attack because they convey specific messages and articulate symbolic values in a powerful way. Motivations to restrict art, stem from political cultural, religious, moral or economic reasons.³⁴

International humanitarian and international criminal law

25. The forcible transfer of individuals or groups, as well as deportations of protected persons within or from occupied territory are specifically prohibited under article 49 of the Fourth Geneva Convention. In occupied territories, a protected person is defined as the whole population of occupied territories, excluding nationals of the Occupying Power or its co-belligerents. The International Committee of the Red Cross has specified that this includes nationals of the occupied territory, foreign nationals of neutral powers, and stateless persons-including refugees who are not nationals of the Occupying Power or a co-belligerent.³⁵

26. Article 76 of the Fourth Geneva Convention requires that protected persons accused of offenses shall be detained in the occupied territory, and if convicted shall serve their sentence therein. This is based on the fundamental principle forbidding deportations of protected persons as stipulated in article 49.³⁶ Israel’s arrest of Palestinians including human rights defenders in the Occupied Palestinian Territory, and their removal to locations outside the Occupied Palestinian Territory for detention constitute breaches of the Fourth Geneva Convention. The Commission notes that the unlawful deportation or transfer or unlawful confinement of a protected person are listed as grave breaches under article 147 of the Fourth

³⁰ See for example Human Rights Committee, Concluding Observations on the seventh periodic report of Germany; Human Rights Committee: Concluding Observations on the fifth periodic report of the Netherlands; and Human Rights Committee, Concluding Observations on the sixth periodic report of Italy.

³¹ A/HRC/51/17, para. 56.

³² <https://www.ohchr.org/en/special-procedures/sr-cultural-rights/artistic-freedom>.

³³ A/HRC/23/34, para. 13.

³⁴ A/HRC/23/34, para. 6.

³⁵ <https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949/article-4/commentary/1958?activeTab=undefined>.

³⁶ <https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949/article-76/commentary/1958?activeTab=undefined>.

Geneva Convention, which constitute war crimes under the Rome Statute of the International Criminal Court.³⁷

IV. Measures used by all duty bearers to limit civic space and silence civil society

A. Israeli authorities and their supporting actors

Delegitimization of civil society working on Palestinian rights

27. The Commission heard from both Israeli and Palestinian civil society actors about the increasingly restricted civic space resulting from an intentional strategy, pursued by the Government of Israel, of delegitimizing and silencing civil society. This includes criminalizing Palestinian civil society organizations and their members by labelling them as “terrorists”, pressuring and threatening institutions that give a platform for civil society discourse, actively lobbying donors and implementing measures intended to cut sources of funding to civil society.

28. At the same time, Israeli Government policies, including those related to the occupation and de facto annexation have had a significant cascading effect on both Israeli and Palestinian civil society.³⁸ Shifts in such policies towards the strengthening of the occupation and de facto annexation of the West Bank have resulted in increasing attacks and weakening of systems that protect human rights and by extension human rights defenders.

29. The Commission documented numerous examples of officials from the Government of Israel using abusive rhetoric when referring to civil society organizations or directly targeting Israeli human rights defenders or civil society organizations, in particular those that have spoken in international forums, issued reports on international crimes, including apartheid, and/or reports on business activity in the settlements. Campaigns targeting specific Israeli human rights defenders have intensified in recent years, with some human rights defenders being targeted multiple times.

30. One of the most targeted Israeli human rights organizations is Breaking the Silence, an organization of veteran soldiers who have served in the Israeli military since the start of the Second Intifada and have committed themselves to expose the Israeli public to the reality of everyday life in the Occupied Palestinian Territory through testimonies.³⁹ The organization and its staff have been subjected to numerous attacks by Israeli government officials, right-wing organizations, and members of the public. Right-wing organizations, attempted to sabotage the organization’s work in 2016 by planting someone inside the organization to secretly videotape staff and operations.⁴⁰ Other attacks against the organization have included incitement and threats. Until 2009, the organization operated with relative ease, and was even invited to present a photography and testimony exhibit in the Knesset and participate in a parliamentary education committee discussion. The organization started being labelled as “an enemy of the state” by Israeli authorities in 2009, following the release of testimonies that focused on Israel’s 2008-2009 Gaza operation, and was subjected to attacks and harassment by authorities and right-wing organizations. Following a 2015 report containing testimonies about the 2014 operation against Gaza, the attacks against the organization intensified and involved statements by government officials, legislative attempts aimed to outlaw the organization and cyberattacks.⁴¹ In March 2016, Israel’s channel 2 news aired a TV segment about Breaking the Silence, including footage secretly filmed by a right-wing organization.⁴² The segment alleged that Breaking the Silence was collecting classified military intelligence that could undermine national security and that it was using current Israeli security forces’ member to collect information. The Prime Minister and Minister of Defense responded

³⁷ See art. 8 (2) (a) (vii) and art. 8 (2) (b) (vii) of the Rome Statute of the International Criminal Court.

³⁸ See A/77/328.

³⁹ <https://www.breakingthesilence.org.il/about/organization>.

⁴⁰ <https://theintercept.com/2019/03/03/breaking-the-silence-israel-idf/>.

⁴¹ Ibid.

⁴² https://www.youtube.com/watch?v=8y6FXi_ap7k (in Hebrew).

immediately; with the Minister of Defense announcing that he would instruct the army to investigate the organization on suspicion of leaking classified information. Following a lengthy investigation, in 2019 Israel's Attorney General said there was no basis to pursue any criminal investigation against Breaking the Silence, legally clearing the organization of all suspicion. In March 2023, a Likud member of the Knesset Ariel Kallner labelled Breaking the Silence an antisemitic organization in accordance with the International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism.⁴³

31. Hagai El-Ad, Director of B'Tselem, was targeted by Israeli officials in 2016 and again in 2018, following his participation at Security Council meetings. In 2016, the Chairman of the Coalition in the Israeli Knesset, David Bitan, announced his intention to petition the Minister of the Interior to remove Mr. El-Ad's Israeli nationality.⁴⁴ Israel's then envoy to the United Nations in New York, Danny Dannon, accused Mr. El-Ad of "collaborating with Israel's enemies", following his second appearance at the Security Council in October 2018.⁴⁵ Prime Minister Benjamin Netanyahu called Mr. El-Ad's speech at the Security Council "full of lies", and an attempt to "help the enemies of Israel".⁴⁶ In 2018, several United Nations Special Rapporteurs emphasized publicly that the labelling of Mr. El-Ad as a "traitor" and "collaborator" by Israeli officials "may serve to stigmatize his work as harmful to national security, including by disparaging him in the eyes of the public, and creating an atmosphere of harassment that could lead to physical violence."⁴⁷

32. In November 2022, a member of the Knesset Bezalel Smotrich (now Minister of Finance) referred to several human rights organisations as a swarm of mosquitos and said that Israel must deal with them as an "existential threat".⁴⁸

33. Israeli authorities have also targeted foreign human rights defenders and organizations working to monitor and report on human rights violations in the Occupied Palestinian Territory. In November 2019, Israeli authorities expelled the Israel and Palestine Director of Human Rights Watch, Omar Shakir, a citizen of the United States of America. Mr. Shakir's work visa was revoked based on a 2017 law barring entry to people who advocate for a boycott of Israel or its settlements.⁴⁹ Human Rights Watch had previously engaged in advocacy, calling on businesses to stop operating in illegal settlements, a similar call it issues to businesses in other countries in relation to human rights violations and abuses.⁵⁰

34. In response to a 2020 report of OHCHR on business activity in the settlements,⁵¹ Israeli authorities refused to grant or renew visas for OHCHR international staff.⁵² Israel reportedly froze its relations with OHCHR following the publication, and refused to extend visas to international staff, resulting in their inability to travel to and work in the Occupied Palestinian Territory.

⁴³ <https://www.youtube.com/watch?v=da2K0dVxx3Q> (in Hebrew). The International Holocaust Remembrance Alliance working definition is seen as highly controversial and problematic, including among Jewish scholars and human rights advocates. See also A/77/512, paras. 69 – 79. See also paras 39 and 42 in this report.

⁴⁴ <https://www.mako.co.il/tv/Article-a028174b027e751006.htm> (in Hebrew).

⁴⁵ <https://embassies.gov.il/un/NewsAndEvents/Pages/Danon-resond-to-B0403-7039.aspx>.

⁴⁶ <https://www.facebook.com/Netanyahu/posts/10155916310892076/> (in Hebrew).

⁴⁷ <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24226>.

⁴⁸ https://www.youtube.com/watch?v=NIJoB4cx_mg (in Hebrew).

⁴⁹ See para 48 in this report. See also <https://www.hrw.org/news/2019/05/07/israel-trying-deport-me-my-human-rights-work-heres-why-you-should-care>; and

<https://www.hrw.org/news/2019/11/25/israel-expels-human-rights-watch-director-today>.

⁵⁰ <https://www.hrw.org/news/2019/05/07/israel-trying-deport-me-my-human-rights-work-heres-why-you-should-care>; and <https://www.hrw.org/news/2019/11/25/israel-expels-human-rights-watch-director-today>.

⁵¹ A/HRC/43/71.

⁵² [https://www.ohchr.org/en/press-releases/2022/08/bachelet-deplores-israels-failure-grant-visas-un-human-rights-staff-occupied#:~:text=GENEVA%20\(30%20August%202022\)%20%20E2%80%93,Rights%20Michelle%20Bachelet%20said%20today;and](https://www.ohchr.org/en/press-releases/2022/08/bachelet-deplores-israels-failure-grant-visas-un-human-rights-staff-occupied#:~:text=GENEVA%20(30%20August%202022)%20%20E2%80%93,Rights%20Michelle%20Bachelet%20said%20today;and) <https://www.alhaq.org/advocacy/17456.html>.

35. Successive Governments in Israel have established specific ministries, including the Ministry of Strategic Affairs and Public Diplomacy⁵³ and the Ministry for Diaspora Affairs and Combating Antisemitism, working towards delegitimizing civil society locally and internationally. In 2015, the Ministry of Strategic Affairs and Public Diplomacy was established and tasked with “the responsibility to act against the delegitimization and boycott campaigns against the state of Israel.”⁵⁴ In 2019, the Ministry issued a special report listing organizations supporting Boycott, Divestment, and Sanctions (BDS)⁵⁵, calling to delegitimize such organizations and remove their funding. The report listed key Palestinian human rights organizations including Al-Haq, Addameer, and the Palestinian Centre for Human Rights (PCHR) and also alleged that they were tied to “terror organizations”.⁵⁶ In July 2021, under the Lapid Government, the Ministry was shut down and some of its areas of activity and employees were moved into the Ministry of Foreign Affairs. In December 2022, newly re-elected Prime Minister Benjamin Netanyahu announced its re-establishment as a separate Government ministry.

36. NGOs supportive of Israeli government policies have been increasingly established with the dedicated purpose of preventing, interfering with, and silencing civil-society activities and events focused on Palestinian rights, both locally and globally. These organizations - some with Economic and Social Council (ECOSOC) accreditation - have dedicated significant resources to attacking specific human rights defenders and civil society organizations through their publications, social media, and other propaganda. These organizations effectively work in tandem with the Israeli Government’s strategy against civil society. For example, organizations have supported Government officials in fundraising to cover legal fees relating to litigation⁵⁷, provided staff members in right-wing election campaigns⁵⁸, collaborated on the drafting of Government bills⁵⁹ and the establishment of parliamentary lobbies⁶⁰, and engaged in well organised smear campaigns against human rights organizations and individuals alongside government actions targeting the same organizations⁶¹, among other actions.

37. These organizations also directly target human rights defenders and civil society organizations through online campaigns and harassment. One Israeli right-wing organization for example – has published a list of prominent human rights activists on a dedicated website called “meet the desecrater”. The website lists 80 Palestinian and Israeli human rights activists with their pictures and the organizations they are affiliated with, inviting the public to submit complaints against them through a complaints form. The list includes journalists, human rights activists, actors, city council members, and political party members.⁶² In May 2019, the organization published a list of 99 academic faculty members who “take part in promoting international pressure on Israel, encourage sanctions, spread false accusations against IDF soldiers, support organizations that spread false accusations against IDF soldiers and participate in various events calling for the boycott of the State of Israel.”⁶³

38. While the *modus operandi* of each organization differs, the goal appears to be the same- discredit, harass, interfere, and ultimately stop the work of human rights organizations, institutions hosting such organizations, and public events on Palestinian rights.

39. A key strategy used by both the Israeli Government and right-wing organizations is to discredit international Palestinian rights advocates by asserting that criticism of Israeli

⁵³ https://www.gov.il/en/departments/units/ministry_of_strategic_affairs_and_public_diplomacy.

⁵⁴ https://www.gov.il/en/departments/units/ministry_of_strategic_affairs_and_public_diplomacy.

⁵⁵ The Boycott, Divestment, Sanctions (BDS) movement defines itself as working to end international support for Israel's oppression of Palestinians and pressure Israel to comply with international law. See <https://bdsmovement.net/>

⁵⁶ https://www.gov.il/BlobFolder/generalpage/terrorists_in_suits/he/doch270219.pdf (in Hebrew).

⁵⁷ https://givechak.co.il/Bibi_Netanyahu?ref=nwc; <https://www.inn.co.il/news/538295> (in Hebrew).

⁵⁸ <https://www.haaretz.co.il/news/politi/2016-08-02/ty-article/0000017f-f4d7-d460-afff-fff793050000> (in Hebrew).

⁵⁹ <https://www.facebook.com/imtirtzu/photos/a.3093939343997011/5799329843457934/> (in Hebrew).

⁶⁰ https://www.youtube.com/watch?v=qmDsWYY_vw8 (in Hebrew).

⁶¹ <https://www.ngo-monitor.org/reports/pflp-ties-six-newly-designated-terror-ngos/>.

⁶² <https://radicalactivists.imti.org.il/> (in Hebrew).

⁶³ <https://political-campus.co.il/> (in Hebrew).

policies and actions is antisemitic, relying on the 2016 International Holocaust Remembrance Alliance working definition of antisemitism and its 11 “contemporary examples”⁶⁴, a non-binding and extremely controversial draft instrument.⁶⁵ As a result of the adoption of this working definition by some governments and organizations, human rights organizations have observed a growing chilling effect on voices critical of Israeli policies and actions, an effect reinforced by legal actions undertaken against Palestinian rights advocates, in order to intimidate others from speaking out.⁶⁶ In the United States, thirty states have adopted the definition through legislation or executive action and there are campaigns to have similar legislation in other states.⁶⁷ In the European Union, States, local authorities, city councils, public institutions and universities⁶⁸ are under pressure from advocates of the definition to adopt the definition; this pressure has intensified since the European Parliament’s 2017 resolution to combat antisemitism.⁶⁹ In the United Kingdom, some 200 universities have incorporated the definition into their policies. Subsequently, human rights organizations have documented a substantial increase in interference with academic freedom, as well as complaints and lawsuits lodged against academics and students.⁷⁰

40. Policies and legislation enacted by foreign governments targeting free speech in relation to Palestinian rights and criticizing Israel’s actions, mirror many of the steps undertaken by the Israeli Government to silence human rights defenders domestically, in particular those advocating boycotts. In the United States, thirty-five States have adopted anti-BDS legislation⁷¹, and prominent organizations and individuals critical of Israel have faced obstacles at some American institutions. State legislators in the United States have also placed financial burdens on companies accused of boycotting Israel through blacklists and pension fund divestments.⁷² On 19 November 2020, the United States Secretary of State announced that the State Department would designate as “antisemitic” organizations that engage in boycotts against Israel, and those that show support to OHCHR database of companies that conduct business with Israeli settlements in the occupied West Bank; and would deem such organizations ineligible for United States government funding.⁷³ In Germany, a 2019 Bundestag resolution classified BDS as inherently antisemitic, essentially barring organizations that support the boycott from accessing public funds and public spaces.⁷⁴ The resolution has enabled some universities, state governments, and public institutions to deny Palestinians the right to free speech and assembly and has sparked condemnation and legal action by activists against several city councils.⁷⁵

41. The Commission emphasizes that expressing views through non-violent means, including advocating or participating in boycotts falls under the right to freedom of expression. Authorities may restrict speech, but only under narrow and stringent conditions. The advocacy of or participation in a boycott is understood as falling under article 19 (2) of the International Covenant on Civil and Political Rights: “Everyone shall have the right to

⁶⁴ See footnote 43 above.

⁶⁵ For more examples of the use of the International Holocaust Remembrance Alliance working definition against human rights work, see <https://www.hrw.org/news/2023/01/26/human-rights-watch-letter-co-sponsors-proposed-aba-resolution-514-antisemitism>.

⁶⁶ <https://diasporaalliance.co/wp-content/uploads/2023/02/IHRA-Explainer-Messaging.pdf>.

⁶⁷ <https://www.jpost.com/diaspora/antisemitism/article-728773>.

⁶⁸ For example <https://www.theguardian.com/education/2020/oct/09/williamson-accuses-english-universities-of-ignoring-antisemitism>; <https://diasporaalliance.co/wp-content/uploads/2023/02/IHRA-Explainer-Messaging.pdf>.

⁶⁹ https://www.europarl.europa.eu/doceo/document/B-8-2017-0383_EN.html.

⁷⁰ Interview on file; see also <https://securitypraxis.eu/antisemitism-palestine-academic-freedom-interview-elsc/>.

⁷¹ <https://legislation.palestinelegal.org/>; <https://visualizingpalestine.org/visuals/anti-boycott-laws?fbclid=IwAR3vR9nSNUelYKjCyQS74GPTfGw7O1cNNczp-LIsRqDydvZfwswfBoqSEU#&gid=1&pid=1>.

⁷² <https://mondoweiss.net/2022/10/anti-boycott-laws-are-a-dystopian-nightmare/>.

⁷³ <https://2017-2021.state.gov/identifying-organizations-engaged-in-anti-semitic-bds-activities/index.html>.

⁷⁴ <https://dserver.bundestag.de/btd/19/101/1910191.pdf>.

⁷⁵ See more https://res.cloudinary.com/elsc/images/v1644411154/German-precedents-anti-BDS-motions/German-precedents-anti-BDS-motions.pdf?_i=AA.

freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”⁷⁶

42. In relation to the International Holocaust Remembrance Alliance working definition of antisemitism, the Commission concurs with the concerns raised by the Special Rapporteur on Contemporary Forms of Racism as well as numerous scholars and public figures worldwide, that the definition undermines serious attempts to address antisemitism, neo-Nazism and related racism, xenophobia and intolerance, and contributes to the politically motivated instrumentalization of the fight against antisemitism which also serves to obscure the oppression of groups affected by human rights violations.⁷⁷ Moreover, although the definition is non-binding, it has had a significant influence on the policy and practices of some governments and other entities, and has contributed to violations of the rights to freedom of expression, peaceful assembly and political participation, among others.⁷⁸

Existing legislation targeting civic space

43. Israeli authorities have passed several laws intended to reduce and restrict civil-society activities. These include amendment no. 40 to the Budgets Foundations law of 2011 (“the Nakba Law”), the Anti-Boycott Law of 2011 (“the BDS Law”) and the Duty of Disclosure [for a Body] Supported by a Foreign Political Entity (Amendment) Law of 2016.

44. The 2011 amendment no. 40 to the Budgeted Foundations Law (“Nakba Law”), laid much of the groundwork for the intervention of the Ministry of Finance in civil society activity in relation to Palestinian rights. The Law allows the Ministry of Finance to remove state funding to an institution if it holds an activity that rejects the existence of Israel as a “Jewish and Democratic State” or commemorates Israel’s Independence Day or the day on which the state was established as a day of mourning.⁷⁹ Since it was passed, authorities have relied on it to cancel a variety of events, including lectures, cultural events, and conferences.⁸⁰

45. The 2011 Anti-Boycott Law prohibits the public promotion of academic, economic or cultural boycotts by Israeli citizens and organizations against Israeli institutions or settlements in the West Bank. The Law also provides for the revocation of tax exemptions and other economic benefits given by the state, to Israeli associations, as well as academic, cultural and scientific institutions which receive state support, if they call for or engage in boycott.⁸¹

46. The Duty of Disclosure [for a Body] Supported by a Foreign Political Entity (Amendment) Law of 2016 requires Israeli NGOs to declare the sources of their income if the majority of their income comes from foreign countries’ donations. The Law requires such organizations to declare their income to the registrar of associations and declare it in their public materials and profiles.⁸²

47. The 1945 Defense (Emergency) Regulations and the 2016 Counter-Terrorism Law provide the legal basis for the designation of Palestinian NGOs as terrorist organizations. The Counter-Terrorism Law allows Israel’s Minister of Defense to designate a “body of persons” as a “terrorist organization”, if the Minister determines that the group satisfies the definition provided in the Law. The Law sets out prison terms of between five and 25 years for staff and members of the designated organizations, and allows the confiscation of assets, and closure of organizations. It also criminalizes the provision of financial support as well as the identification with a terrorist organization, including by publishing words of praise, support or sympathy, waving a flag, displaying or publishing a symbol, or displaying, playing or

⁷⁶ International Covenant on Civil and Political Rights. Art. 19 (2); Human Rights Committee, General Comment No. 34.

⁷⁷ A/77/512, paras 69 – 71.

⁷⁸ *Ibid.*, para. 75.

⁷⁹ https://fs.knesset.gov.il/18/law/18_lsr_301085.pdf (in Hebrew).

⁸⁰ For example, the cancellation of events planned at Tel Aviv University to mark Nakba day in 2019, <https://www.haaretz.com/israel-news/2019-05-16/ty-article/.premium/in-first-israeli-university-bans-political-event-citing-violation-of-nakba-law/0000017f-e8be-df2c-a1ff-feff380b0000>.

⁸¹ https://fs.knesset.gov.il/18/law/18_lsr_301223.pdf (in Hebrew).

⁸² https://fs.knesset.gov.il/20/law/20_lsr_346561.pdf (in Hebrew).

publishing a slogan or anthem with three to five years in prison. The Law repealed some provisions of the 1945 Defense (Emergency) Regulations –inside Israel, while the Regulations relating to “unlawful associations” remain valid in the Occupied Palestinian Territory. Human rights organizations have emphasized significant deficiencies in both laws and their application to Palestinian groups, particularly noting the over-broad and vague definitions of the categories of “terrorist organization” and “unlawful association”, the power and discretion provided to both Israel’s Minister of Defense and the Israeli military commander in issuing the designations and declarations, the legal consequences of such designations and declarations which rely on these bodies of law, and the difficulty in challenging designations and declarations, resulting primarily from the use of secret evidence.⁸³

48. Amendment no. 28 of March 2017 of the Entry into Israel Law stipulates that a person who is not an Israeli citizen or a permanent resident of the State of Israel will not be granted a visa or a residence permit of any kind, if the person, or the organization or body for which the person acts, calls for a boycott of the State of Israel or undertakes action in such a boycott.⁸⁴

49. The March 2022 renewal of the 1952 Citizenship and Entry into Israel Law (Temporary Order) was noted in the Commission’s first report to the Human Rights Council.⁸⁵ The Human Rights Committee had expressed concern over this temporary order for denying the right to family unification of Israeli citizens with their Palestinian spouses.⁸⁶

50. Israeli citizenship can be revoked in accordance with the amendment to the Citizenship Law from 2008. The Minister of the Interior is authorized, upon the recommendation of the Attorney General and with the approval of a district court, to revoke Israeli citizenship from those who have committed an act that amounts to a “breach of allegiance to the State of Israel”. A July 2022 Supreme Court decision examined the legality of this amendment for the first time. The Supreme Court ruled in this case that the amendment meets Israeli constitutional tests, even if as a result of the revocation of citizenship a person remains without any citizenship (and becomes stateless), provided that the Minister of the Interior grants that person a permanent residence permit in Israel.⁸⁷ Palestinian East Jerusalem residency can be revoked in accordance with Amendment no. 30 to the Law on Entry into Israel passed in 2018.⁸⁸

New legislative developments with potential impact on civic space

51. In late 2022, a new Israeli Government was sworn in with a stated mission of weakening the judiciary and increasing government control of the media and freedom of expression, which would have a significant impact on civil society in Israel and the Occupied Palestinian Territory.

52. The December 2022 coalition agreement of Benjamin Netanyahu’s sixth Government laid the ground to a number of new legislation initiatives aimed at reducing civic space. On 15 February 2023, the Knesset passed second and third readings of the Bill for Revoking the Citizenship or Residency Status of a Terrorist Operative Receiving Compensation for Committing an Act of Terrorism. The bill proposes that if an Israeli citizen or resident has been convicted of an offense that constitutes a “breach of trust” to the State of Israel, has been sentenced to prison time for that offense, and it has been proven that the Palestinian

⁸³ https://www.adalah.org/uploads/uploads/Adalah_Expert_Opinion_Palestinian6_Nov2021.pdf; and see for example <https://www.un.org/unispal/document/un-high-commissioner-for-human-rights-bachelet-calls-israels-terrorism-designation-an-unjustified-attack-on-palestinian-civil-society-press-release/>.

⁸⁴ https://fs.knesset.gov.il/20/law/20_Isr_381202.pdf (in Hebrew).

⁸⁵ A/HRC/50/21, para. 46.

⁸⁶ <https://www.ohchr.org/en/press-releases/2022/03/dialogue-israel-experts-human-rights-committee-raise-issues-concerning>.

⁸⁷ Case 8277/17 Ala Ziyod against the Minister of Interior. See <https://www.adalah.org/he/content/view/10662>; https://www.adalah.org/uploads/uploads/Zayoud_decision_210722.pdf (in Hebrew).

⁸⁸ https://fs.knesset.gov.il/20/law/20_Isr_491468.pdf (in Hebrew).

Authority is compensating him for this, it will be possible to revoke the person's citizenship or permanent residency license, as the case may be, and to relocate the person to the Palestinian Authority territories or the Gaza Strip.⁸⁹

53. Between February and May 2023, several bills were presented for pre-deliberation at the Knesset with potentially wide-reaching implications for human rights defenders and civic space if they are passed into law.⁹⁰ On 13 February 2023, three separate bills were submitted targeting civil society activities. The first bill proposed forbidding the filming of soldiers on duty, carrying a punishment of up to five years imprisonment.⁹¹ The bill was drafted with the assistance of a right-wing organization, who took credit for its role in the drafting and congratulated the members of the Knesset for their bold move, in a dedicated Facebook post.⁹² According to reports, work conducted by the right-wing organization to interrupt human rights defenders filming soldiers as part of the project "Photograph the photographers" led to this initiative.⁹³ A second bill proposed the forbidding of waving the flag of an enemy country or a terror organization or the Palestinian Authority in the public space.⁹⁴ This proposal would make the displaying the Palestinian flag including in demonstrations inside Israel a criminal offence, punishable by up to one year imprisonment and a fine.

54. A third bill proposed imposing a tax rate of 65 percent on the income of associations that receive donations from foreign political entities. The bill proposes the exclusion of such associations from the definition of "public institution" in section 9 (2) (b) of the tax ordinance, and depriving donors to such associations of the entitlement to a tax deduction under section 46 of the Income Tax Ordinance.⁹⁵ If passed, the bill would significantly interfere with donations to Palestinian and Israeli human rights and humanitarian NGOs and will hamper human rights and relief work. Civil society organizations have expressed widespread concern and outrage over the bill. The New Israel Fund noted for example: "This coalition wants to tax NGOs who receive foreign government funding into oblivion and revoke their tax-exempt status. Netanyahu's government is taking aim at civil society. This is the next step of its assault on democracy."⁹⁶ Although the bill was reportedly shelved prior to its deliberation as a result of strong objections, concern persists that it will be presented again in the future.⁹⁷

55. On 29 March 2023, a bill was submitted requiring foreign-funded associations to state that they are supported by foreign governmental entities in every petition submitted to the

⁸⁹ <https://main.knesset.gov.il/en/news/pressreleases/pages/press15223c.aspx>; for the legislative process see <https://main.knesset.gov.il/en/activity/pages/legislation.aspx>.

⁹⁰ <https://main.knesset.gov.il/Activity/Legislation/Laws/pages/LawBill.aspx?t=lawsuggestionssearch&lawitemid=2201102> (in Hebrew).

⁹¹ <https://main.knesset.gov.il/Activity/Legislation/Laws/Pages/LawBill.aspx?t=lawsuggestionssearch&lawitemid=2198024> (in Hebrew).

⁹² <https://www.facebook.com/imtirtzu/photos/a.3093939343997011/5799329843457934/>.

⁹³ The project aims at documenting activists, whom the organization considers "anarchists" and "foreign" having an intention in harassing Israeli soldiers. The organization called on its members and volunteers to document the activists, if possible, through a live stream, in an effort to undermine an individual's or group's reputation so they will refrain from their activism.

<https://radicalactivists.imti.org.il/%D7%94%D7%90%D7%95%D7%9C%D7%A4%D7%9F-%D7%9C%D7%9E%D7%97%D7%A9%D7%91%D7%94-%D7%A6%D7%99%D7%95%D7%A0%D7%99%D7%AA-%D7%A2%D7%9D-%D7%99%D7%94%D7%95%D7%93%D7%94-%D7%A9%D7%A8%D7%91%D7%90%D7%A0%D7%99-%D7%A2/> (in Hebrew).

⁹⁴ <https://main.knesset.gov.il/Activity/Legislation/Laws/Pages/LawBill.aspx?t=lawsuggestionssearch&lawitemid=2204741>. In 2023 alone, several similar bills were proposed by different members of the Knesset.

⁹⁵ <https://main.knesset.gov.il/Activity/Legislation/Laws/pages/LawBill.aspx?t=lawsuggestionssearch&lawitemid=2199819> (in Hebrew).

⁹⁶ <https://twitter.com/NewIsraelFund/status/1661456066952003584>.

⁹⁷ <https://www.ynet.co.il/news/article/r1iq5skih> (in Hebrew).

High Court of Justice. According to the drafters, “the bill seeks to deal with the phenomenon of non-profit organizations in Israel that represent, in a non-transparent manner, foreign interests of foreign countries and operate under the guise of a local organization that seeks to take care of the Israeli public interest.”

56. In February 2023, the Netanyahu Government started enacting new legislation to weaken judicial independence amid large-scale countrywide demonstrations. The proposed changes would dismantle fundamental features of the separation of powers and of the checks and balances essential in democratic political systems. Legal experts have warned that they risk weakening human rights protections, especially for the most vulnerable and disfavoured communities, including Palestinian citizens of Israel, asylum-seekers and lesbian, gay, bisexual, transgender and queer persons.⁹⁸

The use of counter-terrorism legislation against civil society

57. On 19 October 2021, Israel’s Minister of Defense designated six Palestinian civil society organizations as “terrorist organizations”, in line with the 2016 Counter-Terrorism Law: the Addameer Prisoner Support and Human Rights Association, Al-Haq, the Bisan Center for Research and Development, Defense for Children International-Palestine, the Union of Agricultural Work Committees and the Union of Palestinian Women’s Committees.⁹⁹ Two weeks later, a military order was issued declaring those organizations unlawful,¹⁰⁰ which allowed Israeli security forces to shut down their offices in the West Bank, confiscate property, arrest and prosecute their staff. A seventh NGO, Health Work Committees, learned that it had previously been declared unlawful when some of its members were arrested and indicted.¹⁰¹

58. Israeli authorities have justified the designations as falling within the provisions of the 2016 Counter-Terrorism Law, claiming that the organizations are, or have become, an “arm” of the Popular Front for the Liberation of Palestine, which Israel had designated a terrorist organization and that they obtained financial resources, which in practice reached the “terror activity” or supported their activities.¹⁰²

59. The Commission is not aware of any credible evidence to support these actions. In July 2022, nine European Union states issued a statement on the designation, noting 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’.”¹⁰³ Indeed, in January 2022, the Israeli Military Advocate responded to a request made by the organizations’ lawyers for disclosure of evidence noting that the core material leading to the designations was secret and could not be disclosed due to the risk of harming the security of the State.¹⁰⁴

60. Staff members of the seven organizations have been targeted by the Israel Security Agency (also known as the Shabak), including through travel bans, interrogations and threats. Several women human rights defenders have been arbitrarily detained, including two women in senior positions who were sentenced to imprisonment and fined in November 2021 and

⁹⁸ <https://www.ohchr.org/en/press-releases/2023/02/israel-un-human-rights-chief-expresses-concern-over-proposed-legislative>; and https://www.economist.com/leaders/2023/02/15/israels-proposed-legal-reforms-are-a-dreadful-answer-to-a-real-problem?utm_medium=cpc.adword.pd&utm_source=google&ppccampaignID=18151738051&ppcadID=&utm_campaign=a.22brand_pmax&utm_content=conversion.direct-response.anonymous&gclid=Cj0KCCQiA3eGfBhCeARIsACpJNU_V5N-10Gx1VTt_LGft0jqfzWLEPvw-GGsEulhDpvuo95wMahPqGbYaAsu6EALw_wcB&gclidsrc=aw.ds

⁹⁹ <https://nbctf.mod.gov.il/en/Pages/211021EN.aspx>.

¹⁰⁰ https://www.alhaq.org/cached_uploads/download/2021/11/07/%D7%94%D7%9B%D7%A8%D7%96%D7%94-%D7%A2%D7%9C-%D7%94%D7%AA%D7%90%D7%97%D7%93%D7%95%D7%AA-%D7%91%D7%9C%D7%AA%D7%99-%D7%9E%D7%95%D7%AA%D7%A8%D7%AA-3-3-1636308962.pdf (in Hebrew).

¹⁰¹ A/HRC/49/83, para. 30.

¹⁰² <https://nbctf.mod.gov.il/en/Pages/211021EN.aspx>.

¹⁰³ <https://www.government.nl/documents/diplomatic-statements/2022/07/12/joint-statement-on-the-israeli-designation-of-palestinian-civil-society-organisations-as-terrorist-organisations>.

¹⁰⁴ https://www.adalah.org/uploads/uploads/response_miliraty_Pal6_020122.pdf (in Hebrew).

May 2022, respectively. Both women were convicted on the basis of plea bargains, reportedly reached as a result of ill-treatment and pressure by Israeli authorities during detention.¹⁰⁵

61. On 18 August 2022, Israeli security forces raided and closed the offices of seven Palestinian human rights and humanitarian organizations. Israeli security forces broke into, searched and sealed the offices, all located in Ramallah.¹⁰⁶ They also confiscated computers and other documents located in the offices. On 18 and 21 August 2022, the Israel Security Agency interrogated the directors of two of the seven organizations, Union of Palestinian Women's Committees and Defense for Children International-Palestine.¹⁰⁷

62. Palestinian and Israeli lawyers representing some of the organizations reported being subjected to attempts by Israeli officials to obstruct their work. The Commission received information that a letter was sent by the Israeli Ministry of Defense to three different lawyers representing three of the six designated organizations, drawing attention to the provisions of Section 32 (d) (1) of the Counter-Terrorism Law and indicating that any legal fees accepted by the lawyers had to be approved in advance by the Israeli Government. On 17 July, 2022 Attorney Michael Sfard responded on behalf of all three lawyers, noting that when the 2016 Law was presented before the Knesset it was made clear that providing legal representation to an organization in connection to proceedings under the proposed law, such as representing it in a hearing concerning the designation or in a proceeding for the seizure of its property, and therefore the receipt of legal fees does not constitute the provision of prohibited services under section 23 of the Law.¹⁰⁸

63. Several organizations reported that the designation has had a significant impact on NGO programmes and activities, affecting thousands of Palestinians receiving support, including marginalized communities relying on services provided in relation to farming, food security, legal support, gender-based violence and women's health care.

64. The Commission received reports about the Union of Palestinian Women's Committees being particularly targeted, with its offices remaining closed since August 2022. The Israel Security Agency threatened more than a dozen of the organization's staff members, and some of their children, and tried to coerce them to stop their activism by use of threats with a clear gender dimension. Women human rights defenders reported that the threats and harassment contained prevailing gender stereotypes and were intended to trigger guilt and anxiety, insinuating that they did not fulfil their role as mothers and caregivers.¹⁰⁹ One staff member reported that she had been targeted through her daughter, who had received several phone calls from the Agency; another reported that Agency agents had threatened to interfere with her daughter's college application.

65. In November 2022, during a week-long public hearing, the Commissioners heard testimonies from representatives of all seven organizations. In the lead-up to the hearings, the Commission of Inquiry invited Israel to provide it with "all documentary evidence in its possession or under its control" pertinent to the designations and closures. A follow up request was sent prior to the second set of public hearings held in March 2022. No response has been received to either of these requests.

66. In addition to the long stigmatization campaign that Israel had carried out against these organizations prior to their designation¹¹⁰, the Commission received information suggesting that some six months prior to the designations, the Israel Ministry of Intelligence had advised the Government to incriminate individuals and organizations receiving foreign funding,

¹⁰⁵ See also A/HRC/52/75, paras. 32 – 33.

¹⁰⁶ https://ochaopt.org/content/un-agencies-and-association-international-development-agencies-working-occupied-palestinian-territory?_gl=1*120ldmd*_ga*MTE4NjQyNjc5NS4xNjczMzQ1OTMw*_ga_E60ZNX2F68*MTY3MzM0NTkyOS4xLjAuMTY3MzM0NTkyOS42MC4wLjA; https://www.972mag.com/lawyers-sfard-palestinian-ngos/.

¹⁰⁷ Interviews on file.

¹⁰⁸ Interviews and documents on file. See also <https://www.972mag.com/lawyers-sfard-palestinian-ngos/>.

¹⁰⁹ Interviews on file.

¹¹⁰ A/HRC/49/83, para. 29.

tarnish their reputation, and expose their connections to “terrorist” elements, mentioning by name at least one of the designated organizations.¹¹¹

Attacks and harassment

Israeli security forces

“I was so scared as these special forces are very dangerous. I have a phobia of them. I am afraid that one day when there are no cameras on the street to document, they will come and kill me [...]. My life is in danger. I am not going to act like a hero and say I am not scared. No, actually I am terrified.”

Palestinian journalist.¹¹²

67. The Commission documented a series of incidents involving Israeli security forces attacks against Israeli, Palestinian and international human rights defenders and activists in the Occupied Palestinian Territory, indicating a growing climate of permissiveness in such actions towards human rights defenders.

68. Palestinian human rights defender Issa Amro, from Hebron, has been subjected to multiple attacks by both settlers and Israeli security forces over many years. In February 2023, Mr. Amro was physically assaulted by Israeli security forces while leading international journalists on a tour of the city. Video footage shows that an Israeli security forces soldier grabbed Mr. Amro by his neck, pushed him to the ground and kicked him.¹¹³ The soldier was reportedly sentenced to 10 days in military prison shortly after the incident.¹¹⁴ A spokesperson for the Israeli army reportedly tried to reach out to Mr. Amro on social media to discuss the incident, but Mr. Amro considered the social media approach inappropriate.¹¹⁵ Following the attack, the Minister of National Security, Itamar Ben-Gvir, stated that the soldier should not have been sent to military detention for his actions, and should have received the support of the establishment instead.¹¹⁶

69. In another case, a Palestinian human rights defender from East Jerusalem has been subjected to multiple attacks by Israeli security forces on several different occasions.¹¹⁷ In one incident, he was attacked by Israeli Border Police in May 2022 while he was filming a forced eviction in Sheikh Jarrah in East Jerusalem. A group of armed Israeli Border Police personnel beat him and pushed him to the ground. They also confiscated a Palestinian flag from his car. They continued beating him and he sustained injuries on both his legs. Following the incident, he was detained and was issued an order banning him from entering Sheikh Jarrah, Al-Aqsa Mosque and Bab-Al-Amoud for a period of 15 days. He appealed this decision before the Jerusalem District Court, presenting video evidence of the incident, and the judge released him with no limiting conditions.¹¹⁸

Attacks by settlers and failure to protect by Israeli authorities

“The system is rigged and settler attacks against Palestinians and left-wing Israeli activists are not investigated properly since there is no incentive to press charges

¹¹¹ Israel Ministry of Intelligence “The Palestinian Battle for Area C - Creating a Security Situation on the Ground, Description and Significance”, para. 77. “...Israel should also integrate into this battle [over Area C] some of the same intelligence tools which are used in the battle against terror. This should include an effort to cut off course of funding from foreign government and private donors that fuel the battle [over Area C], by incriminating the individuals and organizations who enjoy foreign funding, tarnishing their reputation, and exposing their connections to terrorist elements.”, See https://fs.knesset.gov.il/24/Committees/24_cs_bg_616988.pdf (in Hebrew).

¹¹² Interview on file.

¹¹³ <https://twitter.com/Issaamro/status/1625205825760333840>.

¹¹⁴ <https://www.haaretz.co.il/news/politics/2023-02-13/ty-article/.premium/00000186-4c29-d5d4-a5e7-efab1e830000> (in Hebrew).

¹¹⁵ <https://twitter.com/Issaamro/status/1629806810336051200?cxt=HHwWgIC-6ZWqnp4tAAAA>.

¹¹⁶ <https://twitter.com/itamarbengvir/status/1625387810571034626> (in Hebrew).

¹¹⁷ See also A/HRC/49/25, para. 41.

¹¹⁸ Interview and documents on file.

against violent settlers. If the attackers are Palestinian, the investigation would be completely different. It would be diligent, well-equipped, and thorough.”

Palestinian lawyer.¹¹⁹

70. The Commission documented many cases of settlers carrying out attacks against human rights defenders with total impunity. While Palestinians and Palestinian human rights defenders are the prime targets of settler attacks and suffer far more severe consequences, all human rights defenders operating in proximity to settlements and outposts are increasingly seen by settlers as legitimate targets of violent attacks, regardless of age or gender. In October 2022, two Israeli women human rights defenders were violently attacked by settlers as they were accompanying Palestinians during the olive harvest close to Ma’ale ‘Amos settlement. One of the women human rights defenders, a 70-year-old Israeli activist, was severely injured in the chest and head, requiring evacuation for medical care. Although there is clear documentation of some parts of the incident, the Commission has not been informed of an investigation or any charges brought against the assailants. Exacerbating the situation, at least some of the women human rights defenders were treated by the police as suspects.

71. In November 2021, a group of eight Israeli human rights defenders were accompanying Palestinians for the olive harvest near the settlement Bat-Ain. At first Israeli security forces were present and prevented settlers from approaching. However, once the Israeli security forces left, the human rights defenders were violently attacked by approximately 30 masked settlers using bats and stones. Three of the settlers beat a women human rights defender with sticks and a bat with nails in it, causing her bleeding and other injuries. Two other human rights defenders were also injured. The women human rights defender said that once the Israeli security forces left “we saw them [the settlers] coming down from the hills... there was a feeling that we were about to be lynched.”¹²⁰ Only one settler involved in the incident was charged and convicted in a plea bargain. The police claimed that they could not identify any other assailants.¹²¹

72. Israeli police and security forces often display an accusatory attitude towards human rights defenders, when they are called to a scene of an attack, in particular when settlers distort information and complain of violence inflicted towards them. In September 2022, a Palestinian human rights defender was attacked by five settlers while he was working on his farm in Masafer Yatta. The settlers broke both his arms, while he defended his head with a hoe he was using for farming. While the human rights defender received treatment for his injuries, he was informed of his arrest on suspicion of attempted murder and attacking the settlers and spent 10 days in Ofer prison. He was later released by a military judge with conditions: payment of bail and barring access to his land for 30 days.¹²²

73. In the same incident, two Israeli activists were also interrogated by the police after being suspected of helping the Palestinian human rights defender attack the settler, and were considered by the police as additional suspects in the case.¹²³ One of the two Israeli activists, a women human rights defender, was also subjected to an online smear campaign on Twitter using the hashtag “why has X not been arrested” [translated from Hebrew, name redacted], which was reportedly initiated by settlers, who claimed that she had attacked them. In another incident in 2022, the same Israeli women human rights defender was alerted by Palestinians that a settler had entered private Palestinian land and was attacking them. An Israeli police officer, who arrived at the scene, questioned the Palestinians as to why they did not alert the police. When the women human rights defender tried to intervene, the police officer physically pushed her with his head and body. She was then taken for interrogation at the police station and accused of having attacked a police officer. She was released later that day. No action was reportedly taken against the police officer.¹²⁴

¹¹⁹ Interview on file.

¹²⁰ Interviews on file.

¹²¹ Interviews on file.

¹²² Interviews on file.

¹²³ Interview on file. See also <https://www.haaretz.co.il/opinions/2022-09-14/ty-article-opinion/premium/00000183-3c11-dfd0-a5f7-3e932b180000> (in Hebrew).

¹²⁴ Interview and documents on file.

74. A Palestinian women human rights defender from Sheikh Jarrah has been opposing a demolition order on her home since 2005. Due to her activism, she has been subjected to continuous harassment and intimidation by both Israeli security forces and settlers, including physical assault and harassment as well as arrests and detention. Her family has also been targeted as a result of her activism, and as a method to coerce her to leave her home. For example, in May 2021, more than 50 Israeli security forces personnel raided her house and arrested three of her sons and held them for three days. The family was not informed of the reason for their arrest. After three days, the military court released them on bail to house arrest for several days. In February 2022, one of her sons were arrested by the Israeli security forces due to displaying Palestinian flags in Sheikh Jarrah. At the time of writing this report, well over a year later, he was still detained and is facing charges of burning a settler's farm and throwing stones at settlers.¹²⁵

75. Hebron has long been an epicentre of settler violence- including violence against human rights defenders.¹²⁶ Palestinian human rights defender Issa Amro from Hebron has been subjected to multiple settler attacks, many of them on a daily basis, in the vicinity of his home. He told the Commission that since the beginning of 2023 alone, he has been attacked multiple times through physical beatings, destruction of his property, raids, insults and threats. In most cases settlers were armed and attacked him at his home. In the period of 11 - 13 January 2023 for example, groups of settlers from nearby Tel Rumeida settlement came to his house, attempted to cut the fence, and raided his home. When he approached them, they threatened to kill him. They also beat him, threw stones at him, and destroyed a wall of his house. Although he submitted several complaints to the Israeli police concerning these incidents, the Commission is not aware of any police protective or accountability action in response.¹²⁷

76. Each year in late November, Jewish Israelis and settlers travel to Hebron to celebrate *Shabbat Chayei Sarah*, which is often accompanied by acts of violence towards Palestinians. In the November 2022 *Chayei Sarah* celebration, a marked escalation in violence was observed which was also directed reportedly at human rights defenders. Soldiers stationed at the event reported that they were also subjected to settler harassment, for their perceived role in trying to end the violence. One soldier was quoted by an online news outlet as saying: "There are no clear orders [...]. I know how to deal with Palestinians, but with Israelis I hesitate. I didn't have the option [on Saturday]. I was with heavy equipment, and [the settlers] were throwing [stones] and then running away. If we were a bigger force, I hope I would have arrested [them], but it's hard to say."¹²⁸

77. These and other cases documented by the Commission are emblematic of several interlinked dynamics involving settler attacks against human rights defenders, including the failure of Israeli security forces and police to protect human rights defenders from such attacks, even when called to the scene, and the failure to hold perpetrators accountable. There is also evidence of Israeli soldiers supporting and protecting settlers who were attacking Palestinians and Palestinian property. The widespread impunity enjoyed by settlers is exacerbated by Israeli security forces and police treating human rights defenders as criminals even when there is substantial evidence that they were victims of an attack.

78. In its last report to the General Assembly, the Commission noted that Israeli civilian and military security forces rarely protect Palestinians from settler violence and that Israeli courts have charged very few settlers suspected of committing violent acts against Palestinians, which contributes to a prevailing climate of impunity.¹²⁹ The Commission underscores that Israel has repeatedly failed in its responsibility as the occupying Power to protect the Palestinian population, including human rights defenders, from settler attacks; as required by article 27 of the Fourth Geneva Convention. Furthermore, where Israeli security

¹²⁵ Interview and documents on file.

¹²⁶ See A/77/328, paras. 55 - 56.

¹²⁷ Interview and documents on file.

¹²⁸ See <https://www.972mag.com/hebron-mass-settler-attack/> and https://www.btselem.org/video/20230103_chayei_sarah_weekend_in_hebron_settlers_attack_palestinians_and_loot_property_in_front_of_soldiers#full.

¹²⁹ A/77/328, para. 66.

forces are called to the scene, they often treat human rights defenders as suspects, even when they are visibly wounded and outnumbered.

Punitive measures and restrictions under the occupation regime

“It is not surprising that Israel goes after people who document the injustices it commits in the Occupied Territories and work to expose it. The violence of the Israeli forces is nothing new – it is a daily part of my work and of life for all Palestinians in the Occupied Territories. That is why I do my job, and I will continue doing it.”

Palestinian human rights defender, detained by Israeli security forces and prosecuted in a military court.¹³⁰

79. The Israeli military court system is used as a central tool in the silencing and criminalization of Palestinian opposition and activism in the occupied West Bank. It is used extensively to deprive human rights defenders of their liberty. The Commission documented dozens of cases of human rights defenders who had been prosecuted and convicted through the military courts system. The cases share common elements, including intimidation through interrogation, harassment by Israeli security forces and the use of plea bargains under duress to obtain convictions without needing to provide sufficiently compelling evidence.¹³¹ These factors, along with the high number of such cases, suggest a systematic policy of targeting Palestinian human rights defenders and activists through judicial measures and intimidation, a strategy called lawfare.

80. Israeli authorities in the Occupied Palestinian Territory use lengthy or indefinite administrative detention, based on secret evidence, without charge or trial, to punish and restrict human rights defenders, journalists, students, members of NGOs and people expressing their opinions on social media. The Commission documented several cases of Palestinian civil society actors who were held in administrative detention without charges. In the absence of evidence to the contrary, the Commission considers that Israeli authorities have been using administrative detention to remove Palestinian civil-society actors from the public space to stop their activities, silence their voices and punish them, and often also to deter others.

81. The Commission notes that many Palestinian human rights defenders are arrested and brought before military courts repeatedly. Some battle concurrent charges. Others face charges by both Israeli authorities and the Palestinian Authority.

82. In August 2022, Israeli security forces arrested a Palestinian human rights defender working as a researcher for a major Israeli human rights organization and transferred him the next day to an Israel Security Agency interrogation facility in Gush Etzion. He was interrogated about his work and family and was reportedly accused of “causing all the trouble in the area.” He was then released without charges. After this arrest, the human rights defender was indicted for an incident in 2021 in which he allegedly assaulted a police officer, when settlers guarded by Israeli security forces invaded a playground in the village of Susiya. His first court hearing in the Ofer Military Court was held on 23 February 2023. In a speech given outside the courthouse he emphasized that the trial was an attempt to silence him in his human rights work. He said: “At any given moment and in every demolition, we document and [they] want to silence us. They don’t want us to send out the photos and documentation of the terrible things that are happening there. Just today as I appear in front of the court my heart is strong and full. I am not afraid because you are with me, there are still people that want to demonstrate, that want to say that the occupation should end...”.¹³²

¹³⁰

https://www.btselem.org/press_releases/20220812_isa_detains_and_interrogates_btselem_field_researcher.

¹³¹ [https://s3-eu-west-1.amazonaws.com/files.yesh-](https://s3-eu-west-1.amazonaws.com/files.yesh-din.org/%D7%9E%D7%A9%D7%A4%D7%98%D7%99%D7%9D+%D7%91%D7%97%D7%A6%D7%A8+%D7%94%D7%90%D7%97%D7%95%D7%A8%D7%99%D7%AA/BackyardProceedings)

[din.org/%D7%9E%D7%A9%D7%A4%D7%98%D7%99%D7%9D+%D7%91%D7%97%D7%A6%D7%A8+%D7%94%D7%90%D7%97%D7%95%D7%A8%D7%99%D7%AA/BackyardProceedings_fullreportEng+full+report.pdf](https://s3-eu-west-1.amazonaws.com/files.yesh-din.org/%D7%9E%D7%A9%D7%A4%D7%98%D7%99%D7%9D+%D7%91%D7%97%D7%A6%D7%A8+%D7%94%D7%90%D7%97%D7%95%D7%A8%D7%99%D7%AA/BackyardProceedings_fullreportEng+full+report.pdf).

¹³² Interview and documents on file.

83. Palestinian human rights defender Issa Amro has been arrested, questioned and detained by Israeli and Palestinian authorities' multiple times throughout his life, with at least 14 different incidents in the past two years alone. In one recent event, on 27 November 2022, he was summoned by Israeli authorities to the Kiryat Arba police station for questioning where he was accused of attacking an Israeli soldier, disturbing the work of the military, breaching a public order and obstructing an investigation. He was also beaten by the police during his questioning. The Ofer Military Court ordered his release with conditions – preventing him from returning to his house for one week and requiring him to pay bail of around 1,500 shekels.¹³³ Mr. Amro was previously tried by an Israeli military court in 2016 on 18 charges for actions allegedly committed years earlier, including incitement, entering a closed military zone, and participating in a march without a permit.¹³⁴ In March 2021 he was convicted by a military court of six different charges (out of the original 18), relating to assault, taking part in an illegal march, disrupting an officer and participating in an illegal demonstration. He was sentenced to a three-month suspended prison sentence for a period of two years.¹³⁵

84. Israeli authorities arrested the Gaza director for World Vision International, Mohammad el-Halabi, in 2016 and indicted him on terrorism-related charges. He was accused of diverting World Vision funds to Hamas in Gaza, although independent external audits commissioned by World Vision and by the Government of Australia in 2017 found no evidence of embezzlement of funds. After six years in detention and a trial largely held behind closed doors, Mr. el-Halabi was convicted by the Be'er Sheva District Court on 30 August 2022 and sentenced to 12 years' imprisonment. His trial proceedings raise serious issues of unfairness and breach of due process, including evidence not presented in open court, credible allegations of torture and ill-treatment, and pressure to confess under duress.¹³⁶ He was repeatedly offered a plea bargain to admit culpability in exchange for a more lenient sentence, and consistently refused. His continuing deprivation of liberty clearly constitutes arbitrary detention, given the serious due process violations.¹³⁷

85. Palestinian human rights defenders with Israeli citizenship are also subjected to arrest and detention for their legitimate human rights work. A Bedouin human rights defender and writer who has been active in fighting against land dispossession and highlighting the living conditions of the Bedouins in the Negev, was arrested on several occasions by the Israeli authorities for his activities. In 2021, while he was working as a journalist, he was arrested by police officers who reportedly severely beat him, insulted and threatened him in the car on the way to an Israel Security Agency questioning facility, where he was held for continuous questioning and subjected to ill treatment, including being tied to a chair for several hours, and was not allowed access to a lawyer. Accused of setting a car on fire, he requested that the authorities review security camera footage from his home which he believed would prove his innocence. The footage in question was not reviewed for several days while he continued to be detained. The footage showed him at home, some distance from where the car was set on fire, at the time the fire was started. Once the authorities viewed the footage, he was released without charge.¹³⁸

Ill-treatment and torture

“I cannot even describe the level of torture that [my son] was subjected to in Al-Maskoubiya prison. He was severely beaten, he was deprived of food, and he was deprived of sleep. The police officers harassed him and took his clothes and he felt so humiliated. My son tried to commit suicide in prison. He confessed to something that he did not commit but he just wanted to get out. I visited him on regular bases and

¹³³ Interviews and documents on file; see also <https://hrdf.org.il/hrds-in-israel-and-the-opt/december-2022-newsletter/>.

¹³⁴ <https://www.ohchr.org/en/press-releases/2021/01/israels-conviction-human-rights-defender-shows-disdain-international>.

¹³⁵ Documents on file.

¹³⁶ A/HRC/52/75, para. 42.

¹³⁷ *Ibid.*, and <https://www.ohchr.org/en/press-releases/2022/06/un-experts-condemn-israels-arbitrary-detention-and-conviction-palestinian>.

¹³⁸ Interview and documents on file.

every time I went to visit him, I cried [...]. He told me that his hands and legs were cuffed for days, and [...] he was not allowed to go to the bathroom. He was very hungry and had to beg for food. One time he begged them, and they brought a plate of food, but the moment he put his hand on the plate, they tipped it over. And since he was handcuffed, he could not reach it. I told him if I were in your place, I will confess to something that I did not do.”

Palestinian women human rights defender from East Jerusalem.¹³⁹

86. Human rights defenders interviewed by the Commission noted that while in Israeli custody they had been subjected to ill-treatment that in some instances might amount to torture or cruel, inhuman or degrading treatment or punishment. Examples included deprivation of food, clothing, hygiene products or sleep, physical assault, sexual harassment and sexual assault. Victims cited the Be'er Sheva' court detention facility, the Russian Compound facility (Al-Maskoubiya) in Jerusalem, Ashkelon (Askalan) prison's Israel Security Agency detention and questioning facility, the Ofer military court detention facility and HaSharon prison as facilities with particularly harsh conditions, where they were subjected to ill-treatment.

87. Dareen Tatour, a 36-year-old Palestinian poet from Reineh village near Nazareth, spent three months in pre-trial detention, nearly three years in house arrest and five months imprisoned in Damon prison near Haifa. During her imprisonment she was harassed and verbally and physically abused. During her initial questioning in the police detention facility, she underwent sexual harassment and assault by a police officer who entered her cell, sprayed perfume on her, and said that she had a dirty smell. He touched her body and then said to her: “you have a nice body, you have nice eyes”. She screamed and he left. In another incident, while she was detained in HaSaharon prison in pre-trial detention, she was placed in a secured vehicle in order to be transported to a court hearing in Nazareth. She spent three full days in the vehicle, without access to food, water or hygiene facilities.¹⁴⁰

88. The Commission documented the cases of several Palestinian human rights defenders who underwent ill-treatment while in Israeli detention, intended to either extract a confession or deter them from continuing human rights activism. In one such case, a 40-year-old human rights defender was subjected to physical violence while in detention multiple times. In January 2016, he was arrested by Israeli authorities, held for 12 days in Al-Maskoubiya detention facility in Jerusalem. and transferred daily to Binyamin military base for interrogation. During this period, he was placed in a small cell, and was subjected to sudden loud music at all hours, which made his eardrums pop and made him lose balance. He was also placed in solitary confinement, in an underground cell. After 12 days he was released by the Ofer Military Court, for lack of evidence. He was then arrested again in August 2022 and taken to a military base area in South Hebron where he spent almost 24 hours blindfolded and sleep deprived. He noted that while he was blindfolded, Israeli forces came into his cell, threw stones in his direction, and subjected him to threatening sound effects.¹⁴¹

89. A female Palestinian journalist has been arrested six times by Israeli authorities over her journalism career and has spent a total of about four years in administrative detention. She reported being subjected to ill-treatment while detained in Ashkelon prison's Israel Security Agency facility. She was deprived of sleep and rest, and her hands and feet were shackled for long periods of time. During her interrogation by the Israel Security Agency, an interrogator would shout at her and threaten her and her family. The interrogator also withheld female sanitary products from her until she confessed.¹⁴²

90. The Public Committee against Torture in Israel, as well as other organizations, has noted serious concerns over torture and inhuman treatment of Palestinians under Israeli custody. In June 2022, the Public Committee Against Torture in Israel and the International Federation for Human Rights submitted a joint communication to the International Criminal Court's Office of the Prosecutor, to inform its investigation into the situation in the State of

¹³⁹ Interview on file.

¹⁴⁰ Interview and documents on file.

¹⁴¹ Interview on file.

¹⁴² Interviews on file.

Palestine. The communication noted that over 1,300 complaints of torture by Israeli authorities had been submitted to Israel's Justice Ministry between 2001 and June 2021, resulting in two criminal investigations and no indictments. The communication notes that violent interrogations by Israeli security forces were taking place in several locations inside Israel- namely Kishon (Jalameh), Petach Tikva, the Russian Compound (Al-Maskoubiya) in Jerusalem, Ashkelon (Askalan), and Be'er Sheva'.¹⁴³

91. Israel's systematic lack of accountability for cases of ill-treatment and torture has been noted and raised repeatedly by various international human rights mechanisms. In its Concluding Observations in the Fifth Periodic Review of the State of Israel in March 2022, for example, the Human Rights Committee noted its deep concern at "reports of widespread and systematic torture and ill-treatment by the Israeli Prison Service..." and "a very low rate of criminal investigations, prosecutions and convictions concerning allegations of torture and ill-treatment."¹⁴⁴

Military orders and declaration of closed military zones

92. Israel has made extensive use of military orders and declaration of closed military zones to maintain its control over the occupied West Bank. Military orders criminalize all aspects of civil and political life, including protests and gatherings, raising the Palestinian flag and supporting what is deemed by Israel as "unlawful associations".¹⁴⁵

93. Israeli authorities declare closed military zones for a variety of reasons,¹⁴⁶ including to limit human rights defender activity temporarily or permanently. Israeli security forces have increasingly used this method in the city of Hebron and in the South Hebron Hills to prevent demonstrations and solidarity visits by human rights defenders and activists. For example, a closed military zone was declared in Huwwarah following an attack by settlers, to prevent Israeli and Palestinian activists gathering in support of the Huwwarah residents.¹⁴⁷ Human rights defenders and activists are forbidden entry to these zones, while settlers are allowed to move freely in them, proving that the closures have no military or security rationale.

94. Closed military zones are also declared in order to remove particularly active and visible human rights defenders from their homes or land, following settler attacks. Issa Amro's home in Hebron was declared a closed military zone in November 2022, after he had filed several complaints about settler violence. Mr. Amro had complained to the military about settler attacks on his home, blocking the path to his house and stealing mobile phones from activists that were in his house. Mr. Amro had tried to file a complaint with the military authorities in Hebron on four separate occasions but was told that there was no available police officer to log his complaints. In response to a letter sent by his lawyer on this matter, Israeli security forces noted that the closure order "was issued after assessing the situation, following 'friction incidents'¹⁴⁸ with the aim of maintaining public order. This is an isolated/one-off order that does not apply to those who live in the house."¹⁴⁹ A closed military zone was also declared on the farmland of a human rights defender from Masafer Yatta, after he was attacked by settlers and arbitrarily detained for 10 days on suspicion of attacking settlers.¹⁵⁰ On 24 October 2022, he went to his farmland to work and discovered that a

¹⁴³ https://stoptorture.org.il/wp-content/uploads/2022/06/FIDH-PCATI_Art.-15-communication-June-2022.pdf, pp. 4 -5.

¹⁴⁴ CCPR/C/ISR/CO/5, para. 30.

¹⁴⁵ The Defense (Emergency) Regulations of 1945 and Military Order 101 of 1967.

¹⁴⁶ A/77/328, para. 31.

¹⁴⁷ <https://www.haaretz.com/israel-news/2023-03-03/ty-article/.premium/israeli-army-bans-left-wing-solidarity-visit-to-huwwara-as-settlers-enter-freely/00000186-a642-de2a-a1ee-a65787ff0000>.

¹⁴⁸ Israeli security forces use the term 'friction incidents' to describe confrontations between settlers and Palestinians- <https://www.haaretz.co.il/news/politics/2022-11-04/ty-article/.premium/00000184-3d7f-d9a1-a5b5-3f7fd49f0000> (in Hebrew).

¹⁴⁹ Interview on file. See also <https://www.haaretz.co.il/news/politics/2022-11-04/ty-article/.premium/00000184-3d7f-d9a1-a5b5-3f7fd49f0000> (in Hebrew).

¹⁵⁰ See para 72 in this report.

military order was issued declaring the land a closed military zone, although settlers were allowed to use his land to graze their animals.¹⁵¹

95. The Commission observes that closed military zones applied specifically to the homes or activity locations of human rights defenders, are in many cases a guise to remove human rights defenders and shut down human rights activity, since settlers and right-wing activists are allowed entry and free activity. The Commission underlines that an occupying power must respect private property which cannot be confiscated, and the property of municipalities and that of institutions dedicated to religion, charity and education, the arts and sciences, even when State property, shall be treated as private property.¹⁵² Furthermore, the partial or total evacuation of protected persons from a given area may only be undertaken if the security of the population or imperative military necessity so demands, with any persons transferred back to their homes as soon as hostilities in the area in question have ceased.¹⁵³

96. Israeli security forces routinely shut down demonstrations¹⁵⁴ and interfere with the display of flags or national symbols, in accordance with military order No. 101.¹⁵⁵ In May 2022, the forces were filmed protecting settlers as they took down a Palestinian flag in the town of Huwwarah, in the West Bank. When Palestinian bystanders objected, Israeli security forces turned their weapons against them.¹⁵⁶ In other incidents, Israeli security forces removed flags themselves.¹⁵⁷

97. Policies restricting freedom of expression of Palestinians in the occupied West Bank, are increasingly applied against Palestinian citizens of Israel inside Israel. Restricting the display of the Palestinian flag inside Israel is one such example although it is not currently illegal. On 27 January 2023, Israeli police arrested five demonstrators for allegedly interfering with a policeman and disrupting public order while waving Palestinian flags during a protest in Haifa. A lawyer from a human rights NGO advising the protesters on their right to wave the Palestinian flag was also arrested by the police. They were released shortly after. Israeli authorities routinely confiscated Palestinian flags waved by Palestinians and Israelis during the country-wide protests in January-May 2023.¹⁵⁸

¹⁵¹ Interview on file.

¹⁵² Hague Regulations, arts 46 and 55.

¹⁵³ Fourth Geneva Convention, art 49.

¹⁵⁴ The Commission will examine demonstrations in a future report.

¹⁵⁵ Israel Defense Forces Order No. 101 Order Regarding Prohibition of Incitement and Hostile Propaganda Actions; <https://www.idf.il/media/1eohxcfe/%D7%A6%D7%95-%D7%91%D7%93%D7%91%D7%A8-%D7%90%D7%99%D7%A1%D7%95%D7%A8-%D7%A4%D7%A2%D7%95%D7%9C%D7%95%D7%AA-%D7%94%D7%A1%D7%AA%D7%94-%D7%95%D7%AA%D7%A2%D7%9E%D7%95%D7%9C%D7%94-%D7%A2%D7%95%D7%99%D7%99%D7%A0%D7%AA-%D7%90%D7%96%D7%95%D7%A8-%D7%94%D7%92%D7%93%D7%94-%D7%94%D7%9E%D7%A2%D7%A8%D7%91%D7%99%D7%AA-%D7%9E%D7%A1-101-%D7%AA%D7%A9%D7%9B%D7%96-1967-%D7%9E%D7%A2%D7%95%D7%93%D7%9B%D7%9F-%D7%9C%D7%99%D7%95%D7%9D-02042018.pdf> (in Hebrew); see translation: https://www.btselem.org/download/19670827_order_regarding_prohibition_of_incitement_and_hostile_propaganda.pdf.

¹⁵⁶ https://twitter.com/Ahmad_tibi/status/1527328709585166345?ref_src=twsrc%5Etfw%7Ctwcamp%5Etfw%7Ctwterm%5E1527328709585166345%7Ctwgr%5E999f51033297aafcd88152cacfe06db4f8eb8bd%7Ctwcon%5Es1_&ref_url=https%3A%2F%2F (in Hebrew); and <https://www.timesofisrael.com/army-filmed-protecting-settlers-taking-down-palestinian-flag-from-west-bank-town/>.

¹⁵⁷ See for example https://twitter.com/rafatdarawsheh/status/1526794187353497603?s=20&t=FbdWWGtENMtt-dz_LNca-w (in Arabic).

¹⁵⁸ See for example, <https://www.haaretz.co.il/news/politics/2023-04-02/ty-article/00000187-4346-d706-a7bf-7b5f54650000> and <https://www.haaretz.co.il/news/politi/2023-05-27/ty-article-live/.premium/00000188-5dc1-df79-a19d-ffdd30bd0000> (in Hebrew).

98. Israeli procedures regulating the entry of foreigners to the Occupied Palestinian Territory have had a significant detrimental impact on Palestinian NGOs and academic institutions. The February 2022 the Coordination of Government Activities in the Territories (COGAT) directive on the Procedure for Entry and Residency of Foreigners in Judea and the Samaria Region, has resulted in an additional layer of restrictions on Palestinian institutions hosting and employing foreign staff members.¹⁵⁹

Deportations and Revocation of Identity Documents

99. A Palestinian human rights defender from East Jerusalem, Salah Hammouri, faced a barrage of punitive measures by Israeli authorities from an early age, culminating in his recent deportation to France. In 2005 he was arrested and detained for three years for alleged involvement in an assassination plot against the founder of the Shas party. He was offered the choice of deportation to France or imprisonment. Rejecting deportation, he was sentenced to seven years in 2008 and released in 2011 as part of the Gilad Shalit prisoner swap.¹⁶⁰

100. Mr. Hammouri's East Jerusalem residency permit was revoked in October 2021,¹⁶¹ under amendment No. 30 of 2018 to the Law on Entry into Israel.¹⁶² The revocation was based on an alleged breach of allegiance, although he was not informed what evidence had led to that decision. On 18 December 2022, after being detained for nine months in administrative detention without charge or trial, Mr. Hammouri was handcuffed, shackled, and deported on an El-Al flight to France.

101. Several sources told the Commission that the deportation might have been linked to the 2008 conviction and thus represented additional punishment for the same acts. A petition against the decision of the Minister of Interior, filed in October 2021, argued that the revocation had been decided pursuant to a law that did not meet the limitations clause of the Basic Law: Human Dignity and Liberty, that it constituted a violation of international humanitarian law and that it represented an unlawfully retroactive application of the 2016 Counter-Terrorism Law.¹⁶³

Surveillance and Social Media monitoring

Surveillance

102. Israeli authorities are increasingly using surveillance to monitor the activities of human rights defenders, including through spyware planted on mobile phones. In November 2021, the Pegasus spyware of the Israeli NSO Group was discovered on the mobile phones of six Palestinian human rights workers.¹⁶⁴ On 16 October 2021, Al-Haq, a Palestinian human rights non-government organization, contacted the organization Front Line Defenders on suspicion of spyware infection of the iPhone device of one of its staff members. Front Line Defenders' investigation found that the device had been infected in July 2020 with the NSO Group's Pegasus spyware. Further forensic investigation, peer-reviewed by Citizen Lab and Amnesty International's Security Lab¹⁶⁵, of 75 iPhone devices belonging to Palestinian human rights defenders and employees of civil society organizations revealed that at least five additional devices were also hacked.¹⁶⁶ Human rights organizations have emphasized that the use of Pegasus spyware against human rights defenders and civil society organizations seriously violates basic rights, including freedom of association and freedom

¹⁵⁹ See more in section on Academia below.

¹⁶⁰ <https://www.addameer.org/prisoner/2992>.

¹⁶¹ Israel reportedly revoked the residency status of thousands of Palestinians from East Jerusalem between 1967 and 2016. See <https://www.hrw.org/news/2017/08/08/israel-jerusalem-palestinians-stripped-status>.

¹⁶² https://fs.knesset.gov.il/20/law/20_Isr_491468.pdf (in Hebrew).

¹⁶³ <https://hamoked.org/document.php?dID=Updates2305>.

¹⁶⁴ <https://www.amnesty.org/en/latest/research/2021/11/devices-of-palestinian-human-rights-defenders-hacked-with-nso-groups-pegasus-spyware-2/>.

¹⁶⁵ https://www.frontlinedefenders.org/sites/default/files/fl_d_pal_statement_-_final_-_5_nov_2021.pdf, <https://www.amnesty.org/en/latest/research/2021/11/devices-of-palestinian-human-rights-defenders-hacked-with-nso-groups-pegasus-spyware-2/>; <https://www.alhaq.org/advocacy/19188.html>.

¹⁶⁶ Ibid.

of expression. It does not meet the test of proportionality, as it enables the collection of extensive personal information and constitutes an extreme invasion of privacy, not only of the person being monitored but of many others who are in contact with them.¹⁶⁷

103. On 3 November 2021 the United States Department of Commerce announced the placement of the NSO Group on its “entity list,” effectively banning the business, noting that “these tools have also enabled foreign governments to conduct transnational repression [and that] such practices threaten the rules-based international order.”¹⁶⁸

104. On 8 January 2022, Israeli publication *Calcalist* reported that the Israeli police has been using Pegasus spyware to hack the phones of Israeli citizens, including those involved in demonstrations against the Netanyahu Government back in 2020.¹⁶⁹ According to the publication, the order to carry out this surveillance was given by high ranking police commanders, without a court order or the supervision of a judge.¹⁷⁰ The information was confirmed by the Association of Civil Rights in Israel, who sent a letter to the Attorney General, demanding an immediate end of the practice. The *Calcalist* exposé led to the creation of a commission of inquiry by the Israeli Government (“the Marari Commission”) that published its conclusions in August 2022.¹⁷¹ The report found several procedural deficiencies in the application of spyware by the police including in relation to the absence of consultation with the full range of parties in decision making, and lack of awareness of the Ministry of Justice that the police’s use of the spyware is carried out in a manner that exceeds its authority. Despite the report’s critique indicating significant failures in the functioning of the police and as a result - serious violations of the privacy and other rights of suspects, its key recommendation was to allow the continued use of spyware in such circumstances.¹⁷²

Monitoring of social media posts and charges of incitement

105. Israeli authorities have arrested and detained hundreds of Palestinians in Israel and the Occupied Palestinian Territory, as well as some Jewish Israelis, for political statements posted on social media platforms, asserting that the posts amount to identifying with a terrorist organization and/or incitement to violence.¹⁷³ Those arrested and detained include human rights defenders, journalists, artists, students and academics. Many arrests are based on article 24 of the 2016 Counter-Terrorism Law on incitement to terror acts. The Law refers to direct calls to carry out terror attacks, publicising terror attacks, showing support or solidarity with attacks as well as showing solidarity with terrorist organizations.¹⁷⁴ The crime of incitement to terrorism, relies on a subjective assessment of the impact of a person’s words on others committing a crime. Therefore, in operationalizing the Law, Israeli courts developed various tests to assess the threshold of a social media post being able to influence others to act. In several rulings, courts referred to qualitative parameters such as “the public discourse during the time of the publication of the post”, and quantitative parameters such as the number of likes that a post garnered.¹⁷⁵

106. Defence lawyers have used these subjective parameters as the basis for a defence in such cases. In a case involving incitement charges against a Palestinian with Israeli citizenship, the defence lawyer argued that there is no actual crime attributed to his client since his actions revolved around the expression of an opinion, even if such an opinion is

¹⁶⁷ See for example https://01368b10-57e4-4138-acc3-01373134d221.usrfiles.com/ugd/01368b_114e3768195645908af2c6c8fb6919fb.pdf (in Hebrew).

¹⁶⁸ [https://www.commerce.gov/news/press-releases/2021/11/commerce-adds-nso-group-and-other-foreign-companies-entity-list#:~:text=NSO%20Group%20and%20Candiru%20\(Israel,%20%20academics%20%20and%20em bassy%20workers.](https://www.commerce.gov/news/press-releases/2021/11/commerce-adds-nso-group-and-other-foreign-companies-entity-list#:~:text=NSO%20Group%20and%20Candiru%20(Israel,%20%20academics%20%20and%20em bassy%20workers.)

¹⁶⁹ https://www.calcalist.co.il/local_news/article/s1b1xwx6y (in Hebrew).

¹⁷⁰ Ibid.

¹⁷¹ <https://www.gov.il/BlobFolder/news/01-report-merari/he/Report-merari.pdf> (in Hebrew).

¹⁷² Ibid; https://www.acri.org.il/post/_698 (in Hebrew).

¹⁷³ See, e.g., https://www.gov.il/BlobFolder/dynamiccollectorresultitem/hr-018/he/human-rights-replay_darin11419.pdf.

¹⁷⁴ https://www.nevo.co.il/law_html/law00/141771.htm (in Hebrew).

¹⁷⁵ <https://www.idi.org.il/articles/18721> (in Hebrew).

considered to be reprehensible by the Israeli public.¹⁷⁶ Indeed the core dispute in such cases revolves around whether there is sufficient material evidence to indicate that social media publications supporting or identifying with a terrorist group, create a real possibility of committing crimes of terrorism.¹⁷⁷

107. Palestinian poet Daren Tatour¹⁷⁸ was arrested in 2015 for a poem she published on Facebook and YouTube titled “Resist, my people resist them”, as well as other Facebook posts. She served nearly three years in house arrest and was convicted on 3 May 2018 for incitement to violence and supporting a terror organization.¹⁷⁹ In July 2018, she was sentenced to five months’ imprisonment, in addition to the three years of house arrest that she had already served. Ms. Tatour has vehemently denied the charges saying that there was no call for violence in her poem, and rather that it called for a non-violent struggle.¹⁸⁰ The Magistrate’s Court’s decision in this case focused on the potential of Ms. Tatour’s publications to lead to terror acts and repeatedly underlined the number of ‘friends’ that Ms. Tatour had on social media and the number of ‘likes’ that her posts garnered, as evidence of widespread dissemination of her posts.¹⁸¹ After Ms. Tatour served her imprisonment sentence, she filed an appeal with the district court. In May 2019, the Court acquitted her of one of the charges and ruled that her poem does not amount to incitement. In September 2019, the Supreme Court upheld the district court’s decision by rejecting the State’s motion for an appeal.¹⁸²

108. The police’s translation of Ms. Tatour’s poem served as a basis for the indictment, but it was regarded by her defence as faulty and inaccurate. This translation formed a major focus of her defence, which called a series of experts on Hebrew and Arabic literature to testify about the various meanings of words used.¹⁸³ Despite ultimately ruling against Ms. Tatour in the Magistrate’s Court, the judge noted in her decision that, after reviewing both translations, she preferred the one provided by the expert from the defence.¹⁸⁴

109. The Commission has reviewed several indictments based on Arabic social media posts that may have been inaccurately translated and interpreted by the police and judiciary. Indeed, in all these cases, the Israeli police did not use an expert linguist or translator for the translation of the posts, while such posts served as the key evidence in court cases. In one such example, a female Palestinian journalist was arrested in September 2022 from her home in Sheikh Jarrah.¹⁸⁵ After 10 days she was placed under house arrest, under restrictive conditions. At the date of writing this report, she was still under house arrest, awaiting a verdict in her case. A source told the Commission that the police had used a fellow police

¹⁷⁶ <https://www.verdicts.co.il/%D7%9E-%D7%AA-8457-12-20-%D7%9E%D7%93%D7%99%D7%A0%D7%AA-%D7%99%D7%A9%D7%A8%D7%90%D7%9C-%D7%A0%D7%92%D7%93-%D7%9B%D7%9E%D7%90%D7%9C-%D7%98%D7%A0%D7%95%D7%A1-%D7%A2%D7%A6%D7%99%D7%A8-06-12-2020/> (in Hebrew).

¹⁷⁷ Ibid.

¹⁷⁸ See also para 86 above.

¹⁷⁹ Ms. Tatour was charged under the Penal Law 5737 of 1977 (article 144 (d) (2)) and the Prevention of Terrorism Ordinance 5708 of 1948 (article 4 (b) (g)), since her acts were committed before the 2016 Counter-Terrorism Law was passed, and the law does not apply retroactively. <https://tolaatmish.s3.eu-central-1.amazonaws.com/n/4480-11-15/verdicts-1.pdf> (in Hebrew).

¹⁸⁰ Interview and documents on file; see also <https://www.aljazeera.com/news/2018/7/31/dareen-tatour-sentenced-to-five-months-in-prison-over-poem>.

¹⁸¹ See, for example <https://tolaatmish.s3.eu-central-1.amazonaws.com/n/4480-11-15/verdicts-1.pdf>, pp. 201 – 202 and 207 (in Hebrew).

¹⁸² <https://www.law.co.il/media/computer-law/tatur1.pdf>;
<https://supremedecisions.court.gov.il/Home/Download?path=HebrewVerdicts/19/190/044/j04&fileName=19044190.J04&type=4>.

¹⁸³ <https://www.972mag.com/972s-story-of-the-year-2017-the-trial-of-dareen-tatour/>;
<https://www.972mag.com/political-poetry-as-a-crime-inside-the-surreal-trial-of-dareen-tatour/> ;
<https://tolaatmish.s3.eu-central-1.amazonaws.com/n/4480-11-15/verdicts-1.pdf>, p.185, 187-193 (in Hebrew).

¹⁸⁴ Ibid. p. 193 (in Hebrew).

¹⁸⁵ Interview and documents on file.

officer to translate the social media posts instead of a qualified and un-affiliated translator, resulting in an inaccurate translation.

110. In February 2023, a Palestinian with Israeli citizenship was arrested for a social-media post which was seen by Israeli authorities as constituting incitement. He was indicted on 1 February 2023 and detained for 20 days for a Facebook post in which he strongly criticized Minister of National Security Itamar Ben-Gvir and expressed defiance against killing of Palestinians by Israeli security forces. In the indictment, he was accused of threatening Minister Ben-Gvir, in accordance with article 192 of the 1977 Penal Code. The indictment confirmed that the police had used a fellow policeman for the translation of the Arabic post, not a qualified translator.¹⁸⁶ The Commission viewed the original post and its Hebrew translation carried out by the police, and notes that here too, the translation appears to be inaccurate.

B. The Palestinian Authority and the de facto authorities in Gaza

Government-imposed restrictions and obstructions of civil society

111. Since the Palestinian political division in 2007, a series of restrictions have been put in place that have increased the control of the executive over civil society organizations registered as charitable associations, NGOs and non-profit companies. These limitations stem partially from the formal suspension of the Palestinian Legislative Council in 2007, which resulted in the expansion of the powers of the executive branch at the expense of both the legislature and the judiciary through legislation by presidential decree.¹⁸⁷ Human rights organizations have observed that these decision-making processes lack transparency and are not in conformity with the separation of powers between the three branches of government.¹⁸⁸

112. While the Palestinian Amended Basic Law of 2003 guarantees freedom of expression and association¹⁸⁹, civil society organizations have reported facing increasing challenges due to government-imposed restrictions in relation to funding, transferring funds, and registration processes.¹⁹⁰ The Independent Commission for Human Rights and other human rights organizations have noted that these restrictions constitute a violation of the constitutional rights enshrined in the Palestinian Basic Law.¹⁹¹

113. The legal framework that governs civil society applies across the West Bank and Gaza, and includes Law No. 1 of 2000, on charitable associations and non-governmental organizations, the 1929 and 1964 laws on companies and their amendments, and presidential decrees since 2007.

114. Several of these decrees have had a negative impact on the ability of civil society to work independently reported in both the West Bank and Gaza.¹⁹² For example, Decree No. 7 of 2021, amending the NGO Law, increased oversight of NGO budgets and financial distribution. Although this decree was later suspended in March 2022, other decrees and bylaws are still in place and continue to restrict the work of civil society organizations. For

¹⁸⁶ Interview and document on file.

¹⁸⁷ <https://pchrghaza.org/en/position-paper-constitutional-courts-decision-to-dissolve-plc-is-political-and-illegal/>.

¹⁸⁸ <https://www.alhaq.org/advocacy/17959.html>; <https://musawa.ps/post/musawa-publishes-the-statement-of-the-national-campaign-to-protect-civil-work-on-the-decree-law-amending-the-associations-law.html>; and <https://pchrghaza.org/en/annual-report-2021/>.

¹⁸⁹ Palestinian Basic law (2003), arts. 19 and 26.

¹⁹⁰ <https://pchrghaza.org/en/wp-content/uploads/2019/08/Report-Undermining-Civil-Society-eng.pdf>.

¹⁹¹ Interview on file. cdn1.ichr.ps/cached_uploads/download/2022/09/15/annual-rep-27-1663231719.pdf, p. 78; <https://musawa.ps/post/musawa-demands-the-cancellation-of-the-decision-of-the-council-of-ministers-the-that-canceled-the-right-of-public-officials-to-express-their-opinion.html>; <https://www.alhaq.org/advocacy/20864.html#:~:text=In%20the%20light%20of%20the,of%20association%20and%20independent%20activity.>

¹⁹² <https://pchrghaza.org/en/shrinking-space-government-restrictions-on-non-profit-companies-funding-in-light-of-international-standards/>, p. 5; <https://www.alhaq.org/publications/18891.html>, pp. 21 - 22; <https://pchrghaza.org/en/annual-report-2021/>, pp. 28 - 29; and <https://www.ichr.ps/en/statements/3776.html>.

example, the bylaw on Non-profit Companies No. 20 of 2022 requires civil society organizations to submit their work-plans and budgets to the authorities and to align them with the plan of the relevant ministry.¹⁹³ Organizations are also obliged to obtain prior approval from ministries and security services as a prerequisite to register and receive funding, aid and grants and to provide justification for funds received.¹⁹⁴ Palestinian human rights organizations have publicly criticized the increased control of civil society organizations' budgets without any oversight and accountability through these legislation initiatives.¹⁹⁵

115. Civil society organizations in Gaza reported that they face additional challenges as they are required to receive the approval of ministries in both the West Bank and Gaza. The political division in the State of Palestine has resulted in a duplicate system of restrictions, as a result of the intricate system of laws, decrees and procedures applied by governing bodies in Gaza and in the West Bank.¹⁹⁶ Human rights organizations in Gaza reported to the Commission that the Presidential decrees have made the process of receiving funding cumbersome for them as well, as they are now required to obtain the approval of several governing bodies in Ramallah, including the Council of Ministers in the Palestinian Authority, security agencies, Ministry of Development, Ministry of Finance, Ministry of Interior Affairs, and the intelligence agencies, as well as the approval of the de facto authorities in Gaza.¹⁹⁷

116. The Commission documented several cases in the West Bank and Gaza where civil society events and activities were forcibly closed by law enforcement, under the pretext of the lack of prior approval to host such events. The Commission understands that there is no legal requirement for organizations to seek approval or give prior notice of events or meetings held in private places, and that the Amended Basic Law of 2003 guarantees freedoms of expression and assembly. Social movements advocating for the democratization of Palestinian governance have been particularly targeted in the West Bank. Events organized by members of the Popular Alliance for Change have been shut down on several occasions, most recently in March 2023.

117. In Gaza, organizations seen to be challenging the social, religious, and political status quo have been particularly targeted and obstructed in their activities. In December 2022 and January 2023, the police interrupted several activities for journalists and students organized by a women's rights organization in Gaza City, under the pretext of lack of permits. Two of the group's staff members were summonsed for interrogations and staff members asked to

¹⁹³ <https://www.alhaq.org/advocacy/20864.html>.

¹⁹⁴ See also <https://www.hrw.org/news/2023/04/13/palestinian-authority-blocks-registration-rights-group>.

¹⁹⁵ See bylaw on non-profit companies no.20/2022, particularly relevant for CSOs in Gaza; <https://musawa.ps/post/human-rights-and-civil-society-organizations-hold-the-head-of-the-executive-authority-and-the-government-national-and-legal-responsibility-for-violations-of-rights-and-freedoms-and-the-weakening-of-official-institutions.html>; <https://musawa.ps/post/musawa-publishes-the-statement-of-the-national-campaign-to-protect-civil-work-on-the-decree-law-amending-the-associations-law.html>; <https://musawa.ps/post/human-rights-and-civil-society-organizations-hold-the-head-of-the-executive-authority-and-the-government-national-and-legal-responsibility-for-violations-of-rights-and-freedoms-and-the-weakening-of-official-institutions.html>; <https://www.cncd.be/Israel-Palestine-Occupation-shrinking-space-report-2020?lang=fr>, p. 14.

¹⁹⁶ <https://pchgaza.org/en/annual-report-2021/>, p. 29; <https://pchgaza.org/ar/%D8%AA%D9%82%D9%84%D9%8A%D8%B5-%D9%85%D8%B3%D8%A7%D8%AD%D8%A9-%D8%A7%D9%84%D8%AD%D8%B1%D9%8A%D8%A9-%D9%82%D9%8A%D9%88%D8%AF-%D8%A7%D9%84%D8%AD%D9%83%D9%88%D9%85%D8%A9-%D8%B9%D9%84%D9%89-%D8%AA%D9%85/> (in Arabic); <https://pchgaza.org/en/shrinking-space-government-restrictions-on-non-profit-companies-funding-in-light-of-international-standards>.

¹⁹⁷ Interviews on file.<https://pchgaza.org/ar/%D8%AA%D9%82%D9%84%D9%8A%D8%B5-%D9%85%D8%B3%D8%A7%D8%AD%D8%A9-%D8%A7%D9%84%D8%AD%D8%B1%D9%8A%D8%A9-%D9%82%D9%8A%D9%88%D8%AF-%D8%A7%D9%84%D8%AD%D9%83%D9%88%D9%85%D8%A9-%D8%B9%D9%84%D9%89-%D8%AA%D9%85/> (in Arabic).

sign pledges to preserve the values of the society, including the separation of men and women. In another example, a women's rights organization in Gaza was prevented by the de facto authorities from conducting independent research on gender-based violence unless the relevant ministries were allowed to be involved in the study. The police visited the organization's offices and requested staff to submit confidential documents, without providing a court order, and questioned staff about projects and the identity of their interlocutors.

Criminalization, arbitrary arrest and detention

“The aim of the interrogations and arrests are to harm, suppress, and punish persons for their political activism and for criticizing the policies of the authorities.”

Palestinian human rights lawyer in the West Bank.¹⁹⁸

118. As a result of increasing repression of the civic and political environment in recent years by the Palestinian Authority in the West Bank, human rights activists have enhanced their visibility by holding protests, launching counter-campaigns, and advocating for transparency, greater separation of powers within the government and eradication of corruption. Protests and online-activism have resulted in arrests of many activists on charges of defamation of officials and participation in illegal gatherings.¹⁹⁹

119. Several activists were arrested and charged with participating in illegal gatherings and violating the state of emergency law put in place to address the COVID-19 pandemic following their participation in demonstrations in 2020.²⁰⁰ Several of those arrested went on a hunger strike in protest against their arrest. The year 2021 marked a further deterioration in the treatment of activists during demonstrations. Demonstrations erupted following the suspension of Palestinian elections in April, and the killing of the political activist Nizar Banat in Palestinian security forces detention in June. During the June demonstrations, Palestinian security forces violently repressed protests and carried out a wave of arrests.²⁰¹ The Commission documented several accounts from activists who were arrested in conjunction with the protests and charged with participating in illegal gatherings.²⁰² One activist, who was arrested and detained a few days after the June protests, reported being threatened by an officer during his interrogation telling him that he risked the same fate as Nizar Banat.²⁰³

120. The Commission found that Palestinian security forces and security agencies routinely intimidate activists, political activists, and journalists critical of the conduct of the authorities, through threatening phone calls, interrogations or cautionary interviews and arbitrary arrest and detention. With interrogation processes often lengthy and intimidating, the Commission considers that these measures are intended to quell dissent, encourage self-censorship, and ultimately restrict the work of civil-society actors. Several activists in the West Bank reported to the Commission that they were arrested and detained for prolonged periods on fabricated charges, including possession of an unlicensed weapon, non-violent criticism of authorities and illegal gatherings. Some were reportedly pressured to stop expressing political dissent and to provide authorities with access to their mobile phones and social media accounts.

121. The Palestinian Authority has charged activists and journalists under the Cybercrime Law, which enhances its surveillance and control of online activism.²⁰⁴

¹⁹⁸ Interview on file.

¹⁹⁹ <https://www.amnesty.org/en/documents/mde21/2779/2020/en/>.

²⁰⁰ Interviews on file. See also <https://www.amnesty.org/en/documents/mde21/2779/2020/en/>.

²⁰¹ Interviews on file.

²⁰² Interviews on file.

²⁰³ Interview on file.

²⁰⁴ <https://www.alhaq.org/publications/18891.html>, p. 25; <https://www.amnesty.org/en/documents/mde15/6983/2017/en/>; <https://www.hrw.org/news/2017/12/20/palestine-reform-restrictive-cybercrime-law>; <https://www.hrw.org/news/2019/05/29/palestine-no-letup-arbitrary-arrests-torture>; and https://www.fidh.org/IMG/pdf/obs_palestine2021ang.pdf, p. 49.

Coupled with other loosely defined criminal provisions, laws have been used to criminalize dissent, with charges ranging from threatening “public order and morals”, “stirring up sectarian strife” and “libel and slander against public authorities”.²⁰⁵ Since charges have seldom led to convictions, the situation has been described to the Commission by activists as a “legal limbo” with repeated arrests and interrogations leading to prolonged periods in detention and to stigmatization.

122. Several cases documented by the Commission involved the targeting of those expressing dissenting political opinions, or supporting social or political movements calling for improved living conditions.²⁰⁶ In some cases, activists were held in administrative detention by the Palestinian Authority for long periods of time and deprived of procedural guarantees.²⁰⁷ The Committee against Torture, in its 2022 concluding observations on the initial report of the State of Palestine, raised concern over the misuse of administrative detention and related issues about the separation of powers between the executive and judicial branches.²⁰⁸ The Committee further expressed concern over reported cases of persons detained arbitrarily in the West Bank, under custody of the Joint Operations Committee, which serves as a joint structure of the Palestinian security services, with the stated aim of centralizing the investigation of security-related crimes and those involving members of the security forces.²⁰⁹

123. Additionally, several activists reported being arrested or summoned repeatedly for interrogation by both the Palestinian and the Israeli security forces, often working collaboratively. One activist referred to the practice as the “the revolving door policy”. Another activist, a student from the West Bank, said that the repeated cycles of arrest and detention by Palestinian security forces and Israeli security forces had made it difficult for him to complete his studies and the harassment had severely impacted his future employment opportunities.²¹⁰

“The policy is well known, and we call it the revolving door policy which means you get released from a Palestinian authority, and you get rearrested by the Israeli authority [...]. You get released, you get rearrested again and so the story continues...”

Palestinian human rights defender in the West Bank.²¹¹

Killings, torture and inhuman treatment

“They used a long whip to beat me on the bottom of my feet while one of them chained me to the ground. They tried to beat my genitals, but I put my hands there to protect myself. But they continued to beat me on my back with metal sticks. They tied my hands behind my back and hung me from my hands while my feet were suspended above the floor, leaving me with a sharp pain in my shoulders.”

Palestinian activist and former prisoner from Gaza.²¹²

124. The Commission has received information on the use of torture and ill-treatment to punish and intimidate critics and opponents by Internal Security Officials in Gaza and intelligence services, preventive security, and law enforcement officials in the West Bank.

125. The frequency and severity, and the absence of accountability indicate that such cases are widespread in nature, as highlighted by findings of United Nation bodies, international and Palestinian human rights organizations, and the Independent Commission for Human

²⁰⁵ <https://pchrgaza.org/en/wp-content/uploads/2020/07/PA-VIOLATIONS-english.pdf>, pp. 33 - 38; and https://www.alhaq.org/cached_uploads/download/2021/10/02/freedome-of-expression-interactive-1-page-view-1633159293.pdf, pp.25 and 46.

²⁰⁶ Interviews on file. See also <https://pchrgaza.org/en/annual-report-2021>, pp. 29 and 71.

²⁰⁷ Interviews on file. See also CAT/C/PSE/CO/1, paras. 24 - 25.

²⁰⁸ CAT/C/PSE/CO/1, paras. 24 - 25.

²⁰⁹ Ibid. para. 22.

²¹⁰ Interview on file.

²¹¹ Interview on file.

²¹² Interview on file.

Rights, the Palestinian national human rights institution.²¹³ The Commission notes that the Palestinian Authority promulgated Decree-Law No. 25 of 2022, on the establishment of the national preventive mechanism under the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, but it has not yet established the mechanism.

126. The United Nations Committee against Torture has expressed serious concern about consistent reports indicating that persons in custody, including in the facilities under the authority of the security forces and intelligence services in both the West Bank and the Gaza Strip, are subjected to torture or ill-treatment, in particular during the investigation stage of proceedings. The Committee also highlighted that few complaints of torture and ill-treatment have led to prosecution but almost none has resulted in the convictions of the perpetrators, which contributes to a climate of impunity.²¹⁴ The Independent Commission for Human Rights has also reported on the prevalence of torture by Palestinian and Hamas controlled security forces, describing it as “a blot that must be brought to an immediate end.”²¹⁵ In total about 473 complaints about torture and inhuman treatment by law enforcement officials were documented by the Independent Commission for Human Rights in 2022, 216 in the West Bank and 257 in Gaza.²¹⁶

127. The Commission spoke to several human rights defenders who reported being subjected to sleep deprivation, threats of violence (including against female family members), prolonged use of solitary confinement, beatings, including on intimate parts of the body and on the soles of the feet (*falaqa*), and being forced into painful stress positions for prolonged periods (*shabeh*).

128. The Commission documented the case of a political activist in Gaza who was detained for criticizing Hamas. The activist was arrested without being provided with the reasons for his arrest and was held in a small solitary cell with no hygiene facilities. During his detention, he was subjected to practices amounting to torture and inhumane and degrading treatment, including beatings with a metal stick on his back, being hung from his hands to the ceiling, and beatings on the soles of his feet with a whip. The activist reported feeling severely traumatised by the experience and had constant fear that he would be arrested again by Hamas. During his detention, the activist was forced to sign a pledge stating that he would cease his activism. Following his release, the activist received threats to his life by authorities in Gaza.²¹⁷

129. On 24 June 2021, 14 members of Palestinian security forces raided the home of human rights defender, political activist, and Palestinian Authority critic Nizar Banat in Jabal Jawhar in Hebron. According to eyewitnesses, the officers beat Mr. Banat with rods and sticks, and pepper sprayed him directly in the mouth and nose at close range. They also hit his head against the wall repeatedly. He was pronounced dead at the hospital. According to a Palestinian Ministry of Health autopsy, the death was due to multiple injuries causing acute cardiorespiratory failure. A joint investigation by the Independent Commission for Human Rights and Al-Haq found the cause of death to be suffocation as a result of his injuries.²¹⁸ The State of Palestine submitted to the Commission of Inquiry a medical assessment, attributing Mr. Banat’s death to heart failure and stating that his death was unrelated to the injuries sustained during the arrest. Although the military prosecutor indicted the 14 officers involved in the raid with “intentional beating and torture resulting in death”, among other

²¹³ https://cdn1.ichr.ps/cached_uploads/download/2022/09/15/annual-rep-27-1663231719.pdf, pp. 11 and 56; https://www.hrw.org/sites/default/files/report_pdf/palestine1018_web4.pdf; <https://www.hrw.org/news/2022/06/30/joint-submission-human-rights-watch-and-lawyers-justice-committee-against-torture>; CAT/C/PSE/CO/1; and https://www.hrw.org/sites/default/files/report_pdf/palestine1018_web4.pdf.

²¹⁴ <https://www.un.org/unispal/document/committee-against-torture-concluding-observations-on-the-initial-report-of-the-state-of-palestine/>.

²¹⁵ https://cdn1.ichr.ps/cached_uploads/download/2022/09/15/annual-rep-27-1663231719.pdf, p. 11.

²¹⁶ Document on file.

²¹⁷ Interviews and documents on file.

²¹⁸ https://cdn1.ichr.ps/cached_uploads/download/2022/03/07/the-joint-fact-finding-report-issued-by-ichr-and-al-haq-regarding-the-killing-of-activist-nizar-banat-final-1646638380.pdf (in Arabic); <https://www.hrw.org/news/2022/06/30/palestine-impunity-arbitrary-arrests-torture>.

charges,²¹⁹ the trial, which is continuing, has suffered delays and all 14 have been released on bail. Mr. Banat's death sparked protests across the West Bank in June-August 2021, calling for accountability. The demonstrations were violently suppressed by Palestinian police and other Palestinian security forces. Mr. Banat had received death threats from persons affiliated with the Fatah movement and officials prior to his death.

Sexual and gender-based violence against women human rights defenders

“The authorities know how to silence women. They stole our phones and exposed our private lives on social media [...] putting us as women at risk beyond your imagination. They put their hands down our trousers during protests and beat us. [...] They want to scare us into not participating in public marches. I know so many women who have been impacted and now avoid expressing themselves publicly.”

Palestinian women human rights defender.²²⁰

130. The Commission documented several cases of sexual and gender-based violence by Palestinian security forces against women human rights defenders following the 2021 protests in the West Bank linked to Nizar Banat's death. Women human rights defenders reported being subjected to sexual assault, sexual verbal abuse and threats of rape during protests. While some victims filed complaints with the police and identified the assailants, the Commission is not aware of the incidents being investigated or any perpetrators being held accountable.²²¹

131. A women human rights defender reported to the Commission that she was threatened with sexual violence by an officer on duty during these protests. The officer, who she identified to the Commission as the same person who violently sexually assaulted her years earlier during a protest, told her he would repeat the violent acts unless she left the protest. The women human rights defender, who was able to identify the officer, reported the incident to the local police station directly after the assault. However, while filing the complaint, she was humiliated by the police officers who tried to dissuade her, and she was subsequently interrogated and asked to describe the incident in front of several male officers without the presence of a female officer. To the Commission's knowledge, the sexual assault has still not been investigated nor the perpetrator held to account.²²²

132. After attending protests, several women human rights defenders were also subjected to online harassment and smear campaigns, including sexual baiting, a common practice used to discredit women human rights defenders using comments and insinuations about their sexuality, and doxing, a practice in which private information about a person is shared online by others to shame and isolate the victim. The Commission heard credible accounts of women's phones being confiscated by members of Palestinian security forces during protests, and their private pictures being disseminated on social media platforms, with posts suggesting that they are sexually promiscuous or engaging in prostitution.²²³

133. In one case, a women human rights defender told the Commission that her phone had been confiscated during a protest in Ramallah in 2021 by a police officer from the Preventive Security Forces dressed in civilian clothes. She was later subjected to an online smear campaign; a fake Instagram account was created in her name, reportedly by members of the Palestinian Authority security forces, and private pictures from her confiscated phone were posted on the account. Rumours about her having sexual affairs and fabricated pornographic videos with her name were posted widely on social media accounts reportedly belonging to persons associated with the Fatah movement. Male acquaintances and family members also received messages with her private pictures, captioned: “I am a whore and I need a man to sleep with.” She was bombarded with sexual messages, some messages including direct

²¹⁹ A/HRC/49/25, para. 26.

²²⁰ Interview on file.

²²¹ Interviews on file.

²²² Interviews on file.

²²³ See also https://cdn1.ichr.ps/cached_uploads/download/2022/09/15/annual-rep-27-1663231719.pdf, p. 59.

threats to her life. She filed a complaint with the police and despite being able to identify the perpetrators none of the perpetrators was held accountable.²²⁴

134. In another case, a human rights defender described how his wife had been targeted due to his activism and subjected to doxing following his arrest in 2021.²²⁵ The human rights defender's wife's Facebook account was hacked and private pictures of her, without a veil, were posted on her public page and other accounts. The human rights defender noted that this practice was widespread and lamented the brutality of this type of slander of women in the Palestinian social context and its immeasurable impact.

135. Women human rights defenders also reported that fake sexually suggestive videos and pictures with their names were circulated by Facebook accounts associated with the Fatah movement in an attempt to discredit and stigmatize them. A Palestinian journalist who was exposed to such practices emphasized the extremely adverse impact on her children. The smear campaign included disseminating fake pornographic videos of her on social media as well as sending these videos to her father and her young son. She noted that consequently her children were terrified and felt humiliated due to these attacks. She told of an incident following the smear campaign emphasizing the extent of her children's trauma. While visiting a local market, the family noticed someone taking pictures of her. They were terrified and asked: "Mom, they took pictures of you. What will they do to you this time? Are they planning to kill you?"²²⁶

"Imagine, you be part of the protests and suddenly afterwards, you see that your private photos are public. This is something that terrifies us as women. Again, in the end, I am supported by my family but what about others whose family does not support them?"

Palestinian women human rights defender in the West Bank.²²⁷

136. Women human rights defenders subjected to gender-based violence by Palestinian security forces and persons associated with the Fatah movement reported feeling unsafe, isolated and humiliated; they did not receive any support from the police or relevant human rights organizations. The impact of the smear campaigns varied depending on the level of support that the women had from their family, with some women finding themselves at risk of gender-based violence within their families, including femicide. The situation was sometimes aggravated by Palestinian security forces contacting family members, local community and tribal leaders to pressure the families to prevent women human rights defenders from participating in civic activities. Victims explained to the Commission that while some women had received support and protection from their family, others had been forced to leave their homes in fear for their safety.²²⁸ One woman reported that her family had been contacted by Palestinian security forces following her participation in a protest and that subsequently she had received death threats from relatives.

"Posting pictures of me insinuating I have sexual affairs could ruin my life. I do not even want to think about it. It is the best way to ensure I am killed. The message from the Palestinian Authority is clear – stop what you are doing because we can ruin you and your family in one second."

Palestinian women human rights defender in the West Bank.²²⁹

Impacted children

"I have been seeing a psychiatrist since I was released, and I do not sleep. Every time I hear voices, I feel I will be arrested again. I do not sleep because I feel like if I sleep, they will come and arrest me, and this will terrify my wife and kids. It is not easy on

²²⁴ Interview on file.

²²⁵ Interview on file.

²²⁶ Interviews and documents on file.

²²⁷ Interview on file.

²²⁸ Interviews on file. See also <https://www.bisan.org/wp-content/uploads/2022/08/Shrinking-Space.pdf>

²²⁹ Interview on file.

them after seeing two raids at the house. One by the Israeli authorities and one by the Palestinian Authority”.

Palestinian journalist in the West Bank.²³⁰

137. Human rights defenders, activists and journalists told the Commission about the devastating effects that the targeting of civil society had on their children and families. Civil society actors from the West Bank particularly emphasized the impact of Israeli security forces night raids on their homes for the purpose of intimidation, arrest of human rights defenders or their children.²³¹ Some family members have witnessed raids by Israeli and Palestinian forces, sometimes in succession. A Palestinian journalist²³² told the Commission that his house was raided twice – once by the Israeli security forces and another time by the Palestinian security forces. During the raid by Israeli forces, his young children were present in the house and witnessed the events, including their father’s arrest. During the raid by Palestinian preventive security forces, he recounted his children being scared and crying throughout. He described the impact of the raid to the Commission: “Since the raid of my house, my youngest child who is three, often wakes up shaking and runs to the window to check if anyone is coming. Every time my children hear a knock on the door, they are scared and run to hide. They fear I will be arrested again.”²³³

138. Several accounts documented by the Commission also indicate that Palestinian children are severely impacted by settler violence, directed against civil society family members.²³⁴ Indeed the Commission observes that settler violence against human rights defenders has had a cascading effect on their children, both as victims and as witnesses.

139. A women human rights defender from East Jerusalem told the Commission that her home has been attacked and raided by Israeli security forces and settlers in tandem. In one incident, settlers attacked her home in the morning while in the same evening Israeli security forces raided her home and arrested three of her sons, one of whom was a child at the time. The Commission was unable to ascertain the official cause of arrest. All three reportedly displayed signs of beating on their bodies and faces when they were released from detention three days later.²³⁵ The women human rights defender was not aware where her sons were detained.

140. The same women human right defender told the Commission of settlers, entering her home, along with Israeli police. In one incident, despite telling them that her daughter was showering, they forcefully opened the bathroom door violating her privacy. She said: “They saw her naked. What can I say?. It is better to keep silent. Now I do not feel safe at all. My daughter and I most of the time wear a Hijab in the house in case they open the door again and see us.” Due to the frequency of such attacks, it has become difficult for her to distinguish the action of settlers from those of Israeli security forces, “Almost every day we face settler attacks protected by the Israeli military and police. Every day they [settlers] throw stones at our doors, raid our houses, and beat our children who are playing on the streets. If we or our children resist, and throw stones back at the settlers, it becomes an issue. The police will intervene and join the settlers in beating and arresting our children.”

141. The Commission emphasizes the devastating impact on children of attacks against human rights defenders, adversely impacting their mental health and behaviour, including exhibiting symptoms of post-traumatic stress and anxiety disorders.²³⁶ Witnessing arrests of

²³⁰ Interviews on file.

²³¹ Interviews on file.

²³² Interview and documents on file.

²³³ Interview on file.

²³⁴ Interviews on file.

²³⁵ Interview on file.

²³⁶ Interviews on file. See for example <https://www.cambridge.org/core/books/abs/social-justice-for-children-and-young-people/impact-of-decades-of-political-violence-on-palestinian-children-in-the-gaza-strip-and-the-west-bank/B123828133776C4F2C09E2A3BAA315F8>; <https://www.frontiersin.org/articles/10.3389/fpsy.2020.00004/full>; <https://www.medecinsdumonde.org/app/uploads/2022/07/No-Peace-of-Mind-Digital.pdf>; https://apps.who.int/gb/ebwha/pdf_files/WHA72/A72_33-en.pdf; <https://www.msf.org/invisible-mental-health-crisis-plaguing-west-bank-palestine>.

family members and being exposed to the sight and sounds of weapons, have contributed to the traumatising of Palestinian children, adding yet another layer to the harm caused by the occupation regime.

V. Groups in Focus: actions by all duty bearers

A. Journalists and Media

“If I were a Palestinian [I would have been arrested] long ago and a dog wouldn’t have heard about me – in an attempt to get rid of anything that interferes with the grand project of shattering a people.”

Israel Frey, Israeli journalist.²³⁷

142. The Commission received substantial information indicating that journalists are subjected to harassment and attacks in all geographic areas under its mandate and by all duty bearers. Palestinian journalists in the West Bank are especially vulnerable to attacks,²³⁸ and are often targeted by both Israeli and Palestinian forces.

143. The International Federation of Journalists, through information collected by the Palestine Journalists Syndicate, reported 479 media and journalists’ rights violations in the Occupied Palestinian Territory in the first half of 2022. The most common were the detention of journalists and prevention of coverage, followed by physical assaults by Israeli security forces and then attacks by settlers.²³⁹ Some reports indicate that from the beginning of 2020 until April 2022, Israel had detained at least 26 Palestinian journalists, for periods ranging from several weeks to six months, mostly through administrative detention.²⁴⁰ Of these, indictments were reportedly filed against eight journalists for incitement or being part of a terrorist organization. Fourteen journalists were placed in administrative detention without indictments, and the rest were released after periods of detention.²⁴¹

144. Reporters Without Borders ranked Israel in the 86th place out of 180 countries in the 2022 World Press Freedom Index. The index cites the targeting of Palestinian journalists, economic centralization and political interference as the factors that keep Israel in a low ranking in the list. It notes that “several smear campaigns against the media have been carried out by politicians, as well as their party and supporters. The journalists in question were harassed or received threats, requiring them to be placed under protection. Palestinian journalists are systematically subjected to violence as a result of their coverage of events in the West Bank. Israeli reporters are barred from visiting the Gaza Strip.”²⁴²

145. Israeli authorities often accuse Palestinian journalists of incitement to commit terror attacks related to their journalistic work, content they have published or social media posts. In many cases indictments are not filed and journalists are subsequently detained or administratively detained, and subsequently released. For example, on the night of 18 to 19 January 2023, Israeli security forces entered the home of a Palestinian journalist, arrested him, and kept him in detention for four days, before releasing him without charges. The journalist was asked about his work as a journalist, including why he was taking pictures of

²³⁷ <https://www.haaretz.com/israel-news/2023-01-13/ty-article-magazine/.highlight/journalist-israel-frey-if-i-were-palestinian-i-would-have-been-jailed-and-disappeared/00000185-a801-d948-a1bd-ee03b7c30000>.

²³⁸ The Commission will report extensively on the killing of Shireen Abu-Akleh in its next report.

²³⁹ <https://www.ifj.org/media-centre/news/detail/category/press-freedom/article/palestine-pjs-reports-479-media-rights-violations-in-first-half-of-2022.html>; and https://www.ifj.org/fileadmin/user_upload/PJS_-_Report_media_violations_first_half_2022.pdf.

²⁴⁰ <https://www.mekomit.co.il/%d7%93%d7%99%d7%95%d7%95%d7%97-%d7%a2%d7%99%d7%aa%d7%95%d7%a0%d7%90%d7%99-%d7%9b%d7%a2%d7%99%d7%9c%d7%94-%d7%9c%d7%9e%d7%a2%d7%a6%d7%a8-%d7%94%d7%94%d7%aa%d7%a0%d7%9b%d7%9c%d7%95%d7%aa-%d7%94%d7%a9/>

²⁴¹ Ibid.

²⁴² <https://rsf.org/en/country/israel>.

prisoners and their families, and was informed that he was involved in incitement to violence.²⁴³

146. Palestinian journalists are also subjected to physical attacks by Israeli security forces. On 15 April 2022, a Palestinian photo journalist was taking photos of police violence against Palestinians in Al-Aqsa Mosque after the Ramadan morning prayers. As he was working, he was approached by Israeli police special forces who demanded to see his credentials. Although he presented his identification card and all his forms were in order, the police officers beat him until he fell. As a result, he sustained a fracture in his right hand, and his camera was broken. He tried to file a complaint with the Department of Internal Police Investigations (Machash), showing the video footage that proved the unprovoked attack, but no action was reportedly taken.²⁴⁴

147. Journalists and media outlets in East Jerusalem working with West Bank counterparts are increasingly targeted by Israeli authorities under the Law on Implementation of the Oslo Accords²⁴⁵, which prohibits Palestinian Authority agencies from operating within Jerusalem city limits. On 21 March 2023, Israeli Minister of National Security Itamar Ben-Gvir signed an order halting the operations of an East Jerusalem media company providing communications services for the Voice of Palestine, an official Palestinian Authority channel. Five journalists were also reportedly summoned for investigation.²⁴⁶

“We live under occupation, and in the face of that, we are subjected to oppression and violence by the Palestinian Authority.”

Palestinian journalist in the West Bank.²⁴⁷

148. The Palestinian Authority has targeted Palestinian journalists perceived as affiliated with opposing parties or unaffiliated journalists who produce reports critical of the authorities. Journalists reported being arbitrarily detained, denied access to a lawyer for prolonged periods and falsely charged to justify prolonged periods of detention. Several journalists reported being forced during interrogations to give security officers access to the content on their mobile phones, as well as being subjected to ill-treatment, verbal abuse, and threats.

149. The Commission documented several cases in which Palestinian security agencies had exerted pressure on media outlets and journalists not to report on specific topics or from certain places.²⁴⁸ One journalist from the West Bank was threatened by Palestinian Authority intelligence services in Hebron in March 2021 after producing a radio program discussing social and political developments. He was pressured by the authorities to sign a document promising to be of “good behaviour and conduct” which would imply reporting information that might be relevant for the country’s safety and security, as a condition for the renewal of his media company licence. The journalist refused to sign the document and after several discussions he was requested to sign a pledge stating that he would not criticize the Palestinian Authority and would safeguard the interests of the Palestinian Authority.²⁴⁹

²⁴³ Interview and documents on file.

²⁴⁴ Interview on file.

²⁴⁵ https://www.nevo.co.il/law_html/law01/177_005.htm#:~:text=1,-,%D7%97%D7%95%D7%A7%20%D7%96%D7%94%20%D7%9E%D7%98%D7%A8%D7%AA%D7%95%20%D7%9C%D7%94%D7%91%D7%98%D7%99%D7%97%20%D7%90%D7%AA%20%D7%A7%D7%99%D7%95%D7%9D%20%D7%94%D7%AA%D7%97%D7%99%D7%99%D7%91%D7%95%D7%AA%20%D7%90%D7%A8%D7%92%D7%95%D7%9F%20%D7%94%D7%A9%D7%97%D7%A8%D7%95%D7%A8%20%D7%94%D7%A4%D7%9C%D7%A1%D7%98%D7%99%D7%A0%D7%99,%D7%9B%D7%99%D7%91%D7%95%D7%93%20%D7%A8%D7%99%D7%91%D7%95%D7%A0%D7%95%D7%AA%D7%94%20%D7%A9%D7%9C%20%D7%9E%D7%93%D7%99%D7%A0%D7%AA%20%D7%99%D7%A9%D7%A8%D7%90%D7%9C

²⁴⁶ https://www.nevo.co.il/law_word/law10/yalkut-11290.pdf (in Hebrew);

<https://www.wafa.ps/pages/details/68147> (in Arabic).

²⁴⁷ Interview on file.

²⁴⁸ Interviews on file. See also <https://www.alhaq.org/publications/18891.html>, p. 41.

²⁴⁹ Interview on file.

150. In another case, a journalist from the West Bank was questioned by the Palestinian security forces on several occasions due to his journalistic work and political activism.²⁵⁰ In August 2021 he was approached by the Palestinian Authority preventive security officers and was then detained in West Nablus for about a month. His identity card, phone, and bag were confiscated. Electronic equipment stored in his home was also confiscated during a raid on his home. During the initial interrogation, he was forced to give the interrogators access to his phone's content. He was also forced to undergo a medical check-up and was placed in a small cell without a mattress or access to adequate hygiene facilities. He was held in solitary confinement throughout his detention and was not allowed to exercise or go outside. The journalist was questioned about his criticism of the Palestinian Authority. He was also questioned about possible connections to Hamas and oppositional fractions inside the Fatah movement. He was refused access to a lawyer despite being brought to court several times to extend his pre-trial detention for interrogation. The journalist was not informed about the charges against him until the day of his release, which he then learned included slandering the Palestinian Authority, spreading misleading news that harms public security and communicating with international parties that are hostile to the state of Palestine. The court acquitted him of two charges, but he was convicted of slandering the Palestinian Authority and sentenced to prison. He was later acquitted on appeal.

151. Journalists in the West Bank also face attacks and harassment when reporting from protests. In 2021, several journalists were physically attacked and prevented by Palestinian security services from reporting on the protests and marches following the killing of Nizar Banat.²⁵¹ A female journalist reported being physically assaulted when reporting from a protest on 26 June 2021 in Al-Manara square in Ramallah. The journalist was wearing a press vest and helmet and was attacked by masked police officers while filming the protest. She was beaten and her phone was confiscated. The journalist was threatened and sexually harassed by the officers.²⁵²

152. Journalists in Gaza told the Commission of the need to exercise self-censorship in order to avoid being targeted by the intelligence services.²⁵³ The Commission also heard that journalists had been prevented from covering sensitive issues or events by the Gaza authorities, and from conducting interviews in public places.²⁵⁴ A female journalist reported to the Commission that she had been stopped on several occasions by police when reporting in public places, including at protests. On these occasions, police officers claimed that she needed to have a specific permit to report from the location.²⁵⁵

153. Journalists are summoned and interrogated by the security forces in Gaza and asked to disclose confidential information and sources. Two journalists were summoned, without being presented with an arrest warrant, and interrogated by the security forces in Gaza in December 2022 and January 2023 respectively. They were asked to disclose confidential information and the sources of their gender-based violence investigations in Gaza. The authorities in Gaza criticized them for publishing their findings.²⁵⁶

154. A journalist, academic and political activist from Gaza has been arrested more than thirty times due to his journalistic work and criticism of Hamas. The journalist noted a repressive environment for journalists in Gaza, with those publishing public criticism of Hamas risking arrest and repressive counter actions. In 2019 and 2021, the journalist was detained for several days by the internal security forces in Gaza, together with 19 members of the Fatah movement for several days following participation in 'Fatah movement day' celebrations. The journalist was also harassed for reporting critically about Hamas policies.²⁵⁷

"It is a mistake to say that there is freedom of expression in the press in Israel today. I think there isn't anymore. There is a powerful political group that consciously,

²⁵⁰ Interview on file.

²⁵¹ Interviews on file. See also <https://www.madacenter.org/en/article/1409/>, p. 22.

²⁵² Interview on file.

²⁵³ Interviews on file.

²⁵⁴ Interviews on file.

²⁵⁵ Interview on file.

²⁵⁶ Interviews on file.

²⁵⁷ Interview on file.

actively, daily, and intensively uses an array of threats and intimidation against journalists. And journalists are afraid and fall into line. The journalists themselves don't even know how much they are affected by this, but it is clear they are affected by it, certainly in the commercial media[...] There is a group of very strong 'bibists' (Netanyahu supporters) who threaten journalists, who sometimes send journalists through a journey of personal humiliation and slander [...], which is horrible. Obviously, it has an effect. Let's say a young journalist on Channel 2 news who is just starting out and who sees what they did to me, do you think she will really say what she thinks? Of course not, she will be scared."

Former Israeli news broadcaster, Haaretz Emergency Conference, 23 February 2023.²⁵⁸

155. Although the situation of Israeli journalists is markedly better than their Palestinian counterparts, they are also increasingly exposed to threats and harassment, in particular Palestinian journalists with Israeli citizenship, those reporting on Palestinian rights, or those perceived as being identified with "left wing" news outlets. On 23 November 2022, an Israeli Army radio anchor-woman was suspended from reporting on a terror attack in Jerusalem after she suggested on the air, that there is a possible connection between the attack and the actions of Minister of National Security Itamar Ben-Gvir who vowed to continue visiting the Temple Mount.²⁵⁹ She also posted a tweet containing a similar idea.²⁶⁰ On 27 December 2022, journalist Israel Frey was arrested by the Israeli police on suspicion of inciting terrorism for a tweet he posted claiming that an attack against Israeli security forces is not to be considered terrorism.²⁶¹ He was relying on the distinction in international humanitarian law between combatants and non-combatants. An investigation was launched following a complaint filed by right-wing organizations.²⁶² Mr. Frey's arrest was widely condemned by human rights organizations, which emphasized that posting a controversial tweet was not a criminal offence.²⁶³ Similarly, on 11 March 2023, another Israeli journalist was questioned by the police in relation to a tweet suggesting the Israeli Prime Minister should not travel to Berlin, since he could expect a massive anti-government demonstration there.²⁶⁴

156. On 29 January 2023, two Israeli channel 13 news reporters were harassed and assaulted by crowds, while they were reporting at the scene of a shooting attack against Israelis in the Newe Yaacov settlement neighbourhood in East Jerusalem. The attack in the neighbourhood resulted in seven people being killed. The journalists were reporting on the aftermath of the attack, when people from the crowd pushed down the surrounding fences, threw them at the newscasters, damaged and tried to steal equipment and shouted: "left-wing people go home!" and "go away".²⁶⁵

157. On 21 December 2022, the Ethics Committee of the Israeli Public Broadcasting Corporation (Ha'Ta'agid), announced a decision taken against Amal Oraby, a Palestinian attorney and human rights defender with Israeli citizenship, who had been presenting a weekly segment in an opinion show ("Mehatzad Hasheni") on Kan 11 channel of the Public Broadcasting Corporation. The Ethics Committee took action against him without his knowledge and while he was studying abroad following a complaint lodged against him by a right-wing Israeli organization. The decision was based on two tweets that Mr. Oraby had published in his private twitter account. In one tweet he called Minister of National Security Itamar Ben-Gvir "the official spokesperson of the fascist right-wing neo-Nazis in Israel". In

²⁵⁸ <https://www.youtube.com/watch?v=K5Cme0ckJkA&t=7797s> (in Hebrew).

²⁵⁹ <https://twitter.com/hadasshtaif/status/1595327475390857218?s=20> (in Hebrew).

²⁶⁰ <https://twitter.com/hadasshtaif/status/1595299070318370821>;
<https://www.ynet.co.il/entertainment/article/hypmm00i8o> (in Hebrew).

²⁶¹ <https://twitter.com/freyisrael1/status/1568931013509935106> (in Hebrew).

²⁶² <https://www.zman.co.il/377955/popup/> (in Hebrew); and
<https://twitter.com/shamaiglick/status/1607709620620894208> (in Hebrew).

²⁶³ See for example <https://twitter.com/acrionline/status/1607717502137794563> (in Hebrew).

²⁶⁴ https://www.haaretz.co.il/opinions/2023-03-12/ty-article-opinion/.highlight/00000186-d55b-dd07-a19e-dddb666a0000?utm_source=App_Share&utm_medium=Android_Native&utm_campaign=Share (in Hebrew).

²⁶⁵ <https://twitter.com/usegal/status/1619444737181908992> (in Hebrew).

another he wrote: “I love how Jews get excited every time a brutal soldier [kalgas]²⁶⁶ of the Israeli militia to the occupied territory beats a Jew. Like, what did you think they were doing all this time to the Palestinians? Giving them a massage?”²⁶⁷ The Committee interpreted some of the terminology used by Mr. Oraby to constitute a reference to the Holocaust context and decided that it was inappropriate.²⁶⁸ Although the Committee did not recommend any specific action to be taken against him, his participation in the Kan 11 show was informally suspended and he was subsequently subjected to a targeted campaign of threats, harassment and attacks as a result of the media attention surrounding the decision.²⁶⁹

158. The right-wing Israeli organization was reportedly directly involved in this process and had harassed Mr. Oraby multiple times since he began presenting his segment on the show²⁷⁰, including through a private message sent upon Mr. Oraby’s return from his studies abroad stating: “start packing”, inferring that he had been suspended. Following the Ethics Committee decision, several other right-wing organizations embarked on a social media campaign taking credit for Mr. Oraby’s ‘suspension’.²⁷¹ In reflecting on the incident, Mr. Oraby noted “The Ethics Committee decision has provided a clear incentive to those right-wing organizations to continue their incitement against me and others like me. This is especially the case since I was not given the opportunity to defend myself or appear before the committee. This decision has directly harmed my right to work since the Israeli Public Broadcasting Corporation will now not take me as a participant for any of their programs.”²⁷²

159. Self-censorship is reportedly growing within Israeli media and among news broadcasters who report on the occupation and on Palestinian rights. In 2015, the then-Minister of Culture and Sport Limor Livnat reportedly said: “I’m calling on all of you to engage in self-censorship. You’re living in a dreamworld. The time has come for some soul-searching.”²⁷³ Government and public critique is one fear prompting self-censorship, while another growing concern is defamation lawsuits.²⁷⁴ Journalists have emphasized the existence of a “spiral of silence”- a term used in communications theory applying to situations where some people realise that they are in a minority and keep silent as a result.²⁷⁵

160. The last decade has also seen increasing Government attempts to interfere with independent news broadcasting and independent media in Israel. In January 2023, Minister of Communication Shlomo Karhi and Minister of Information Galit Distal Atrabaryan announced their intention to close the Israeli Public Broadcasting Corporation. Such threats were previously made by the Likud party on several occasions, notably as part of its 2022 election campaign, and later as part of the coalition discussions with parties in December

²⁶⁶ The Hebrew word “Kalgas” is a term used to describe soldiers of the Roman Empire. The term was interpreted by the Ethics Committee to refer to German soldiers in World War II. See <https://www.balashon.com/2009/10/kalgas.html>.

²⁶⁷ <https://twitter.com/amaloraby2/status/1596454995536531456> (in Hebrew); <https://kanstatic.azureedge.net/download/files/%D7%94%D7%97%D7%9C%D7%98%D7%AA%20%D7%95%D7%A2%D7%93%D7%AA%20%D7%90%D7%AA%D7%99%D7%A7%D7%94%20%D7%94%D7%A4%D7%A0%D7%99%D7%9E%D7%99%D7%AA%20%D7%91%D7%A2%D7%A0%D7%99%D7%99%D7%9F%20%D7%9E%D7%A8%20%D7%90%D7%9E%D7%9C%20%D7%A2%D7%95%D7%A8%D7%90%D7%91%D7%99.pdf> (in Hebrew).

²⁶⁸ Ibid.

²⁶⁹ https://www.haaretz.co.il/gallery/television/2023-01-03/ty-article/00000185-77b7-d464-a197-f7f7b15b0000?utm_source=App_Share&utm_medium=Android_Native&utm_campaign=Share (in Hebrew).

²⁷⁰ Mr. Oraby was also mentioned in a right-wing organization’s smear website “Meet the Desecrator”, see <https://radicalactivists.imti.org.il/profile/%D7%A2%D7%95%D7%93-%D7%90%D7%9E%D7%9C-%D7%A2%D7%95%D7%A8%D7%90%D7%91%D7%99/> (in Hebrew), also see para 37 in this report.

²⁷¹ Interview and documents on file.

²⁷² Interview on file.

²⁷³ <https://www.haaretz.com/israel-news/2023-01-24/ty-article-magazine/.premium/the-self-censorship-in-israels-media-is-like-a-gas-leak/00000185-e3b7-d545-a9a5-e3bf60ad0000>.

²⁷⁴ For example recent lawsuit of Yeshivat Homesh against journalist Israel Frey, see https://twitter.com/yair_levy/status/1483393271447670785 (in Hebrew).

²⁷⁵ The theory was first presented in 1974 by Elisabeth Noelle-Neumann. <https://noelle-neumann.de/scientific-work/spiral-of-silence/>.

2022.²⁷⁶ Minister Karhi issued a series of tweets explaining this plan, claiming that he is following the wishes of the public and that the public broadcasting corporation is a barrier to competition.²⁷⁷ Several reports have indicated that the Israeli Public Broadcasting Corporation's budget is intended to be redistributed to right-wing and Judaism-focused Israeli channels.²⁷⁸ On 3 January 2023 the European Broadcasting Union voiced concern about the threats to the integrity and independence of KAN, a channel of the Israeli Public Broadcasting Corporation, in a letter to incoming Prime Minister Benjamin Netanyahu. The European Broadcasting Union's Director General, Noel Curran said "Independent news and information form an integral component of public service media organizations and make a key contribution to media pluralism in well-functioning democracies.... With the primary interest of the public in mind, that directly funds KAN, we trust the new government will also safeguard the independence of KAN and enable it to continue to fulfil its mission in democratic society."²⁷⁹ Despite announcing a freeze of the plan in early February²⁸⁰, on 17 February 2023 representatives of the Israeli Public Broadcasting Corporation were reportedly summoned to the Minister's office and notified of the decision to close three radio stations currently managed by the broadcasting corporation, thus signalling to many, the start of the implementation phase.²⁸¹

B. Women human rights defenders and organizations promoting gender equality

"The word CEDAW has become stigmatized and is now a derogatory word for tenacious women with a foreign agenda. This false narrative stifles women's empowerment and affects both men and women in our communities that want to engage with our organization. Above all it puts women that visit our offices seeking support at risk within their families and communities."

Palestinian women human rights defender in the West Bank.²⁸²

161. Palestinian women human rights defenders have played a crucial role in advancing rights in Israel and the Occupied Palestinian Territory, including by advocating for gender equality and the enactment of legislation that strengthens protection for women and girls from sexual and gender-based violence. Women human rights defenders are often more heavily penalized for their work, and also face potential social repercussions that can have a greater impact on both their public and private lives.²⁸³ In addition to being targeted for participating in demonstrations, prominent women human rights defenders have been subjected to nationwide hate campaigns by anti-gender rights groups, fuelled by their objection to implementation of the Convention on the Elimination of All Forms of Discrimination against Women and related women human rights defenders' activities such as the elimination of violence against women and preventing harmful practices. These anti-gender rights groups are led and supported by conservative religious and traditional community leaders as well as political groups who perceive women human rights defenders

²⁷⁶ <https://www.haaretz.com/israel-news/2022-12-27/ty-article-magazine/.premium/bad-news-fears-grow-for-israels-public-broadcaster-under-new-government/00000185-5381-d334-a9cd-57a7e9590000>.

²⁷⁷ https://twitter.com/shlomo_karhi/status/1617863919103782914,
https://twitter.com/shlomo_karhi/status/1612413524457799681.
https://twitter.com/shlomo_karhi/status/1617863919103782914,
https://twitter.com/shlomo_karhi/status/1612413524457799681 (in Hebrew).

²⁷⁸ <https://www.haaretz.co.il/gallery/media/2023-02-02/ty-article/.premium/00000186-11b2-d5d5-edef-35bb1eda0000> (in Hebrew).

²⁷⁹ <https://www.ebu.ch/news/2023/01/independence-of-israeli-public-broadcaster-under-threat-says-ebu-director-general>.

²⁸⁰ <https://www.haaretz.co.il/gallery/media/2023-02-02/ty-article/.premium/00000186-11b2-d5d5-edef-35bb1eda0000> (in Hebrew).

²⁸¹ <https://www.ynet.co.il/entertainment/article/bkrlaas6s> (in Hebrew).

²⁸² Interview on file.

²⁸³ https://www.ohchr.org/Documents/Issues/Women/WRGS/Supporting_WHRDs_UN_System.pdf, p. 4.

as challenging religious and cultural norms and power structures and behaving in a shameful manner.

“Conservative groups do everything in their power to defame and tarnish the reputation of women activists. The goal is to intimidate us and to stop us from doing our work. They simply do not want to see women taking a leading role in society or actively advocating for women’s empowerment in public. I believe they are afraid that our voices will mobilize other women.”

Palestinian women human rights defender in the West Bank.²⁸⁴

162. Anti-gender rights groups have targeted prominent women human rights defenders in the West Bank and Gaza through rallies, public billboards, and online hate campaigns, including on social-media accounts with tens of thousands of followers. Staff members at organizations headed by women human rights defenders have reportedly received direct threats against them. Women human rights defenders’ names and pictures have been exposed on social-media platforms, in posts involving hate speech, threats, incitement of violence, sectarian slurs, slander and disinformation. Women human rights defenders were described in these posts as foreign agents, collaborators with the occupation and a threat to Palestinian society, disinformation that they fear will risk their and their family’s safety.²⁸⁵

163. The Independent Commission for Human Rights has requested the prosecution office to provide protection for women human rights defenders on several occasions and to take legal measures against the groups. According to the Palestinian Authority, the public prosecutor has initiated investigations into some of these incidents. However, women human rights defenders reported that, despite filing complaints with the relevant authorities in the West Bank and Gaza, no action has been taken to stop these campaigns, protect the women or hold the perpetrators accountable. One woman reported a Facebook page containing hate speech and incitement to META, but the company took no action.²⁸⁶

164. The Commission heard that *cedawiyat* had become a derogatory term for women human rights defenders promoting the Convention on the Elimination of All Forms of Discrimination against Women. Women human rights defenders also reported self-censoring, owing to fear of being attacked.²⁸⁷ The Commission learned that these campaigns also have a wider impact on women in vulnerable situations supported by women’s organizations as they risk being exposed due to the campaign or prevented from seeking the organization’s support. The Commission heard accounts about these affecting victims of gender-based violence taking refuge at a shelter in Gaza.

165. A women human rights defender leading a women’s rights organization in the West Bank has been subjected to a multi-faceted targeting campaign involving online and social media smear posts, and verbal abuse during sermons in mosques, criticizing her personally and the work carried out by her organization on the prevention of sexual and gender-based violence and child marriages. According to reports, Palestinian authorities had ceased their cooperation with the organization as a result of the campaign.²⁸⁸ Another woman human rights defender, who has been active for 20 years, has been subjected to increasing attacks in the last few years due to her work on women’s rights, and noted increasing concern for her and her family’s safety.²⁸⁹ She expressed serious concerns about the damage the disinformation spread by anti-gender rights groups has had on the advancement of women’s rights in Palestine, depicting it as a foreign agenda. A woman human rights defender noted that members of a political group associated with the anti-gender rights movement had visited her office in the beginning of 2022, demanding that she stop publicly advocating for women’s rights.²⁹⁰

²⁸⁴ Interview on file.

²⁸⁵ Interviews on file.

²⁸⁶ Interview on file.

²⁸⁷ Interviews on file.

²⁸⁸ Interviews and documents on file.

²⁸⁹ Interviews and documents on file.

²⁹⁰ Interview on file.

166. Women human rights defenders in Israel focusing on the rights of Palestinians are susceptible to interference and harassment, as other human rights defenders. However, there is often an added dimension of interference due to their gender and to their identification with a women's rights organization. Haifa-based women's rights organization "Isha L'Isha" planned to host a course for women in Haifa in May 2021 focusing on the Palestinian Nakba experience. The organization refrained from publishing the location of the event, through fear of attacks, but the location was eventually disclosed publicly. As a result, a right-wing Israeli organization filed a complaint with the municipality demanding that the organization not use municipality-funded facilities to host the event. The complaint resulted in pressure by the municipality not to host the course in the organization's office and Isha L'Isha had to shift the course to another location. In its intervention, the municipality expressed their frustration with Isha L'isha insistence on working on an issue which did not have a clear women's rights dimension, insinuating that the organization should only focus on women's rights issues.²⁹¹

"There is also a significant gender element here. Isha L'Isha speak out about a variety of issues. What we were told in this case is that you should only work on "women's issues", this is what you are getting money for. Why are you working on the Nakba?"

Israeli women human rights defender and staff member of Isha L'Isha.²⁹²

167. Several female Israeli artists and cultural activists reported being subjected to repeated harassment and attacks with a pronounced gender dimension. Stand-up comedian and activist Noam Shuster Eliasi noted that the attacks against her were almost always about her body, her gender, and included gender and racist slurs.²⁹³ Similarly, playwright Einat Weizman reported being subjected to frequent death and rape threats that made her scared for the safety of her family.²⁹⁴

"I am a woman. When they attack me and attack me online, it's about my gender, my body, my sexuality; saying that I want to marry an Arab. When I opened my mouth, it had an effect."

Noam Shuster Eliasi, Israeli activist and stand-up comedian.²⁹⁵

C. Artists and Cultural Activists

"They claim that they are not censoring culture since they are just putting conditions on the funding. But at the end of the day, it is the State who primarily funds culture in Israel, through the Ministry of Culture, so the impact is censorship."

Idit Avrahami, Israeli filmmaker.²⁹⁶

168. Successive Governments in Israel have intervened increasingly in artistic and cultural expression relating to the occupation, Palestinian rights or other topics seen by the Government as diverging from the official narrative. The Commission documented several methods used in silencing artistic creation, including direct censorship, threatened or actual denial of funding, threats against institutions that support such artists (such as cinemas, local councils, and galleries), cancellation of events by local authorities and forced relocation of events from government or publicly funded establishments to private venues. Increasingly, combined action by local authorities and right-wing organizations are forcing cultural events to close and galleries to censor art exhibitions.

169. Government interference is particularly evident in Israeli documentary cinema through attempts to reduce funding avenues for documentaries critical of Israeli policy or restrict existing funding opportunities only to those who are "loyal" to the state. In Israel, State funding for documentary film is managed through several specific foundations- namely the Rabinowitz Foundation, the Gesher Foundation, geographical/ regional foundations

²⁹¹ Interview on file.

²⁹² Interview on file.

²⁹³ Interview on file.

²⁹⁴ Interview on file.

²⁹⁵ Interview on file.

²⁹⁶ Interview on file.

(South Israel, North Israel and the Shomron - dedicated solely to projects by settlers), as well as financial support through a specific broadcasting body (the Israeli Public Broadcasting Corporation, Yes Doco, or Channel 8). In 2018, then Minister of Culture and Sport Miri Regev attempted to pass a law requiring “loyalty in culture” as a pre-requisite for receiving funding. The Law passed in the Knesset on first reading but was then shelved.²⁹⁷ The Law would have allowed the Minister of Culture and Sport to reduce or withhold funds from cultural institutions if the institution were to support or express narratives that under the law were classified as ‘disloyal’.²⁹⁸ Despite the shelving of the Law, some individual foundations responded to government pressure and implemented ‘self-initiated’ regulations in the spirit of the shelved Law. In 2018, the Rabinowitz Foundation incorporated a ‘loyalty clause’ into its application for funding form, requiring applicants to pledge that they will not violate the clauses of the “Nakba Law”.²⁹⁹ Following protests and calls to boycott the Fund by Israeli filmmakers, in March 2023, the Rabinowitz Foundation announced the removal of the clause from the application forms.³⁰⁰

170. In 2019, the Government attempted to prevent prize money being paid to the Docaviv festival’s winning film, *Advocate*, which focused on the life and work of human rights attorney Leah Tsemel. In a legal opinion on the matter, the Deputy Attorney General concluded that both the Ministry of Culture and Sport and local authorities did not have the authority to interfere with artistic content presented in cultural institutions. The opinion further noted the chilling effect on freedom of expression in the field of art and culture following such interventions.³⁰¹ In her legal opinion the Deputy Attorney General emphasized “The activities of cultural institutions and creators are constantly being examined under the watchful eyes of authorities and are subject to supervision and monitoring in a way that seeks to adapt their contents to the Government’s taste, which harms freedom of speech. There is a chilling effect on freedom of expression in the field of art and culture where there is special importance for the preservation of a free space that allows for pluralistic discourse and the presentation of many and diverse opinions and without the Government and local authorities having the authority to adapt artistic contents to the rulers’ mood.”³⁰²

171. Despite this legal opinion, local authorities and cultural venues increasingly cancel film screenings, in particular where they are subjected to intense pressure campaigns by right-wing organizations, often supported by Government officials. Such campaigns include letters urging the cancellation of events, demonstrations outside planned events, and social media campaigns surrounding the event or the organisers, sometimes with personal smear messages. In December 2022, the film *H2: Occupation Lab*, directed by Idit Avrahami and Noam Sheizaf, faced such a campaign led by a right-wing Israeli organization. The organization sent complaint letters to cinemas and venues that had planned to screen the film and announced on social media upcoming screenings, calling on supporters to protest. The campaign succeeded in local authorities deciding to cancel a planned screening in Pardes Hana. The Weizman Institute in Rehovot also decided to cancel a screening, although it later retracted the cancellation and rescheduled the screening.³⁰³

172. Campaigns targeting documentary films about the occupation, are also led by the Minister of Culture and Sport Miki Zohar, who in January 2023, announced his intention to look into retroactively removing Government funding provided for two Israeli films- *H2*:

²⁹⁷ <https://www.haaretz.co.il/news/politi/2018-11-26/ty-article/0000017f-e137-d9aa-afff-f97f9d7b0000> (in Hebrew).

²⁹⁸ https://fs.knesset.gov.il//20/law/20_1s2_520206.pdf (in Hebrew).

²⁹⁹ See para. 44 in this report.

³⁰⁰ <https://www.haaretz.co.il/gallery/cinema/2023-03-08/ty-article/00000186-c12d-d739-a9cf-d57f13b70000> (in Hebrew).

³⁰¹ http://a59952db-05ff-468c-a8f0-411f44dfbc9c.filesusr.com/ugd/01368b_d49888371b0f45f09d322373ea8c236e.pdf (in Hebrew).

³⁰² *Ibid.*

³⁰³ The Weizman Institution later retracted its cancellation. See https://www.mako.co.il/news-entertainment/2022_q4/Article-b4ddd86ffce481027.htm; <https://www.haaretz.co.il/gallery/cinema/2023-03-26/ty-article/00000187-1d89-d7c4-ab8f-fdaf25650000> (in Hebrew).

Occupation Lab noted above, and *Two kids a day*.³⁰⁴ David Wachsmann director of the film *Two kids a day* and producer Yoav Roeh told the Commission that the Minister's plan is completely unlawful and further noted that the funding was awarded to the project by a foundation committee with full knowledge of the topic of the film.³⁰⁵ Alongside these developments, on 10 January 2023 the Association for Civil Rights in Israel sent a letter to the Israeli Attorney General requesting her to clarify the legal nature of the Minister's proposed actions to remove funding retroactively. The letter emphasized that the 2011 "Nakba Law" does not include authority to do this.³⁰⁶ The Commission is not aware of any response to this letter from the Minister.

173. In February 2023, Minister Zohar backtracked on his intention to request the Ministry of Finance to intervene in retroactively removing funding from *H2: Occupation Lab* but continued to insist that the film *Two kids a day* is a candidate for retroactive funding removal. In an interview given to *Shiva Leilot* weekend magazine, he argued that "[*Two kids a day*] is not based on facts. It is based on the feeling of the filmmakers, which I feel should not be funded by the State, definitely not when it harms soldiers' good names." In the same interview, he announced his intention of working towards expanding the Nakba Law to include a sixth category – harming the good name of soldiers. He noted that according to his plan, any cultural product that harms the army's reputation will not be funded by the State.³⁰⁷

174. Israeli theatre productions criticizing the occupation have also suffered from intervention and harassment from the Israeli Government either directly by government officials, or indirectly, by local authorities and right-wing Israeli organizations pressuring private institutions to cancel shows and events. In 2016, then Minister of Culture and Sport Miri Regev instructed the Ministry of Culture to attend rehearsals for the play *Palestine Year Zero*, by playwright Einat Weizman, to check if it had "inciting content that harms the country or its symbols." The play was due to be included in the 2016 Akko Theatre Festival.³⁰⁸ Ms. Weizman refused to allow ministry officials to attend rehearsals and subsequently, the festival's management operated independently and sent the script to the Ministry for their review. In response to this attempted intervention, the Association for Civil Rights in Israel's legal advisor Dan Yakir sent a letter of complaint to the Attorney General.³⁰⁹ In May 2017, deputy Attorney General Dina Zilber issued a legal opinion on the matter, responding to Mr. Yakir's letter, underlining that Minister Regev's actions are illegal and violate freedom of expression. She referred to this and other incidents in her letter noting "This is a worrying accumulation of cases that convey a problematic message that the activities of cultural institutions and creators are constantly examined under the watchful eye of the state, that they are subject to constant supervision and monitoring by the government, an examination that goes to the root of freedom of expression. This message intensifies even more in view of the frequency of these inquiries."³¹⁰

175. Despite this legal opinion, government interference in theatre productions continued. In May 2017, the mayor of Akko reportedly interfered with the Akko Theatre festival and decided to remove Einat Weizman's play *Prisoners of the Occupation* from the 2017 festival. The intervention was carried out through the festival's steering committee, which included the deputy mayor.³¹¹ Other participants and members of the festival including the artistic committee, artists, and the artistic director, were outraged by the interference and subsequently refused to participate themselves. At the time, Minister Regev said "I will not

³⁰⁴ <https://www.haaretz.co.il/gallery/cinema/2023-01-16/ty-article/.premium/00000185-bac5-deab-ad97-fac81cd0000> (in Hebrew).

³⁰⁵ Interviews on file. See also <https://deadline.com/2023/01/israel-culture-minister-threatens-state-funding-documentary-two-kids-a-day-palestinian-children-1235223456/>.

³⁰⁶ https://01368b10-57e4-4138-acc3-0137134d221.usrfiles.com/ugd/01368b_31f7aa2f203d48289e164e56c4b05846.pdf.

³⁰⁷ *Shiva Leilot mazazine*, 3 February, 2023, On file, in Hebrew [not available online].

³⁰⁸ <https://law.acri.org.il/he/38802> (in Hebrew).

³⁰⁹ *Ibid.*

³¹⁰ <https://law.acri.org.il/he/wp-content/uploads/2017/05/freedom-of-expression-110517.pdf> (in Hebrew).

³¹¹ <https://www.haaretz.co.il/gallery/theater/2017-05-24/ty-article/0000017f-ef7e-d497-a1ff-effef3920000> (in Hebrew).

allow a hand to harm the important Akko Theatre Festival, and it will continue to take place in the city of Akko with other artists who want to create freely, without harming the country and its values. If Einat Weizman wants to present her work, she is invited to do so in Ramallah - and we will see if the Palestinian Authority will fund the Palestinian narrative that she wants to emphasize.”³¹²

176. Minister Regev continued targeting Ms. Weitzman’s plays when in 2019 she petitioned the Minister of Finance to examine the play *Prisoners of the Occupation* and remove funding from the Tmuna Theatre in Jaffah for showcasing it. The Minister denied her request noting that there is no legal basis for interference with the theatre’s budgets.³¹³ Ms. Weizman’s latest play *How to Make a Revolution*, a documentary focusing on the harassment of human rights defender Issa Amro, drew a new wave of harassment and threats against her. She reported receiving harassing messages from left-wing Israeli and Palestinian political activists as well as extreme right activists from Israel and abroad.³¹⁴ Additionally, the theatre, the Minister of Finance and the Minister of Culture and Sport received letters from Israeli right-wing organizations calling on them to shut down this play and to deny funds from the theatre.

177. In June 2022, the Fringe Theatre of Beer Sheva cancelled a play based on testimonies provided to the Israeli organization Breaking the Silence by female Israeli soldiers serving in the West Bank. Reportedly the cancellation was due to a letter sent by a right-wing organization to the city council and subsequent intervention by the council on the theatre. The playwright noted that since this experience, she has tried to keep future shows more discreet, so that they will not come under attack. She said “I am in two minds between advertising performances of my play or keeping a lower profile. I am afraid of being the centre of such controversy again. It takes a lot from you.”³¹⁵

178. Increasingly, combined actions by local government, local authorities and non-state actors are forcing events to close and galleries to censor art exhibitions. In 2019, the non-profit Jerusalem art gallery Barbur received a letter from the Jerusalem City Council, with an eviction notice. The gallery had previously hosted several events and exhibitions focusing on Palestinian rights, including a talk by the Israeli organization Breaking the Silence. The eviction letter to the gallery reportedly noted that the building was required in order to open a kindergarten. However shortly after, Jerusalem’s deputy mayor Hagit Moshe stated publicly “Now the voice of Torah and Zionism will be heard instead of the slanderous squawking of Barbur [barbur means 'swan' in Hebrew]. I'm glad that the fight I've been a part of since the previous term was successful and we 'killed [in Hebrew 'captured'] two birds with one stone'. Two important things happened here: the establishment of a pre-school and the closing of a gallery that specialized in provocations and damage to the name of Israel, under the guise of artistic freedom.”³¹⁶

179. Art exhibits have been removed or entire galleries closed following external interventions and attempts at censorship. The exhibition “At the End of the Sky” was scheduled to open in the Sapir College’s art gallery in April 2022 but was suspended by the College following objection by a right-wing organization on campus. The objection focused on an artwork by Hillel Roman from 2015 included in the exhibition, depicting the Islamic oath “Shahada” due to its perceived resemblance to the flag of Hamas.³¹⁷ In January 2022, Ramat Gan Museum was forced to close, following the Ramat Gan mayor’s attempt to

³¹² <https://www.1075.fm/%D7%9E%D7%99%D7%A8%D7%99-%D7%A8%D7%92%D7%91-%D7%9C%D7%90-%D7%90%D7%AA%D7%9F-%D7%99%D7%93-%D7%9C%D7%A4%D7%92%D7%99%D7%A2%D7%94-%D7%91%D7%A4%D7%A1%D7%98%D7%99%D7%91%D7%9C-%D7%A2%D7%9B%D7%95-%D7%9C/> (in Hebrew).

³¹³ <https://e.walla.co.il/item/3342389> (in Hebrew).

³¹⁴ Interview on file.

³¹⁵ Interview and documents on file.

³¹⁶ Facebook post, 25 December 2019

<https://www.facebook.com/profile/100063580660675/search/?q=%D7%91%D7%A8%D7%91%D7%95%D7%A8> (in Hebrew).

³¹⁷ Interview on file. See also <https://www.haaretz.co.il/gallery/art/2022-04-03/ty-article/.premium/00000180-5ba2-d97e-a7fb-7bf7f7a90000> (in Hebrew).

intervene and censor an art exhibition. The incident revolved around the artwork “Jerusalem” by artist David Reeb, which the Ramat Gan mayor requested be removed on the grounds that it could harm the “feelings of the public”. The mayor’s intervention sparked widespread objections by other artists whose works were displayed in the gallery, and they withdrew their artwork as a result of the censorship, forcing the museum to shut down.³¹⁸

180. Art exhibitions in Israel and the Occupied Palestinian Territory, are also subject to intervention and censorship when they are seen to oppose traditional values, including Jewish ultra-orthodox values, and display images such as nudity. Artist Dr. Sara Benninga’s latest exhibition “Close”³¹⁹, which included female nudity, was closed down one day before its opening, and forced to relocate from a public gallery on Jaffa Road in Jerusalem, which borders ultra-orthodox neighbourhoods, to a private gallery close to East Jerusalem (Museum of the Seam), following a reported intervention by the Culture Department of the Jerusalem municipality.³²⁰

“I covered a right-wing demonstration at Beit Hagafen in Haifa, and it was a crazy event. I came home and cried because I understood the power and strength of silence. I understood the power of these people who are in the government and want to run everyone over. It was said to their faces - there is no Palestinian culture. This is a tragedy.”

Palestinian with Israeli citizenship journalist, Haaretz Emergency Conference, 23 February 2023.³²¹

181. The Commission recognizes the power of art and culture in strengthening the identity and history of a people. Cultural participation and cultural allegiances are also directly linked to a people’s right to self-determination, which implies the individual’s right to live the life they choose, according to their own values and beliefs, including in relation to cultural values, aptitudes and convictions.³²²

182. The Commission documented instances of Israeli authorities and right-wing organizations targeting Palestinian culture, identity, historical narrative and heritage in both Israel and the West Bank, including East Jerusalem. These include interventions in cultural and artistic content, attacks against cultural centres, cultural appropriation, and targeting individuals who express themselves and their identity through arts and culture.

183. The Israeli Government has intervened in cultural and artistic content portraying the history of the Palestinian people including their experiences of the Nakba, in what has been described as an attempt to erase their historical narrative. For example, in December 2022 it was reported that Israeli authorities had petitioned a streaming platform to remove the Jordanian film *Farha* from its service.³²³ The film is a historical-fiction account of a Palestinian girl during the 1948 Nakba, who witnessed a Palestinian family being killed by Israeli soldiers. The Minister of Finance reportedly announced that the State would remove funding from a Jaffa-based theatre that had planned to screen the film.³²⁴ *Farha*’s Palestinian-Jordanian filmmaker, Darin Sallam, described the importance of the Palestinian narrative being in the public domain: “Denying the Nakba and denying that these killings happened, and the ethnic cleansing happened is denying a tragedy that a nation went through. ... We will keep speaking our side of the narrative and we will let our voices reach everywhere.”³²⁵

³¹⁸ <https://www.haaretz.com/israel-news/2022-01-12/ty-article/.premium/ramat-gan-museum-closes-after-censorship-rift/0000017f-e755-df5f-a17f-ffd2ddf0000>.

³¹⁹ Shown as part of a duo exhibition with a sculpturer.

³²⁰ Interview on file. See also <https://www.haaretz.com/israel-news/2022-12-27/ty-article/.premium/artists-warn-jlem-mayor-they-wont-exhibit-at-city-galleries-if-art-is-censored/00000185-539d-d3c2-a1a5-d39d35290000>.

³²¹ Haaretz Emergency Democracy Convention, <https://www.youtube.com/watch?v=tkjA6ESU7JI&t=1s> (in Hebrew).

³²² See https://en.unesco.org/creativity/sites/creativity/files/cdis/social_participation_dimension.pdf, p. 95.

³²³ <https://www.ynet.co.il/entertainment/article/hyexwrvpj> (in Hebrew).

³²⁴ <https://www.maariv.co.il/culture/movies/Article-962191> (in Hebrew).

³²⁵ https://www.youtube.com/watch?app=desktop&v=QeqIMt1Tr_8&t=308s.

184. Palestinians face increasingly abusive rhetoric asserting that there is no Palestinian people³²⁶ or Palestinian culture, representing a clear attempt to erase their identity, culture and history. In December 2022, right-wing Israeli groups protested at the Haifa cultural centre Beit Ha'Gefen, with several people marching inside, shouting and interrupting a panel discussion on Palestinian culture. The protesters included right-wing members of the Knesset from Otzma Yehudit (Jewish Power) party. Protesters reportedly shouted at participants "there is no Palestinian culture" and disrupted the event.³²⁷

"The Israeli authorities do not want Palestinian cultural centers in Jerusalem that work to promote Palestinian culture and identity. Our center focuses on culture, but Palestinians are living under occupation and of course this is reflected in our art and cultural expression. It is an abnormal situation, and the Israeli occupation affects our work every day."

Palestinian director of East Jerusalem cultural centre.³²⁸

185. A prominent East Jerusalem cultural centre promoting Palestinian literature, handicrafts, art and music was raided by Israeli security services in March 2020. The targeting of the centre, which stood at the forefront of promoting Palestinian culture and national identity, was reportedly part of a larger crack-down by Israeli police and tax authorities on centres in East Jerusalem suspected of being sponsored by the Palestinian Authority, in violation of the Israeli law on the implementation of the Oslo Accords, which prohibits activities by the Palestinian Authority in Jerusalem.³²⁹ The director of the centre and her husband were also arrested. She was subsequently interrogated for twelve hours in the settlement neighbourhood Har Homa's police station. She was denied the presence of a lawyer. She was told that one of the reasons for her arrest was that she played a crucial part in promoting Palestinian culture in Palestine and abroad, as well as suspicions of money laundering.

186. The silencing of artists and cultural activists expressing support for Palestinian rights, or producing content critical of the Israeli occupation, does not stop in Israel and the Occupied Palestinian Territory. There are growing instances of campaigns targeting international cultural figures- including musicians, actors, and film directors, either attempting to pressure them to withdraw their support from the cause or disengage from a specific cultural project, or when this fails, paint them out to be antisemitic for expressing criticism of Israel. For example, the film *Eleven Days in May* (2022), directed by Mohammed Sawwaf and Michael Winterbottom, included narration by a well-known British actress. The film set out to memorialise the Palestinian children who were killed in the May 2021 escalation through displaying pictures and videos of the children, and interviews with their families.³³⁰ Following the release of the film in the United Kingdom and positive reviews in key media-outlets, an article was published in a publication accusing the film of promoting "Hamis propaganda."³³¹

³²⁶ <https://www.facebook.com/watch/?v=4484046178371261> (in Hebrew); <https://www.theguardian.com/world/2023/mar/20/israeli-minister-condemned-claiming-no-such-thing-as-a-palestinian-people-bezalel-smotrich>.

³²⁷ <https://www.1075.fm/%D7%92%D7%9D-%D7%9C%D7%97%D7%95%D7%A4%D7%A9-%D7%94%D7%91%D7%99%D7%98%D7%95%D7%99-%D7%99%D7%A9-%D7%92%D7%91%D7%95%D7%9C-%D7%A2%D7%A9%D7%A8%D7%95%D7%AA-%D7%94%D7%A4%D7%92%D7%99%D7%A0%D7%95-%D7%A0/> (in Hebrew); and <https://www.haaretz.co.il/gallery/2022-11-21/ty-article/.premium/00000184-9988-dc14-a99e-b9eb37300000> (in Hebrew).

³²⁸ Interview on file.

³²⁹ See para 147 in this report, in relation to the targeting of Palestinian media outlets in accordance with the same law.

³³⁰ Interview on file. See also <https://www.theguardian.com/film/2022/may/04/eleven-days-in-may-review-michael-winterbottom-documentary-gaza-mohammed-sawwaf-kate-winslet>.

³³¹ <https://www.thejc.com/news/news/kate-winslet-gaza-film-'is-hamas-propaganda'-4HTFOWxQYtJATLDuO8zOb>; <https://deadline.com/2023/03/michael-winterbottom-jewish-chronicle-article-doc-eleven-days-in-may-impacted-uk-tv-distribution-1235300003/>.

D. Cultural centres promoting diversity and the inclusion of lesbian, gay, bisexual, transgender and queer persons

“Artists and centres that exhibit art that differs from the mainstream perspective are increasingly being attacked. Queer persons are being targeted and events violently closed down.”

Palestinian cultural activist in the West Bank.³³²

187. The Commission documented a series of attacks by State and non-State actors in 2022 in Ramallah that reduced the civic space for culture and art centres that promote diverse artistic and cultural expression. Artists were prevented from performing on the basis of their actual or perceived sexual orientation and gender identity and their ideological beliefs. Activists reported serious concerns about the politicization of such attacks to gain public support and legitimacy.

188. The Commission documented cases where the Palestinian police forcibly closed events and arrested attendees, claiming that organizers lacked prior approval to host the events, despite such approval not being required by law. Organizers and persons attending the events were reportedly summoned or arbitrarily arrested and brought in for questioning by the police. In some instances, the organizers were forced to sign documents undertaking not to hold activities without obtaining prior authorization. They were also questioned about their affiliations with organizations in the West Bank promoting the rights of lesbian, gay, bisexual, transgender and queer persons and pressured to identify such persons before being released without charges.³³³ The Commission received reports about persons being subjected to abusive interrogations and degrading treatment by officers, including sexual threats and sexual baiting, such as comments about appearance linked to gender identity and questions about sexual orientation. These accounts, coupled with previous United Nations reports, indicate that in some cases, the presumed or actual sexual orientation of an individual is the real reason for their arbitrary arrest.³³⁴

189. The Palestinian police also failed to protect persons from violent attacks by groups advocating against the human rights of lesbian, gay, bisexual, transgender and queer persons. In one such case, a group of approximately 40 assailants threw rocks at a cultural centre after demanding that the organizers cancel a concert on the basis of the perceived sexual orientation of the artist. The centre’s exterior was destroyed and at least two of the attendees injured. Palestinian police failed to respond to repeated phone calls from the victims asking for assistance and did not intervene despite being present outside the centre and speaking to the assailants when the attack started. Following the attack, the police arrested several attendees without providing them with the reasons for their arrest. To the Commission’s knowledge, none of the perpetrators have been prosecuted despite publicly disclosing their involvement on social media and publishing posts inciting homophobic and transphobic hatred and violence, including on Facebook. The centre has been forced to close and cease all activities for fear of further reprisals.³³⁵

“Same-sex relations are not criminalized in the West Bank. The police therefore use other provisions in the law as a pretext to justify harassment and silencing of persons based on their sexual orientation or gender identity. The most common pretext is the lack of licenses or authorization for a specific event and gathering.”

Palestinian cultural activist in the West Bank.³³⁶

190. In August 2022, another cultural centre was forced to cancel a live music event in Ramallah due to interference by authorities. The organizers received several calls from the Tourism Police ahead of the event stating that there had been threats against the artist and

³³² Interview on file.

³³³ See also A/HRC/46/63, para. 40; and A/HRC/40/39, para. 55.

³³⁴ See also A/HRC/46/63, para. 40; A/HRC/40/39, para. 55.

³³⁵ Interviews and documents on file.

³³⁶ Interview on file.

that the police were unable to protect the centre if they hosted “controversial artists”.³³⁷ The artist is known for supporting the lesbian, gay, bisexual, transgender and queer community and using provocative lyrics. The organizers were requested to go to the police station and were pressured to sign documents committing not to host the event and to seek prior approval before organizing similar events in the future. The organizers later met with the relevant ministries and police forces, together with other affected organizations, to report the incident and were told to avoid hosting artists who did not align with Palestinian culture and threatened social cohesion, deeming it immoral.

191. Palestinian law enforcement agencies reportedly also barred lesbian, gay, bisexual, transgender and queer rights groups from holding events in the West Bank prior to 2022.³³⁸ In 2019, the Ramallah police issued a statement announcing that they would prevent future gatherings of lesbian, gay, bisexual, transgender and queer people, which they perceived as unsuitable to the conservative nature of the city and offending the values of the local population. The statement also included threats to arrest those who would attend events and requesting the public to report members of the organizations to the police.³³⁹ An organization that was targeted in 2019, has reported that several arrests took place following the police statement, with those arrested reporting being threatened, insulted and questioned about their private lives and connections with lesbian, gay, bisexual, transgender and queer rights groups.³⁴⁰

E. Academia

“I wanted to have a future, to have a dream as any other young person and student such as me. I wanted to be a graduate of university. To have a life like other students. Am I entitled to study? Am I entitled to have a life? It’s painful to see fellow students from the same generation graduating and following their dreams while I cannot.”

Palestinian student.³⁴¹

192. The Israeli Government has been targeting Palestinian higher education institutions in the West Bank and Gaza by tightening control of academic personnel allowed access to the Occupied Palestinian Territory among other methods. In February 2022, the Coordination of Government Activities in the Territories, issued a new directive “Procedure for Entry and Residency of Foreigners in Judea and Samaria Region.”³⁴² The directive governs application procedures for foreigners who wish to enter and reside in the Occupied Palestinian Territory. Part 3 of the procedure sets out processes of issuing permits for “specific purposes”, including members of academia. The procedure is seen by human rights organizations as highly restrictive and establishing invasive and unnecessary criteria on entry and stay of foreigners seeking to work, volunteer or study.³⁴³ It gives the Coordination of Government Activities in the Territories wide discretion to select and limit the number of foreign academics and students who can study and conduct research at Palestinian universities in accordance with a set quota. The new procedure established a quota of 150 student visas and 100 “distinguished” lecturers in Palestinian universities.³⁴⁴ As a result of the new procedure,

³³⁷ Interviews on file.

³³⁸ A/HRC/43/70, para. 49.

³³⁹ Police statement on Al Qaws (in Arabic).

³⁴⁰ A/HRC/43/70, para. 49. See also Al Qaws Post-Police Statement: The Persecution and Restrictions Continue (30 October 2019) (in Arabic). See also <https://researchbriefings.files.parliament.uk/documents/CBP-9457/CBP-9457.pdf>.

³⁴¹ Interview on file.

³⁴² See para 98 in this report. https://hamoked.org/files/2022/1665642_eng.pdf; and see update of September 2022 https://hamoked.org/files/2022/1665646_eng.pdf.

³⁴³ See also

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27249>.

³⁴⁴ <https://hamoked.org/document.php?dID=Updates2313>.

Palestinian educational institutions have faced additional restrictions in their ability to receive international staff, teachers, and students.³⁴⁵

193. The Commission documented several cases of Palestinians studying at the University of Jerusalem, who were arrested by security forces, questioned, and then detained on suspicion of belonging to an Islamist Group. In two cases, the students lost years of their lives and their academic degrees while administratively detained by Israel, only to be released later with no charge. For example, a Palestinian law student at the Hebrew University of Jerusalem, was detained by Israeli authorities in August 2020 and was taken to Al-Maskoubiya detention facility in Jerusalem and questioned on suspicion of belonging to an Islamist Group (the Islamic Bloc in Palestine).³⁴⁶ During his six-month detention, he was accused of having taken part in activities of the Islamic Bloc. He was placed in a small underground cell with no window. He was released in January 2021 and then detained again in December 2021 and accused of visiting a released prisoner belong to the Islamic Bloc. He was released on 7 July 2022.

194. Palestinian students studying in Israeli universities are also often subjected to harassment, investigations, and disciplinary actions. Many such cases have coincided with students' participation in Nakba day events, with a significant number of cases also documented following student involvement in demonstrations protesting the killing of Shireen Abu-Akleh in May 2022.³⁴⁷ In several cases, universities have taken disciplinary action against students following complaints made by a right-wing Israeli student organization.

195. For example, on 20 October 2022, a female Palestinian student and a representative of the "Hadash" party at Ben-Gurion University, was convicted by the disciplinary committee of Ben-Gurion University for "Disobeying or refusing to obey the instructions of the competent authorities of the University". She was summoned to appear in front of the Disciplinary Committee following a complaint by the university representatives of a right-wing organization regarding a speech she gave during a memorial event to observe the Nakba Day in May 2022. In her speech, she quoted an article by the Palestinian poet Mahmoud Darwish saying "We will not forget the shaheeds who fulfilled the unity of the country, the people and history ...". Two of the three judges in the Committee argued that by using the word "shaheed", which is interpreted as "a terrorist who seeks to harm innocent", she had been inciting violence during a volatile period and thus damaging the university's reputation in the community. A third judge argued that she should be acquitted of all charges stating that the interpretation of the word *shaheed* should be based on the academic research available, which suggested that the word has a wide range of applications in the Arabic language. She appealed the decision and requested another deliberation in her case. In March 2023, the Academic Secretariat of the University decided to dismiss the appeal and not send the case for further deliberation.³⁴⁸

VI. Conclusions

196. The Commission finds that the human rights to freedom of association, expression and opinion, and the right to peaceful assembly, are being violated by the Government of Israel, the Government of the State of Palestine and the de facto

³⁴⁵ "Procedure for Entry and Residency of Foreigners in Judea and Samaria Region", part 3, [https://www.gov.il/BlobFolder/policy/judeaentry2022/en/%D7%A0%D7%95%D7%94%D7%9C%20%D7%9B%D7%A0%D7%99%D7%A1%D7%AA%20%D7%96%D7%A8%D7%99%D7%9D%20%D7%91%D7%90%D7%A0%D7%92%D7%9C%D7%99%D7%AA-%20%D7%AA%D7%A8%D7%92%D7%95%D7%9D%20%D7%9E%D7%A2%D7%95%D7%93%D7%9B%D7%9F%20%D7%93%D7%A6%D7%9E%D7%91%D7%A8%202022%20\(2\).pdf](https://www.gov.il/BlobFolder/policy/judeaentry2022/en/%D7%A0%D7%95%D7%94%D7%9C%20%D7%9B%D7%A0%D7%99%D7%A1%D7%AA%20%D7%96%D7%A8%D7%99%D7%9D%20%D7%91%D7%90%D7%A0%D7%92%D7%9C%D7%99%D7%AA-%20%D7%AA%D7%A8%D7%92%D7%95%D7%9D%20%D7%9E%D7%A2%D7%95%D7%93%D7%9B%D7%9F%20%D7%93%D7%A6%D7%9E%D7%91%D7%A8%202022%20(2).pdf).

³⁴⁶ The student wing of the Islamic Resistance Movement (Hamas). Interview on file.

³⁴⁷ <https://www.mekomit.co.il/%D7%92%D7%9C-%D7%AA%D7%A7%D7%99%D7%A4%D7%95%D7%AA-%D7%A0%D7%92%D7%93-%D7%A1%D7%98%D7%95%D7%93%D7%A0%D7%98%D7%99%D7%9D-%D7%A2%D7%A8%D7%91%D7%99%D7%9D-%D7%A8%D7%95%D7%A6%D7%99%D7%9D-%D7%A9%D7%A0/> (in Hebrew).

³⁴⁸ Interview and documents on file.

authorities in Gaza. The Commission finds that a number of economic, social and cultural rights are also being violated, including the human rights to take part or participate in cultural life, to adequate housing, to health and to work. These rights are being violated by various means, including harassment, threats, arrests, interrogations, detention, torture and inhuman and degrading treatment. The Commission finds that legislation is a key method used by all duty bearers to impose restrictions on civil society actors' operational space that the Commission considers as neither necessary nor proportionate.

197. The Commission finds that the Israeli authorities' silencing of civil society voices that challenge government policies and narrative is intrinsically linked to the goal of ensuring and enshrining the permanent occupation at the expense of the rights of the Palestinian people.

198. The Israeli authorities' use of anti-terror legislation to categorize civil society organizations as terrorist organizations aims to delegitimize and isolate them and undermine their activity, and to harm their international funding and support. The Commission concludes on reasonable grounds that the designations by Israeli authorities of six Palestinian NGOs as terrorist organizations and a seventh Palestinian NGO as unlawful were unjustified, undertaken to silence civil society voices, and violate human rights, including freedom of association, freedom of expression and opinion, and the rights to peaceful assembly, to privacy and to fair trial.³⁴⁹

199. The Israeli authorities' use of spyware against human rights defenders violates the freedom of association, freedom of expression and the right to privacy. Such interference with the right to privacy was not necessary or proportionate as it enabled an overly broad collection of information. It violated the right to privacy of the persons being monitored but also of many others who were in contact with them.³⁵⁰

200. Palestinian journalists are particularly targeted and subjected to frequent harassment, attacks, arrests, detention and accusations of incitement to violence, seemingly as part of an effort to deter them from continuing their work. Consequently, Palestinian journalists are increasingly fearful and therefore self-censor. Israeli journalists are also increasingly monitored and targeted and self-censor out of fear of harassment and losing employment. The Commission reminds all duty bearers of their obligation to respect, protect and fulfil the rights of journalists to safety and freedom.³⁵¹

201. The Commission finds that the Israeli authorities, the Palestinian Authority and the de facto authorities in Gaza have subjected Palestinian human rights defenders, including journalists, to ill-treatment while in detention, some of which may amount to torture or cruel, inhuman or degrading treatment or punishment, in violation of international law.³⁵²

202. Women human rights defenders remain at the forefront for social change and as a result face significant and distinct risks in both the public and private sphere. These defenders have been specifically targeted by State actors and anti-gender rights groups because they are perceived as challenging religious and cultural norms and the status quo, and as a warning to other women. The Commission finds that the lack of accountability for gender-based violence, including sexual violence, permits and encourages the targeting of women human rights defenders.

203. Non-State actors play a key role in silencing civil society in the Occupied Palestinian Territory and Israel, as well as those advocating for Palestinian rights around the world. Both Israeli and Palestinian authorities allow, and in some cases encourage and support, the actions of non-State actors. Israeli right-wing groups have targeted Israeli and Palestinian human rights organizations and individuals by demonstrating and disrupting events, pressing authorities to stop events focused on

³⁴⁹ International Covenant on Civil and Political Rights, arts.14, 17, 19, 21 and 22.

³⁵⁰ Ibid., art. 17; and Universal Declaration of Human Rights, art. 12.

³⁵¹ A/HRC/24/23, paras. 10 – 16; International Covenant on Civil and Political Rights, art. 19; and Universal Declaration of Human Rights, art. 19.

³⁵² Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, art. 2.

Palestinian rights or the occupation, and online harassment. In the occupied West Bank, groups have targeted lesbian, gay, bisexual, transgender and queer persons, cultural centres and artists representing or presenting inclusive, rights-based values, through violent, hate-motivated attacks and social media campaigns inciting violence. The Commission underlines the positive obligations enshrined in the International Covenant on Civil and Political Rights and emphasizes that the failure to take appropriate and effective measures or to exercise due diligence to prevent, punish, investigate or redress the harm caused by private persons or entities constitutes a violation of the State obligation and duty to protect enshrined in the Covenant.³⁵³ Facebook, through its parent company Meta, in particular, has failed to respond to requests to remove content that violated Facebook's community standards.

204. The Commission concludes that attacks and arrests of civil society members have had significant psychological and other impacts on children, in particular those who are exposed to violent night raids, searches, questioning and the removal of parents by security forces.³⁵⁴ In particular, the arrest and detention of human rights defenders, as well as the constant threats and attacks by Israeli security forces or settlers, were found to contribute to family fragmentation and to increasing psychological trauma and fear felt by children.

205. The Commission finds that actions by Israeli and Palestinian authorities that shrink cultural space, affecting artists and cultural activists in Israel and the Occupied Palestinian Territory, constitute violations of cultural rights enshrined in the International Covenant on Economic, Social and Cultural Rights.³⁵⁵ Authorities in Israel have imposed increasingly discriminatory restrictions on funding for the arts, and right-wing groups have intervened and pressured local authorities and institutions to cancel events focused on Palestinian rights and the occupation. Palestinian police have arbitrarily arrested cultural activists and other individuals for their actual or perceived sexual orientation, gender identity and expression, and subjected them to abusive interrogations and degrading treatment. They have also failed to protect these individuals and organizations from violence and harassment.

206. The Commission notes the egregious nature of the reported attempts by Israeli authorities and non-State actors to interfere with events focused on Palestinian culture, arts, history and heritage, as well as statements made by members of the Government of Israel, aimed at erasing elements of Palestinian identity.

207. The Commission finds that several Israeli actions undertaken against civil society organizations may amount to violations of international humanitarian law and may constitute crimes under international law. These actions include the detention of civil society organization members and their transfer from the Occupied Palestinian Territory to Israel, in violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), which stipulates that an occupying power may not detain protected persons outside of the occupied territory.³⁵⁶ The Commission finds that the revocation of East Jerusalem residency permits based on the 2018 amendment of the law on entry into Israel, involving a "breach of allegiance", constitutes a war crime since it is applied against the protected population in an occupied territory. The Commission underscores that demanding allegiance from protected people in occupied territory is contrary to international law and violates international humanitarian law.³⁵⁷

208. Furthermore, the Commission finds that the forcible deportation of Salah Hammouri from East Jerusalem to France constitutes a grave breach of international humanitarian law, namely the deportation of a protected person from the occupied

³⁵³ Arts. 2 and 26; and Human Rights Committee, general comment No. 31 (2004), para. 8.

³⁵⁴ Convention on the Rights of the Child, arts. 2, 3 (1), 6 (2), 8 (1), 9 (1), 16 and 19.

³⁵⁵ Art. 15 (1). See also Committee on Economic, Social and Cultural Rights, general comment No. 21 (2009).

³⁵⁶ Arts. 49 and 147.

³⁵⁷ Regulations concerning the Laws and Customs of War on Land of 1907, art. 45; and Fourth Geneva Convention, art. 68 (3).

territory. The Commission has preserved, on a list of possible perpetrators, information about the individuals who may bear criminal responsibility for what may amount to the war crime of unlawful deportation. The Commission notes that Mr. Hammouri's deportation also raises the question of whether individuals within El-Al airlines had knowledge of his unlawful deportation and so may have committed the war crime of aiding, abetting or otherwise assisting in the commission of a war crime. The Commission intends to explore further the criminal responsibility of all those involved in the forcible deportation.

209. The Commission finds that the State of Palestine has targeted human rights defenders and civil society activists with the aim of silencing dissenting opinions, in violation of article 19 of the International Covenant on Civil and Political Rights. The eroding support for the Palestinian Authority, displayed by public criticism and nationwide protests, has resulted in surges of repression and a legislative trend that is crippling the vital work of civil society actors. In relation to the killing of Nizar Banat, the Commission received evidence indicating State involvement in the killing and a lack of transparency and impartiality in the court proceedings. It is also concerned by the violent suppression of protests after Mr. Banat's death.

210. The arrest and detention of activists by both Israeli authorities and the Palestinian Authority is a harsh reality for many Palestinians. The Commission has received evidence about Israeli and Palestinian authorities sharing information, and about the "revolving door" of arrests and detentions experienced by activists, which warrants further investigation. While the Commission recognizes the constraints facing the State of Palestine due to the realities of the occupation and the impact it has on the exertion of authority as a duty bearer, the Commission considers that the documented violations directed at civil society actors must be examined independently from these circumstances and conclusions drawn as to the responsibility of the Palestinian Authority and the de facto authorities in Gaza.

211. The Commission concludes that Palestinian security forces officials have resorted to sexual and gender-based violence to silence women human rights defenders in the West Bank. It finds that these gender-based crimes were widespread following protests in 2021 and committed with the intent to deter women from activism in public places by reinforcing norms about their roles in society. Women were targeted based on gender. They were subjected to distinct gender-based stigmatization and isolation compared to their male counterparts, including through the exposure of private or false information online, which put women human rights defenders at risk of violence within their communities. The Commission underlines the obligation of the State of Palestine to take concrete actions to condemn, prevent, investigate, prosecute and provide remedies for violent acts against women human rights defenders perpetrated by State and non-State actors.³⁵⁸

212. The Commission finds that the State of Palestine failed in its obligation to ensure that individual rights are protected against acts committed by private persons, by failing to prevent and investigate human rights abuses by anti-gender right groups against women human rights defenders advocating for gender equality. This constitutes a violation of obligations under the Convention on the Elimination of All Forms of Discrimination against Women (arts. 2 and 7 (c)), the International Covenant on Civil and Political Rights (arts. 3, 25 and 26) and the International Covenant on Economic, Social and Cultural Rights (art. 3) to take all appropriate measures to eliminate discrimination against women in public life and ensure the equal right of women and men to the enjoyment of all human rights.

213. The Commission concludes that the de facto authorities in Gaza target those expressing dissenting political opinions, creating a repressive climate of fear characterized by self-censorship. This constitutes violations under international human rights law. Civil society actors who are seen to challenge the political, religious and

³⁵⁸ Convention on the Elimination of All Forms of Discrimination against Women, arts. 2 and 7 (c); and Declaration on the Elimination of Violence against Women, art. 4.

social status quo are most at risk of being targeted, silenced or obstructed in their activities.

VII. Recommendations

214. The Commission recommends that all duty bearers:

(a) Ensure that the rights to freedom of association, expression and opinion and the right to peaceful assembly and wider economic, social and cultural rights are respected and protected and that civil society actors, including human rights defenders, journalists and women human rights defenders, are able to conduct their activities safely, freely and without harassment or retribution;

(b) Ensure effective remedies for all civil society actors who experience violations or abuses of human rights or violations of international humanitarian law because of their social, political, economic, civil or cultural activities.

215. The Commission recommends that the Government of Israel:

(a) Immediately cease, without undue delay, actions that may amount to war crimes, including the unlawful deportation or transfer of protected persons from occupied territory, and permit such persons to return to their lawful residence;

(b) Immediately cease systematic practices, such as arbitrary arrest and detention, administrative detention, harassment and smear campaigns, that intimidate, punish and silence human rights defenders and journalists, in particular Palestinians, in breach of their freedom of association, expression and opinion, and their right to peaceful assembly;

(c) Immediately cease practices that may amount to torture or ill-treatment; and ensure that all allegations of such violations are promptly, impartially and independently investigated and perpetrators are brought to justice;

(d) Urgently act to hold non-State actors, including settlers, accountable for human rights abuses committed against civil society;

(e) Repeal laws and provisions that obstruct the work of civil society, including laws imposing unnecessary and unreasonable financial, procedural and technical barriers; and halt any draft legislation that may have an adverse effect on civil society;

(f) Urgently revoke the designation of Palestinian human rights and humanitarian organizations as terrorist or unlawful organizations;

216. The Commission recommends that the Government of the State of Palestine and the de facto authorities in Gaza:

(a) Immediately cease practices aimed at intimidating and silencing human rights defenders, including through arbitrary arrest and detention, torture or ill-treatment or killing, harassment and intimidation, especially of women human rights defenders, and forcible closures of cultural and other events; and ensure that all allegations of such violations are promptly, impartially and independently investigated and perpetrators are brought to justice;

(b) Take all measures necessary to ensure that women human rights defenders are enabled to participate equally in the promotion and protection of human rights; immediately cease gender-specific targeting of women human rights defenders and promptly investigate all forms of gender-based violence, including sexual violence, ensuring that perpetrators, both State and non-State actors, are held accountable;

(c) Hold perpetrators accountable for human rights violations committed, by State and non-State actors against civil society and lesbian, gay, bisexual, transgender and queer persons on the basis of sexual orientation, gender identity or gender expression.

217. The Commission recommends that States Members of the United Nations:

(a) Call on the Government of Israel to rescind the designation of Palestinian civil society organizations as terrorist and unlawful organizations; to end the application of the 2016 Counter-Terrorism Law to civil society organizations in the Occupied Palestinian Territory; and to publicly denounce campaigns by State or non-State actors against civil society organizations in Israel, the Occupied Palestinian Territory and worldwide that criticize Israeli policy and action or support Palestinian rights;

(b) Call on the State of Palestine to hold general elections.

218. The Commission recommends that the Office of the Prosecutor of the International Criminal Court prioritize the investigation into the situation in the Occupied Palestinian Territory, including the identification of direct perpetrators, those exercising command responsibility and individuals who aid or abet the commission of crimes under the Court's jurisdiction.
