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

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

### *Summary*

In this report, the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel examines attacks, restrictions and harassment of civil society actors by all duty bearers: Israel, the State of Palestine and the de facto authorities in Gaza.

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\* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter's control.



## I. Introduction and methodology

1. In this report, submitted pursuant to Human Rights Council resolution S-30/1, the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel presents its findings on attacks, restrictions and harassment of civil society actors, by all duty bearers.

2. Pursuant to its established methodology and guided by standard practices of commissions of inquiry and human rights investigations, the Commission relied on 127 interviews, testimonies given during two rounds of hearings,<sup>1</sup> research, discussions with stakeholders and experts, and 21 submissions received following a call for submissions issued on 2 November 2022. The information reflected in the report primarily covers the period 2020–2023. Information and developments predating this period were also included, where relevant to establishing the evolution of trends. Only material that met the standard of proof of “reasonable grounds to conclude” was included in the report. Unless otherwise specified, all information provided in the report is based on evidence and victim and witness testimonies documented by the Commission, including testimonies documented during the public hearings.

3. In the report, the Commission examines violations by all duty bearers in the Occupied Palestinian Territory and Israel. The Commission again acknowledges that the territory over which the Government of the State of Palestine can exert its authority as a duty bearer has been under occupation by Israel since 1967, which poses severe challenges to its ability to fulfil its obligations as a duty bearer. Nonetheless, and while not affecting the obligations of Israel, the accession of the State of Palestine to international human rights treaties engages its responsibility, to the extent of its jurisdiction and effective control. The Commission also re-emphasizes that, within the Gaza Strip, to the extent of the effective control of Hamas, the de facto authorities bear human rights obligations arising from their exercise of government-like functions.

4. Civic space is defined in the report as the environment that enables different civil society actors, including the most excluded and marginalized, to participate meaningfully in the political, economic, social and cultural life of society.<sup>2</sup> Civic space encompasses a variety of actors, including human rights defenders and activists, women human rights defenders, lesbian, gay, bisexual, transgender and queer activists, non-governmental organizations (NGOs), journalists, lawyers, academics and students, artists and cultural activists. For this report, women human rights defenders are defined as people who work to promote women’s rights and rights related to gender equality and include civil society actors and individuals who may not self-identify as human rights defenders.

## II. Legal framework

5. The Commission laid out the international legal framework applicable in the Occupied Palestinian Territory and in Israel in its previous reports to the General Assembly and to the Human Rights Council,<sup>3</sup> and in its terms of reference.<sup>4</sup> The Commission has 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.<sup>5</sup>

<sup>1</sup> <https://www.ohchr.org/en/hr-bodies/hrc/co-israel/public-hearings>.

<sup>2</sup> [https://www.ohchr.org/sites/default/files/Documents/Issues/CivicSpace/UN\\_Guidance\\_Note.pdf](https://www.ohchr.org/sites/default/files/Documents/Issues/CivicSpace/UN_Guidance_Note.pdf).

<sup>3</sup> [A/77/328](#) and [A/HRC/50/21](#).

<sup>4</sup> [https://www.ohchr.org/sites/default/files/2022-01/TORs-UN-Independent\\_ICI\\_Occupied\\_Palestinian\\_Territories.pdf](https://www.ohchr.org/sites/default/files/2022-01/TORs-UN-Independent_ICI_Occupied_Palestinian_Territories.pdf).

<sup>5</sup> [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](https://www.ohchr.org/sites/default/files/2022-01/TORs-UN-Independent_ICI_Occupied_Palestinian_Territories.pdf). For a detailed legal framework, see the conference room paper prepared by the Commission for circulation at the fifty-third session of the Council, which will be available at <https://www.ohchr.org/en/hr-bodies/hrc/co-israel/index>.

### III. Israeli authorities and other supporting actors

#### A. Delegitimization of civil society

6. 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.

7. 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. Examples include: smear campaigns by Israeli officials against Hagai El-Ad, director of B’Tselem, in 2016 and 2018, following his participation at Security Council meetings, including accusations that he collaborated with enemies of Israel;<sup>6</sup> a Member of the Knesset, Bezalel Smotrich (now Minister of Finance), referring to several human rights organizations as a swarm of mosquitos, and saying that Israel must deal with them as an “existential threat”, in November 2022;<sup>7</sup> and a Likud Member of the Knesset, Ariel Kallner, labelling Breaking the Silence (an Israeli human rights organization) an antisemitic organization in accordance with the International Holocaust Remembrance Alliance working definition of antisemitism, in March 2023.<sup>8</sup> 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.<sup>9</sup> In response to a 2020 report of the Office of the United Nations High Commissioner for Human Rights (OHCHR) on business activity in the settlements,<sup>10</sup> Israeli authorities refused to grant or renew visas for OHCHR international staff.<sup>11</sup>

8. Successive Governments in Israel have established specific ministries, including the Ministry of Strategic Affairs and Public Diplomacy<sup>12</sup> and the Ministry for Diaspora Affairs and Combating Antisemitism, working towards delegitimizing civil society locally and internationally. In March 2023, a Knesset lobby for the fight against antisemitism and delegitimization was announced by Likud Members of the Knesset, with a focus on combating the “undermining” of Israel by foreign countries that finance human rights and civil society organizations.<sup>13</sup>

<sup>6</sup> <https://embassies.gov.il/un/NewsAndEvents/Pages/Danon-resond-to-B0403-7039.aspx>.

<sup>7</sup> [https://www.youtube.com/watch?v=NIJoB4cx\\_mg](https://www.youtube.com/watch?v=NIJoB4cx_mg) (in Hebrew).

<sup>8</sup> <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.

<sup>9</sup> <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>.

<sup>10</sup> [A/HRC/43/71](#).

<sup>11</sup> [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%E2%80%93,Rights%20Michelle%20Bachelet%20said%20today](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%E2%80%93,Rights%20Michelle%20Bachelet%20said%20today); and <https://www.alhaq.org/advocacy/17456.html>.

<sup>12</sup> [https://www.gov.il/en/departments/units/ministry\\_of\\_strategic\\_affairs\\_and\\_public\\_diplomacy](https://www.gov.il/en/departments/units/ministry_of_strategic_affairs_and_public_diplomacy).

<sup>13</sup> [https://www.youtube.com/watch?v=qmDsWYY\\_vw8](https://www.youtube.com/watch?v=qmDsWYY_vw8) (in Hebrew); and <https://twitter.com/ArielKallner/status/1635399935511400448> (in Hebrew).

9. Alongside actions by the Government of Israel, private individuals and organizations increasingly work with the purpose of preventing, interfering with and silencing civil society, human rights defenders and events focused on Palestinian rights, locally and globally. These organizations – some with Economic and Social Council accreditation – have dedicated significant resources to producing data, disseminating material, producing online content and publications, monitoring social media and scrutinizing the activities of specific human rights defenders and civil society organizations to that end. These organizations effectively implement and promote the Government’s strategy against civil society. Some organizations are supported by and collaborate with members of the Government. They support Government officials in fundraising to cover legal fees relating to litigation,<sup>14</sup> provide staff members in election campaigns,<sup>15</sup> collaborate on the drafting of government bills<sup>16</sup> and the establishment of parliamentary lobbies,<sup>17</sup> and engage in well-organized smear campaigns against human rights organizations and individuals, alongside government actions targeting the same organizations,<sup>18</sup> among other actions.

10. The Commission received reports and testimonies from civil society organizations in Europe and the United States indicating a shrinking of the space for freedom of expression in relation to criticizing Israeli authorities’ human rights conduct and speaking up for Palestinian rights. Those who speak publicly, in particular academics and public figures, face intense smear campaigns and lawsuits.<sup>19</sup> Legitimate criticism of Israeli policies and actions is increasingly reframed as antisemitism, relying on the controversial International Holocaust Remembrance Alliance working definition of antisemitism adopted in 2016. National laws and policies have been adopted in several countries enabling the labelling of critics of Israeli policies as antisemitic or criminalizing certain forms of legitimate protest, such as boycotts. For example, on 19 November 2020, the United States Secretary of State announced that the Department of State would designate as “antisemitic” organizations that engaged in boycotts against Israel, including those showing support for the OHCHR database of companies that conducted business with Israeli settlements in the occupied West Bank, and would deem such organizations ineligible for government funding.<sup>20</sup> Thirty-five states in the United States have adopted anti-boycott legislation.<sup>21</sup>

## B. Legislation targeting civic space

11. Israeli authorities have passed laws to reduce and restrict civil society activities. These include amendment No. 40 to the Budgets Foundations Law 2011, the 2011 anti-boycott law, the 2016 amendment to the Law of Associations, the 2016 Counter-Terrorism Law and amendment No. 28 of March 2017 to the law on entry into Israel.

12. In late 2022, a new Government in Israel 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. In February 2023, the 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

<sup>14</sup> [https://givechak.co.il/Bibi\\_Netanyahu?ref=nwc](https://givechak.co.il/Bibi_Netanyahu?ref=nwc); <https://www.inn.co.il/news/538295> (in Hebrew).

<sup>15</sup> <https://www.haaretz.co.il/news/politi/2016-08-02/ty-article/0000017f-f4d7-d460-afff-fff793050000> (in Hebrew).

<sup>16</sup> <https://www.facebook.com/imtirtzu/photos/a.3093939343997011/5799329843457934/> (in Hebrew).

<sup>17</sup> [https://www.youtube.com/watch?v=qmDsWYY\\_vw8](https://www.youtube.com/watch?v=qmDsWYY_vw8) (in Hebrew).

<sup>18</sup> <https://www.ngo-monitor.org/reports/pflp-ties-six-newly-designated-terror-ngos/>.

<sup>19</sup> <https://ccrjustice.org/sites/default/files/attach/2015/09/Palestine%20Exception%20Report%20Final.pdf>.

<sup>20</sup> <https://2017-2021.state.gov/identifying-organizations-engaged-in-anti-semitic-bds-activities/index.html>.

<sup>21</sup> <https://legislation.palestinelegal.org/>.

communities, including Palestinian citizens of Israel, asylum-seekers and lesbian, gay, bisexual, transgender and queer persons.<sup>22</sup>

13. The Government is also considering several other bills that could negatively affect civil society. They include a bill to impose a tax rate of 65 per cent on the income of associations receiving support from “foreign governmental entities”,<sup>23</sup> a bill to require foreign-funded associations to state that they are supported by foreign governmental entities in every petition submitted to the High Court of Justice,<sup>24</sup> a bill forbidding waving the flag of an enemy country, a terror organization or the Palestinian Authority in public,<sup>25</sup> and a bill forbidding the filming of soldiers on duty.<sup>26</sup>

### Counter-terrorism legislation

14. On 19 October 2021, the Minister of Defense of Israel 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.<sup>27</sup> Two weeks later a military order was issued declaring those organizations unlawful,<sup>28</sup> 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.<sup>29</sup>

15. The Commission is not aware of any credible evidence to support these actions.<sup>30</sup> Furthermore, the Commission received information that the Ministry of Intelligence had advised the Government to incriminate individuals and organizations receiving foreign funding, tarnish their reputation and expose their connections to “terrorist” elements.<sup>31</sup> Israeli authorities and right-wing organizations had waged a long campaign against these Palestinian organizations prior to their designation.<sup>32</sup>

16. Several organizations reported that this 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.

<sup>22</sup> <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=Cj0KCQiA3eGfBhCeARIsACpJNU\\_V5N-I0Gx1VTt\\_LGft0jqfzWLEPvw-GGsEulhDpvuo95wMahPqGbYaAsu6EALw\\_wcB&gclid=aw.ds](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=Cj0KCQiA3eGfBhCeARIsACpJNU_V5N-I0Gx1VTt_LGft0jqfzWLEPvw-GGsEulhDpvuo95wMahPqGbYaAsu6EALw_wcB&gclid=aw.ds)

<sup>23</sup> <https://main.knesset.gov.il/Activity/Legislation/Laws/pages/LawBill.aspx?t=lawsuggestionssearch&lawitemid=2199819> (in Hebrew).

<sup>24</sup> <https://main.knesset.gov.il/Activity/Legislation/Laws/pages/LawBill.aspx?t=lawsuggestionssearch&lawitemid=2201102> (in Hebrew).

<sup>25</sup> <https://main.knesset.gov.il/Activity/Legislation/Laws/Pages/LawBill.aspx?t=lawsuggestionssearch&lawitemid=2199107> (in Hebrew).

<sup>26</sup> <https://main.knesset.gov.il/Activity/Legislation/Laws/Pages/LawBill.aspx?t=lawsuggestionssearch&lawitemid=2198024> (in Hebrew).

<sup>27</sup> <https://nbctf.mod.gov.il/en/Pages/211021EN.aspx>.

<sup>28</sup> [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](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).

<sup>29</sup> A/HRC/49/83, para. 30.

<sup>30</sup> <https://www.government.nl/documents/diplomatic-statements/2022/07/12/joint-statement-on-the-israeli-designation-of-palestinian-civil-society-organisations-as-terrorist-organisations>.

<sup>31</sup> [https://fs.knesset.gov.il/24/Committees/24\\_cs\\_bg\\_616988.pdf](https://fs.knesset.gov.il/24/Committees/24_cs_bg_616988.pdf), para. 77 (in Hebrew).

<sup>32</sup> See also A/HRC/49/83, para. 29.

17. 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 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.<sup>33</sup> Palestinian and Israeli lawyers representing some of the organizations reported being subjected to attempts by Israeli officials to obstruct their work.

18. 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 Union of Palestinian Women's Committees staff members, and some of their children, and tried to coerce them to stop their activism through the use of threats with a clear gender dimension. 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.

### C. Attacks and harassment

19. 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. 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.<sup>34</sup> The soldier was reportedly sentenced to 10 days in military prison shortly after the incident.<sup>35</sup> 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.<sup>36</sup> 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.<sup>37</sup>

20. 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.

21. 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.

<sup>33</sup> See also [A/HRC/52/75](#), paras. 32–33.

<sup>34</sup> <https://twitter.com/Issaamro/status/1625205825760333840>.

<sup>35</sup> <https://www.haaretz.co.il/news/politics/2023-02-13/ty-article/.premium/00000186-4c29-d5d4-a5e7-efable830000> (in Hebrew).

<sup>36</sup> <https://twitter.com/Issaamro/status/1629806810336051200?cxt=HHwWgIC-6ZWqnp4tAAAA>.

<sup>37</sup> <https://twitter.com/itamarbengvir/status/1625387810571034626> (in Hebrew).

This case is emblematic of several interlinked dynamics involving recent 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.<sup>38</sup> There is also evidence of Israeli soldiers supporting and protecting settlers. 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.

#### D. Punitive measures and restrictions under the occupation regime

22. 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.<sup>39</sup> 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.

23. 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 numerous 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.

24. The Commission notes that many Palestinian human rights defenders are arrested and brought before military courts repeatedly. Some face concurrent charges. Others face charges by both Israeli authorities and the Palestinian Authority. In August 2022, the Israeli security forces arrested a Palestinian human rights defender from Khirbet Susiya, questioned him and reportedly accused him of “causing all the trouble in the area”, which he took to refer to his human rights work.<sup>40</sup> He had already been 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.<sup>41</sup> Similarly, Mr. Amro has been held for questioning by Israeli and Palestinian authorities on more than 14 occasions in the past two years, and underwent a lengthy trial for actions allegedly committed years earlier.

25. 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

<sup>38</sup> See the conference room paper prepared by the Commission.

<sup>39</sup> [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](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).

<sup>40</sup> <https://www.youtube.com/watch?v=r1R2Gf5qIiI>.

<sup>41</sup> <https://www.mekomit.co.il/%D7%AA%D7%97%D7%A7%D7%99%D7%A8%D7%9F-%D7%91%D7%A6%D7%9C%D7%9D-%D7%91%D7%A4%D7%AA%D7%97-%D7%9E%D7%A9%D7%A4%D7%98%D7%95-%D7%9E%D7%A0%D7%A1%D7%99%D7%9D-%D7%9C%D7%94%D7%A4%D7%97%D7%99%D7%93-%D7%A9/> (in Hebrew).

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.<sup>42</sup> 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.<sup>43</sup>

26. The Commission heard from several civil society actors about the devastating impact that their arrest and detention had on their children. The Commission also notes the detrimental impact on children caused by settler attacks. Children's exposure to the arrest and detention of their parents, often following violent night raids by Israeli security forces, has caused significant psychological damage, adding yet another layer to the harm caused by the occupation regime.<sup>44</sup>

27. 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 Al-Maskoubiya facility in Jerusalem, Ashqelon 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.

28. 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.<sup>45</sup>

29. Mr. Hammouri's East Jerusalem residency permit was revoked in October 2021,<sup>46</sup> under amendment No. 30 of 2018 to the law on entry into Israel.<sup>47</sup> 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.

30. 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.<sup>48</sup>

31. Israeli authorities have made extensive use of military orders to maintain control of the Occupied Palestinian Territory and the Palestinian people, specifically targeting Palestinians' enjoyment of civil and political rights.<sup>49</sup> Israeli military orders limit and

<sup>42</sup> A/HRC/52/75, para. 42.

<sup>43</sup> *Ibid.*, and <https://www.ohchr.org/en/press-releases/2022/06/un-experts-condemn-israels-arbitrary-detention-and-conviction-palestinian>.

<sup>44</sup> See, e.g., A/77/328, para. 58.

<sup>45</sup> <https://www.addameer.org/prisoner/2992>.

<sup>46</sup> 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>.

<sup>47</sup> [https://fs.knesset.gov.il/20/law/20\\_Isr\\_491468.pdf](https://fs.knesset.gov.il/20/law/20_Isr_491468.pdf) (in Hebrew).

<sup>48</sup> <https://hamoked.org/document.php?dID=Updates2305>.

<sup>49</sup> <https://www.addameer.org/sites/default/files/Addameer%20Submission%20on%20the%20Illegal%20and%20Arbitrary%20Israeli%20Practices%20of%20Deprivation%20of%20Liberty%20of%20Palestinians%20in%20Occupied%20Territories.pdf>.

criminalize many aspects of civic space, including protests and gatherings, raising the Palestinian flag and supporting what Israeli authorities deem as “unlawful associations”.

32. Israeli security forces routinely shut down demonstrations<sup>50</sup> and interfere with the display of flags or national symbols, in accordance with military order No. 101. 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.<sup>51</sup>

33. Policies restricting freedom of expression of Palestinians in the occupied West Bank are increasingly applied towards 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 six demonstrators, including one lawyer from a human rights NGO, for allegedly interfering with a policeman and disrupting public order while waving Palestinian flags during a protest in Haifa. They were released shortly after. Israeli authorities routinely confiscated Palestinian flags waved by Palestinians and Israelis during the countrywide protests in January–April 2023.<sup>52</sup>

34. Israeli authorities declare closed military zones for a variety of reasons,<sup>53</sup> 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.<sup>54</sup> 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.

35. 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 Coordination of Government Activities in the Territories 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.

## E. Surveillance and social media monitoring

36. 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.<sup>55</sup> In January 2022, the Israeli publication *Calcalist* reported that the police had been using Pegasus spyware to hack phones of Israeli citizens, including those involved in demonstrations against the Netanyahu Administration in 2020.<sup>56</sup>

37. 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

<sup>50</sup> The Commission will examine demonstrations in a future report.

<sup>51</sup> [https://www.timesofisrael.com/army-filmed-protecting-settlers-taking-down-palestinian-flag-from-west-bank-town/](https://twitter.com/Ahmad_tibi/status/1527328709585166345?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1527328709585166345%7Ctwgr%5E999f51033297aafcd88152cacfe06db4f8eb8bd%7Ctwcon%5Es1_&ref_url=https%3A%2F%2F(in Hebrew); and <a href=).

<sup>52</sup> See, e.g., <https://www.haaretz.co.il/news/politics/2023-04-02/ty-article/00000187-4346-d706-a7bf-7b5f54650000> (in Hebrew).

<sup>53</sup> [A/77/328](#), para. 31.

<sup>54</sup> <https://www.haaretz.com/israel-news/2023-03-03/ty-article/.premium/israeli-army-bans-left-wing-solidarity-visit-to-huwara-as-settlers-enter-freely/00000186-a642-de2a-a1ee-a65787ff0000>.

<sup>55</sup> <https://www.amnesty.org/en/latest/research/2021/11/devices-of-palestinian-human-rights-defenders-hacked-with-nso-groups-pegasus-spyware-2/>.

<sup>56</sup> [https://www.calcalist.co.il/local\\_news/article/s1b1xwx6y](https://www.calcalist.co.il/local_news/article/s1b1xwx6y) (in Hebrew).

terrorist organization and/or incitement to violence.<sup>57</sup> Those arrested and detained include human rights defenders, journalists, artists, students and academics.

38. 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. In one example involving the trial of a Palestinian poet on charges of incitement to terror acts, the inaccurate police translation was recognized by the judge who reviewed in his judgment the differences between the police translation and an expert translation provided by the defence.<sup>58</sup> In another case, a Palestinian citizen of Israel from a Bedouin town in the Negev was indicted in February 2023 for a social media post. His defence argued that the post was inaccurately translated, noting that the original Arabic should not be interpreted as a threat, and highlighting that the police had used a fellow police officer for the translation and not a qualified translator. The Commission viewed the original post in Arabic and the Hebrew translation by the police and concurs that the translation appears to be inaccurate.<sup>59</sup>

## IV. Palestinian Authority and the de facto authorities in Gaza

### A. Government-imposed restrictions and obstruction of civil society activities

39. Since the Palestinian political division in 2007, a series of restrictions have been put in place that increases 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.<sup>60</sup> 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.<sup>61</sup>

40. 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, and the 1929 and 1964 laws on companies, and their amendments.<sup>62</sup> Specific decrees have been applied directly in the West Bank and are observed also in Gaza, with a negative impact on the ability of civil society to work independently reported in both areas.<sup>63</sup> Decree No. 7 of 2021, amending the NGO law, which increased oversight of budgets and financial distribution, has been suspended. Bylaw No. 20 of 2022, on non-profit companies, requires civil society organizations to submit their work plans and budgets to the authorities and align them with the plan of the relevant ministry.<sup>64</sup> Organizations also must 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.<sup>65</sup> Civil society

<sup>57</sup> See, e.g., [https://www.gov.il/BlobFolder/dynamiccollectorresultitem/hr-018/he/human-rights-replay\\_darin11419.pdf](https://www.gov.il/BlobFolder/dynamiccollectorresultitem/hr-018/he/human-rights-replay_darin11419.pdf).

<sup>58</sup> See also [https://www.nevo.co.il/psika\\_html/shalom/SH-15-11-4480-11.pdf](https://www.nevo.co.il/psika_html/shalom/SH-15-11-4480-11.pdf), p. 35 (in Hebrew).

<sup>59</sup> See also <https://www.haaretz.co.il/news/law/2023-02-02/ty-article/.premium/00000186-1136-dce4-afaf-1df7f3460000> (in Hebrew).

<sup>60</sup> <https://pchrgaza.org/en/position-paper-constitutional-courts-decision-to-dissolve-plc-is-political-and-illegal/>.

<sup>61</sup> <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://pchrgaza.org/en/annual-report-2021/>.

<sup>62</sup> <https://pchrgaza.org/en/shrinking-space-government-restrictions-on-non-profit-companies-funding-in-light-of-international-standards/>.

<sup>63</sup> <https://pchrgaza.org/en/shrinking-space-government-restrictions-on-non-profit-companies-funding-in-light-of-international-standards/>; <https://www.alhaq.org/publications/18891.html>; <https://pchrgaza.org/en/annual-report-2021/>; and <https://www.ichr.ps/en/statements/3776.html>.

<sup>64</sup> <https://www.alhaq.org/advocacy/20864.html>.

<sup>65</sup> See also <https://www.hrw.org/news/2023/04/13/palestinian-authority-blocks-registration-rights-group>.

organizations in Gaza have reported that they face additional challenges, as they are required to receive the approval of ministries in both the West Bank and Gaza.

41. 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 closed or private places, and that the Amended Basic Law of 2003 guarantees freedom 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.

42. 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, under the pretext of lack of permits, the police interrupted several activities for journalists and students organized by a women's group in Gaza City. Two of the group's staff members were summoned for interrogations and staff members were asked to sign pledges to preserve society values, including the separation of men and women. In another example, the de facto authorities would not permit a women's rights organization in Gaza to conduct 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; without providing a court order, they requested staff to submit confidential documents and questioned staff about projects and the identity of their interlocutors.

## **B. Criminalization, arbitrary arrest and detention**

43. 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 increased their visibility by holding protests, launching counter-campaigns, and advocating for increased 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.<sup>66</sup>

44. The Commission found that Palestinian security forces and security agencies routinely intimidate activists 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 had been arrested for prolonged periods on fabricated charges, including possession of an unlicensed weapon, criticism of authorities and illegal gatherings. Activists were also pressured to stop expressing political dissent and to provide authorities with access to their mobile phones and social media accounts.

45. The Palestinian Authority has charged activists and journalists under the Cybercrime Law, which enhances its surveillance and control of online activism.<sup>67</sup> Coupled with loosely defined criminal provisions, these laws have been used to criminalize dissent, with charges including threatening public order and morals, "stirring up sectarian strife", and libel and slander against public authorities.<sup>68</sup> Since charges have seldom led to convictions, the situation has been described to the Commission by activists as a "legal limbo", with repeated

<sup>66</sup> <https://www.amnesty.org/en/documents/mde21/2779/2020/en/>.

<sup>67</sup> <https://www.alhaq.org/publications/18891.html>;  
<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/en/region/north-africa-middle-east/israel-palestine/in-israel-campaigns-to-discredit-israeli-golan-and-palestinian-human>.

<sup>68</sup> <https://pchrghaza.org/en/wp-content/uploads/2020/07/PA-VIOLATIONS-english.pdf>; and  
<https://www.alhaq.org/publications/18891.html>.

arrests and interrogations leading to prolonged periods in detention and to stigmatization. Additionally, some activists are arrested or summoned repeatedly for interrogations by both the Palestinian and the Israeli security forces, often working collaboratively. One activist referred to the practice as the “revolving door” policy. Several persons also reported being held in administrative detention by the Palestinian Authority for long periods and deprived of procedural guarantees.<sup>69</sup>

### C. Torture, inhuman treatment and killings

46. 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 officials and law enforcement officials in the West Bank. The frequency and severity, and the absence of accountability, suggest that such cases are widespread, as highlighted by findings of United Nations bodies, international and Palestinian human rights organizations and the Independent Commission for Human Rights, the Palestinian national human rights institution.<sup>70</sup> 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.

47. 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*). One activist in Gaza reported that, during 15 days in detention, he was severely beaten, including on the soles of his feet and back, with a whip and metal sticks, and suspended by his arms from the ceiling for prolonged periods of time.

48. 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 cause of death was 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.<sup>71</sup> The State of Palestine submitted to the Independent International 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 charges,<sup>72</sup> the trial, which is ongoing, 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.

<sup>69</sup> See also [CAT/C/PSE/CO/1](#).

<sup>70</sup> [https://cdn1.ichr.ps/cached\\_uploads/download/2022/09/15/annual-rep-27-1663231719.pdf](https://cdn1.ichr.ps/cached_uploads/download/2022/09/15/annual-rep-27-1663231719.pdf); [https://www.hrw.org/sites/default/files/report\\_pdf/palestine1018\\_web4.pdf](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>; and [CAT/C/PSE/CO/1](#).

<sup>71</sup> [https://cdn1.ichr.ps/cached\\_uploads/download/2022/03/07/the-joint-fact-finding-report-issued-by-icmr-and-al-haq-regarding-the-killing-of-activist-nizar-banat-final-1646638380.pdf](https://cdn1.ichr.ps/cached_uploads/download/2022/03/07/the-joint-fact-finding-report-issued-by-icmr-and-al-haq-regarding-the-killing-of-activist-nizar-banat-final-1646638380.pdf) (in Arabic); and <https://www.hrw.org/news/2022/06/30/palestine-impunity-arbitrary-arrests-torture>.

<sup>72</sup> [A/HRC/49/25](#), para. 26.

## V. Groups in focus: actions by all duty bearers

### A. Journalists and media

49. 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,<sup>73</sup> and are often targeted by both Israeli and Palestinian forces. The International Federation of Journalists reported, based on information collected by the Palestine Journalists Syndicate, 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.<sup>74</sup>

50. Israeli authorities often accuse Palestinian journalists of incitement to commit terror attacks in their journalistic work, content they have published or social media posts. For example, on 18 January 2023, Israel Security Agency officials reportedly 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 why he was taking pictures of prisoners and their families and was told that he was involved in incitement.<sup>75</sup> 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 Accords, which prohibits Palestinian Authority agencies from operating within Jerusalem city limits. On 21 March 2023, the Minister of National Security, Itamar Ben-Gvir, reportedly 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.<sup>76</sup>

51. 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. Journalists in Gaza emphasized to the Commission the need to exercise self-censorship in order to avoid being targeted by the intelligence services there. In the West Bank, journalists reported being pressured by members of the security services not to criticize the Palestinian Authority. Journalists there have faced attacks and harassment when reporting about protests, including the 2021 protests following the death in Palestinian custody of Mr. Banat.

52. 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. Two journalists were summoned and interrogated by the security forces in Gaza in December 2022 and January 2023, respectively, without being presented with an arrest warrant, and asked to disclose confidential information and sources of their investigation into sexual harassment at universities in Gaza. The authorities in Gaza criticized them for publishing their findings.

53. Although the situation of Israeli journalists is markedly better than their Palestinian counterparts, they are also increasingly exposed to threats and harassment, in particular

<sup>73</sup> The Commission will report extensively on the killing of Shireen Abu-Akleh in its next report.

<sup>74</sup> <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](https://www.ifj.org/fileadmin/user_upload/PJS_-_Report_media_violations_first_half_2022.pdf).

<sup>75</sup> <https://www.mekomit.co.il/%d7%a2%d7%99%d7%aa%d7%95%d7%a0%d7%90%d7%99-%d7%a4%d7%9c%d7%a1%d7%98%d7%99%d7%a0%d7%99-%d7%a0%d7%a2%d7%a6%d7%a8-%d7%9c%d7%90%d7%a8%d7%91%d7%a2%d7%94-%d7%99%d7%9e%d7%99%d7%9d-%d7%91%d7%92%d7%9c%d7%9c/> (in Hebrew).

<sup>76</sup> <https://www.youtube.com/watch?v=ljUMNFyfVo8>; <https://www.wafa.ps/pages/details/68147> (in Hebrew).

Palestinian journalists with Israeli citizenship, those reporting on Palestinian rights, or those perceived as being identified with “left wing” news outlets. 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.<sup>77</sup> An investigation was launched following a complaint filed by right-wing organizations.<sup>78</sup> Mr. Frey’s arrest was widely condemned by human rights organizations, which emphasized that posting a controversial tweet was not a criminal offence.<sup>79</sup> 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.<sup>80</sup>

54. The Commission also documented increasing attempts by the Government of Israel to interfere with independent news broadcasting and independent media. These include announced plans to close the Israeli Public Broadcasting Corporation (“HaTa’agid”), which sparked widespread criticism, including a statement by the European Broadcasting Union.<sup>81</sup> In recent years, growing numbers of journalists have been subjected to online attacks for expressing their views, which have led to the termination of employment contracts on some occasions. As a result, self-censorship is reportedly growing within Israeli media and news broadcasters, affecting in particular those who report on the occupation and on Palestinian rights.

## B. Women human rights defenders

55. The Commission documented several cases of sexual and gender-based violence by Palestinian security forces against Palestinian women human rights defenders following the protests linked to Nizar Banat’s death.<sup>82</sup> 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 any perpetrators being held accountable.

56. After attending protests, women human rights defenders have also been subjected to online harassment and smear campaigns, including sexual baiting, a common practice used to discredit women human rights defenders through 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.<sup>83</sup> One woman told

<sup>77</sup> <https://twitter.com/freyisrael1/status/1568931013509935106> (in Hebrew).

<sup>78</sup> <https://www.zman.co.il/377955/> (in Hebrew); and <https://twitter.com/shamaiglick/status/1607709620620894208> (in Hebrew).

<sup>79</sup> See, e.g., <https://twitter.com/acrionline/status/1607717502137794563> (in Hebrew).

<sup>80</sup> [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](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).

<sup>81</sup> <https://www.ebu.ch/news/2023/01/independence-of-israeli-public-broadcaster-under-threat-says-ebu-director-general>.

<sup>82</sup> <https://www.bisan.org/wp-content/uploads/2022/08/SHRINKING-SPACE-FOR-WOMEN-ACTIVISTS-00000002.pdf>; and <https://palsawa.com/post/309516/%D8%A7%D9%84%D9%86%D9%82%D8%A7%D8%A8%D8%A9-%D8%AA%D8%AF%D9%8A%D9%86-%D8%A7%D9%84%D8%A7%D8%B9%D8%AA%D8%AF%D8%A7%D8%A1%D8%A7%D8%A-%D8%B9%D9%84%D9%89-%D8%A7%D9%84%D8%B5%D8%AD%D9%81%D9%8A%D9%8A%D9%86-%D9%88%D8%AA%D9%87%D8%AF%D9%8A%D8%AF%D9%87%D9%85-%D9%81%D9%8A-%D8%B1%D8%A7%D9%85-%D8%A7%D9%84%D9%84%D9%87> (in Hebrew).

<sup>83</sup> See also [https://cdn1.ichr.ps/cached\\_uploads/download/2022/09/15/annual-rep-27-1663231719.pdf](https://cdn1.ichr.ps/cached_uploads/download/2022/09/15/annual-rep-27-1663231719.pdf), p. 59.

the Commission that her phone had been confiscated by a police officer during a protest and that shortly after, her private pictures had been posted on fake Instagram accounts with her name. 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.”

57. Women human rights defenders also reported that fake sexually suggestive videos and pictures with their names were circulated on Facebook accounts associated with the Fatah movement in an attempt to discredit and stigmatize them. One woman recounted how fake pornographic videos had been disseminated on social media as part of a smear campaign and sent to her father and young son. Such stigmatization and harassment of women human rights defenders also resulted in children of those women suffering severe mental distress. Another woman told the Commission the following: “Posting pictures of me insinuating I have sexual affairs could ruin my life. 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.”

58. 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. 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.

59. 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. These groups, led and supported by conservative religious and traditional community leaders and political groups, have waged comprehensive anti-gender rights campaigns through rallies, public billboards and online hate campaigns, including on social media accounts with tens of thousands of followers, targeting prominent women human rights defenders in the West Bank and Gaza. Such groups have exposed the names and pictures of women human rights defenders on social media platforms, and posted hate speech, threats, incitement of violence, sectarian slurs, slander and disinformation. Women human rights defenders were described as foreign agents and collaborators with the occupation and a threat to Palestinian society. Staff members at organizations headed by the women human rights defenders reportedly also received direct threats.

60. 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 but Meta had taken no action. The Commission heard that women human rights defenders who promote the Convention on the Elimination of All Forms of Discrimination against Women, and who are referred to as “*cedawiyat*”, have been stigmatized to the extent that *cedawiyat* has become a derogatory term. Women human rights defenders also reported self-censoring owing to fear of being attacked, and said that women in vulnerable situations supported by women’s organizations risked being exposed due to the campaign, including victims of gender-based violence taking refuge at a shelter in Gaza.

### C. Artists and cultural activists

61. 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.

62. Greater government interference is particularly evident in Israeli documentary cinema, namely through attempts to reduce funding avenues for documentaries critical of Israeli policy or to restrict existing funding opportunities only to those who are “loyal” to the State. In 2019 the Government attempted to prevent prize money being paid to the Docaviv festival’s winning film, *Advocate*. In a legal opinion, the Deputy Attorney General concluded that 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.<sup>84</sup> Despite this, in January 2023, the Minister of Culture and Sport announced his intention to look into retroactively removing government funding provided for two documentaries, namely *H2: The Occupation Lab*, about the Israeli control of Hebron, and *Two Kids a Day*, about the incarceration of Palestinian children.<sup>85</sup> Several Israeli filmmakers told the Commission that, although there was currently no legal foundation for the Government to remove funding retroactively, they feared the law would be changed to enable it. Idit Avrahami, one of the directors of *H2: The Occupation Lab*, told the Commission: “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.”

63. The Commission recognizes the power of art and culture in strengthening the identity and history of a people. 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, and cultural appropriation. 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.<sup>86</sup> 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.<sup>87</sup> *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.”<sup>88</sup>

64. Palestinians face increasingly abusive rhetoric asserting that there is no Palestinian people<sup>89</sup> 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

<sup>84</sup> [http://a59952db-05ff-468c-a8f0-411f44dfbc9c.filesusr.com/ugd/01368b\\_d49888371b0f45f09d322373ea8c236e.pdf](http://a59952db-05ff-468c-a8f0-411f44dfbc9c.filesusr.com/ugd/01368b_d49888371b0f45f09d322373ea8c236e.pdf) (in Hebrew).

<sup>85</sup> <https://www.haaretz.co.il/gallery/cinema/2023-01-16/ty-article/.premium/00000185-bac5-deab-ad97-fac81cd0000> (in Hebrew).

<sup>86</sup> <https://www.ynet.co.il/entertainment/article/hyexwrvpj> (in Hebrew).

<sup>87</sup> <https://www.maariv.co.il/culture/movies/Article-962191> (in Hebrew).

<sup>88</sup> [https://www.youtube.com/watch?app=desktop&v=QeqlMt1Tr\\_8&t=308s](https://www.youtube.com/watch?app=desktop&v=QeqlMt1Tr_8&t=308s).

<sup>89</sup> <https://www.theguardian.com/world/2023/mar/20/israeli-minister-condemned-claiming-no-such-thing-as-a-palestinian-people-bezalel-smotrich>.

discussion on Palestinian culture. The protesters included right-wing Members of the Knesset from the Otzma Yehudit party. Protesters reportedly shouted at participants “there is no Palestinian culture” and disrupted the event.<sup>90</sup>

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

65. 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. A cultural activist in the West Bank told the Commission: “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.”

66. 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.<sup>91</sup> 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.

67. 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.

## **VI. Conclusions**

**68. 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 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**

<sup>90</sup> <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).

<sup>91</sup> See also [A/HRC/46/63](#), para. 40; and [A/HRC/40/39](#), para. 55.

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.

69. 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.

70. 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.<sup>92</sup>

71. The Israeli authorities' use of spyware against human rights defenders violates 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.<sup>93</sup>

72. 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.<sup>94</sup>

73. 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.<sup>95</sup>

74. 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.

75. 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 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

<sup>92</sup> International Covenant on Civil and Political Rights, arts. 14, 17, 19, 21 and 22.

<sup>93</sup> Ibid., art. 17; and Universal Declaration of Human Rights, art. 12.

<sup>94</sup> A/HRC/24/23, paras. 10–16; and Universal Declaration of Human Rights, art. 19.

<sup>95</sup> Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, art. 2.

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.<sup>96</sup> Facebook, through its parent company Meta, in particular, has failed to respond to requests to remove content that violated Facebook's community standards.

76. The Commission concludes that attacks and arrests of civil society members have had significant impact on children, in particular those who are exposed to violent night raids, searches, questioning and the removal of parents by security forces.<sup>97</sup> 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.

77. 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.<sup>98</sup> 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.

78. 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.

79. 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.<sup>99</sup> 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.<sup>100</sup>

80. 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 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

<sup>96</sup> Arts. 2 and 26; and Human Rights Committee, general comment No. 31 (2004), para. 8.

<sup>97</sup> Convention on the Rights of the Child, arts. 2, 3 (1), 6 (2), 8 (1), 9 (1), 16 and 19.

<sup>98</sup> Art. 15 (1). See also Committee on Economic, Social and Cultural Rights, general comment No. 21 (2009).

<sup>99</sup> Arts. 49 and 147.

<sup>100</sup> Regulations respecting the Laws and Customs of War on Land of 1907, art. 45; and Fourth Geneva Convention, art. 68.

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.

81. 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.

82. The arrest and detention of activists by both the 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.

83. The Commission concludes that officials of the Palestinian security forces 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.<sup>101</sup>

84. 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 rights 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.

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

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<sup>101</sup> 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.

## VII. Recommendations

86. 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 or cultural activities.

87. 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.

88. 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.

89. 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.**

90. **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.**

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