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# De-democratization in Israel: Repressions Against Human Rights Defenders and the Need for Implementation of the EU Guidelines on the Protection of Human Rights Defenders

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## INTRODUCTION

It is becoming increasingly difficult to defend human rights in Israel. Acts of repression against human rights defenders and several recent legislative bills that violate the rights to freedom of speech and freedom of association reflect a steady erosion of democracy in Israel. While the European Union (EU) has recognized the special need to protect human rights defenders by adopting the EU Guidelines on Human Rights Defenders, which encourage its Member-States to create and promote third-country implementation strategies, the Guidelines have yet to be implemented in Israel. EU Member-States, such as Germany, have taken the lead in promoting and implementing the guidelines in many third-party states, and should continue to advocate for the adoption of the Guidelines in Israel.

## HUMAN RIGHTS DEFENDERS: INTERNATIONAL STANDARDS

In Resolution A/RES/53/144 of March 8, 1999, the United Nations (UN) recognized the particular vulnerability of human rights defenders and codified the duty of states to protect them by adopting the 1999 UN declaration on Human Rights Defenders. In 2004, the European Union adopted guidelines on the rights and protection of human rights defenders. Updated in 2008, Germany fully supports the EU Guidelines, which are built on the 1999 UN Declaration on Human Rights Defenders. Support for human rights defenders is one of the major priorities of EU external policy in the field of human rights.<sup>1</sup> The Guidelines translate into concrete terms of assistance and protection to human rights defenders. To translate the Guidelines into action,

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Haneen Zoabi taking questions during a press conference.

the EU has developed local strategies for their implementation in states outside of the EU. The Guidelines also provide for intervention by the EU when human rights defenders are at risk, and propose practical means of supporting and assisting these individuals and non-governmental organizations (NGOs).<sup>2</sup>

The EU's overall objective is to bring about an environment in third countries where human rights defenders can operate freely. In support of this objective, the operational part of the Guidelines allow:

[W]here the Presidency or the High Representative for the Common Foreign and Security Policy or the Personal Representative of the SG/HR on Human Rights or EU Special Representatives and Envoys or representatives of the Member States or the European Commission are visiting third countries, they will, where appropriate, include meetings with human rights defenders during which individual cases and the issues raised by the work of human rights defenders are addressed, as an integral part of their visits; the human rights component of political dialogues between the EU and third countries and regional organizations, will, where relevant, include the situation of human rights defenders. The EU will underline its support for human rights defenders and their work, and raise individual cases of concern whenever necessary. The EU will be careful to involve human rights defenders, under the most appropriate arrangements, in the preparation, follow-up and assessment of the dialogue in accordance with the EU Guidelines on human rights dialogues; EU Heads of Mission and EU Embassies will remind third countries' authorities of their obligation to implement effective measures to protect human rights defenders who are or could be in danger . . . .<sup>3</sup>

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EU heads of Mission are requested to monitor, assess, and report on the situation of human rights defenders in their countries of accreditation. Their reports and other relevant information, such as reports and recommendations from the Special Representative of the Secretary General for Human Rights Defenders, UN Special Rapporteurs, and Treaty Bodies, as well as non-governmental organizations, enable the Council Working Party on Human Rights (COHOM) and other relevant working parties, to identify situations where EU actions are necessary.<sup>4</sup>

The EU Missions play an important role in supporting and protecting human rights defenders in third countries by preparing local strategies for the implementation of the guidelines. Duties include organizing a meeting at least once a year of human rights defenders and diplomats to discuss the local human rights situation, EU policy in the field, and application of the local strategy for implementing the EU Guidelines on human rights defenders; coordinating closely with human rights defenders and visiting human rights defenders in custody or under house arrest, thereby providing visible recognition to them; and attending and observing trials of human rights defenders.<sup>5</sup>

The Guidelines play an important part in the work of the German Federal Foreign Office by establishing measures for the protection of those who defend human rights and, in more general terms, by bringing the issue to the forefront of the debate in order to consider the situation of human rights defenders in all areas of EU foreign policy. The German Federal Government's latest report on human rights refers to human rights defenders in the following terms:

Without their courageous activity, the systematic global assertion of human rights would be inconceivable . . . [Human rights defenders] can play a pre-eminent part in ensuring respect for human rights in their countries, and for this reason are often exposed to repressive measures on the part of state authorities. For this reason, human rights defenders require special protection from the international community and a vigilant mobilized public.<sup>6</sup>

Germany so far has developed local strategies for implementing the EU Guidelines in 62 countries, including the Palestinian Occupied Territories but excluding Israel.<sup>7</sup> However, the increasing curtailment of democratic freedoms

in Israel makes it more and more difficult for the Israeli and Palestinian human rights communities to carry out their vital functions.

## **CURTAILMENT OF DEMOCRATIC FREEDOMS: GAZA WAR CRIMES AND THE DISCUSSIONS ON THE GOLDSTONE REPORT**

Discussions on the alleged Gaza war crimes and the Goldstone report<sup>8</sup> led to an increasing number of acts of repression against human rights defenders and journalists in Israel.<sup>9</sup> Israeli human rights activists have been bemoaning a domestic political trend marked by “demonisation of the enemy,” in which dissidents are being increasingly marginalized and critical voices suppressed. Even former members of the Israeli government have recently described the increasing curtailment of democratic freedoms as a threat. Organizations such as New Profile, Breaking the Silence, and Physicians for Human Rights have been subjected to intimidation after publishing soldiers’ testimonies from the Israeli military offensive against the Gaza Strip, as well as their appeals to the Israeli Government to launch independent investigations into the allegations made in the Goldstone Report.<sup>10</sup>

Another target has been the New Israel Fund, a non-profit organization based in the United States that focuses particularly on supporting pro-democracy projects in Israel. In the beginning of the year 2010 a slur campaign was initiated against Naomi Chazan, a distinguished professor of political science and president of the New Israel Fund.<sup>11</sup> Consequently, her column in the *Jerusalem Post* was dropped.<sup>12</sup>

Furthermore, in February 2010, the Knesset held initial discussions on the appointment of a subcommittee to “investigate” human rights organizations financed by the New Israel Fund. The adopted resolution was implemented on January 5, 2011.<sup>13</sup> The purported justification for such a body was that members of the organizations had allegedly passed information to the Goldstone Commission.<sup>14</sup>

The trend against human rights defenders is also reflected in a rise in right-wing violence on the streets, which Amnesty International's 2010 annual report states rarely results in criminal prosecutions. The rightist group Im Tirtzu, for example, was distributing posters openly inciting violence against members of Adalah — The Legal Centre for Arab Minority Rights in Israel.<sup>15</sup> Im Tirtzu's smear campaign against human rights and pro-democracy groups has pushed forward three legislative

initiatives that aim at restricting and de-legitimizing the work of human rights organizations and activists. If adopted, such legislation would severely restrict the freedom of action of Israeli human rights defenders.

### ANTI-DEMOCRATIC LEGISLATIVE INITIATIVES

Several anti-democratic legislative initiatives have been proposed that directly target the Israeli human rights community.<sup>16</sup> The first, under the title of “NGO Funding,” was read in the Knesset on February 17, 2010, and was backed by a 58-11 majority vote. The bill has since been modified twice and some of the harshest provisions deleted due to significant lobbying efforts. The bill passed its first reading in the Knesset in October 2010,<sup>17</sup> and was finally approved on February 21, 2011.<sup>18</sup> The law severely curbs the funding of leftist NGOs, thereby jeopardizing their viability. The new law requires non-profit organizations to submit and publish quarterly reports on any funding received from foreign donors, including detailed information on contributions to the organizations’ advertising and advocacy campaigns.<sup>19</sup> Human rights organizations fear that the law would allow the state to monitor organizations’ activities even before they were carried out.<sup>20</sup> The law is seen to mainly affect leftist pro-democracy groups because they are heavily dependent on funds from the EU and western governments.<sup>21</sup> The World Zionist organization, the Jewish agency for Israel, the United Israel Appeal, and the Jewish National Fund are specifically exempted from the provisions of the law.<sup>22</sup> Right-wing groups and Knesset members are seeking to expand the law by demanding NGOs to publicly disclose their local and international advocacy efforts, and by revoking tax exemptions if the organizations are seen to oppose state policy.<sup>23</sup>

The second initiative, entitled “Universal Jurisdiction Bill,”<sup>24</sup> directly targets the organizations that testified to the Goldstone Commission.<sup>25</sup> On April 28, 2010, 26 members of the Knesset presented a bill that provides for a ban on the registration in Israel of organizations involved in the criminal prosecution for war crimes of senior Israeli politicians and/or officers of the Israeli Defence Forces, or organizations that are involved in the transmission of information to foreign countries for the purpose of such prosecutions. The aim of the bill, counter-intuitive to its name, is to prevent representatives of the State of Israel or its armed forces from being charged with war crimes under international law in foreign domestic courts or by international courts. If adopted, this bill would deprive Israeli human rights defenders of an essential part of their work: the freedom to participate in investigations against war criminals and to fight the impunity of perpetrators.



Image from Wikimedia.org

The Israeli Knesset.

The Universal Jurisdiction Bill is a violation of the principle of non-impunity under international criminal law. The bill would criminalize an essential duty of human rights defenders to participate in the investigation of heinous crimes, such as war crimes, that have the potential to harm humanity as a whole and therefore fall under the non-impunity principle. Additionally, the bill would infringe human rights defenders’ political rights, particularly the right enshrined in Article 19 of the International Covenant on Civil and Political Rights to freedom of expression, including the right to seek, receive and impart information.<sup>26</sup> The law would also violate Article 22 regarding freedom of association. Human rights organizations have protested against the bill, describing it as:

[T]he direct result of irresponsible leadership that is doing all it can to undermine democratic values and the institutions that are the backbone of a democracy: the supreme court, a free press and human rights organizations. A public sphere without these institutions operating independently of the government is a public sphere that is crippled and anti-democratic at its core.<sup>27</sup>

The third legislative initiative, entitled “Prohibition of Boycott,” was presented in the Knesset by 24 government and opposition members on June 15, 2010.<sup>28</sup> On March 7, 2011, the boycott bill was approved in a first reading in the Knesset with a majority of 32 members, while only twelve opposed the bill. Its aim is to outlaw calls for boycotts. It particularly targets support for the successful Boycott, Divestment and Sanctions (BDS) campaign, initiated in 2005 by 171 Palestinian NGOs calling for “Boycott, Divestment and Sanctions against Israel until it complies with International Law and Universal Principles of Human Rights.”<sup>29</sup> A citizen who defies this law would be considered to be committing a civil offense and would be required to compensate the person harmed. Under the provisions of the bill, the court could levy a fine of up to 30,000 NIS (New Israeli Shekels) on Israeli citizens calling for or taking part in boycotts against Israel. It explicitly includes boycotts

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that affect the West Bank. While not all NGOs in Israel are in favor of boycott and sanctions as a means to exert pressure on their government to change its policies and legislation, Israeli human rights organizations reject the bill because it violates the right to freedom of expression by limiting an important tool for democratic action.<sup>30</sup> They claim that economic activism, such as a consumer boycott, is an accepted tool of protest in western liberal democracies.<sup>31</sup> A total of 53 Israeli organizations have signed a petition against the bill.<sup>32</sup>

If fully implemented, these three legislative bills would criminalize many activities of NGOs in Israel and severely restrict their access to funding. They would thus be unable to perform their proper function as defenders of human rights. Remarking on these legislative developments, the EU issued a statement during the tenth meeting of the EU-Israel Association Council in February 2011 that showed concern over the protection of human rights defenders in Israel:

The EU recalls that support for human rights defenders is a long established element of the European Union's human rights external relations policy. The EU considers that in both Israel and the Palestinian territories human rights defenders play an important role in promoting the common values of democracy, peace and human rights. The EU recalls the legitimate right of Palestinians to engage in peaceful demonstrations and deplores the Israeli military court sentence against a Palestinian activist engaged in non-violent protest . . . The EU also recalls the importance of a vibrant NGO sector and civil society in general and the vital role they play in open and democratic societies. The EU notes that in the ENP Action Plan Israel and the EU have agreed to engage in a regular dialogue on civil society issues and to promote EU-Israel links between civil society organizations and NGOs. The EU calls on Israel to promote its active NGO sector and to refrain from actions which may significantly curtail its freedoms. In this context, the EU is concerned about the proposed Parliamentary enquiry committee to investigate NGO funding and the draft law on recipients of financial support from Foreign Political Entities . . .<sup>33</sup>

Several other bills and initiatives that are not specifically aimed at human rights defenders, but are anti-democratic at their core, further illustrate the subtle process of de-democra-

tization in Israel.<sup>34</sup> On October 10, 2010, the Knesset approved the "Loyalty Oath" bill, according to which any non-Jew who desires Israeli citizenship must swear his loyalty to "The State of Israel, the Nation-State of the Jewish people."<sup>35</sup> Israeli intellectuals, public figures, and Israel Prize laureates gathered on the same day for a protest rally against the bill and signed a declaration entitled "Independence from Fascism" at the end of the rally.<sup>36</sup> The declaration asserted:

A state which forcibly invades the hallowed realm of the individual citizen's conscience, and which imposes punishment on those whose opinions and beliefs do not fit the authorities' opinions and the prescribed 'character' of the state, stops being a democracy and embarks on becoming a fascist state . . .<sup>37</sup>

Additionally, the Knesset's Constitution, Law and Justice Committee on October 27, 2010 unanimously approved a bill that allows communities to reject residents if they do not meet the criteria of "suitability to the community's fundamental outlook," which in effect enables them to reject candidates based on ethnicity, nationality, sex, religion and socio-economic status.<sup>38</sup> According to the Association for Civil Rights (ACRI) in Israel, the bill is intended first and foremost to prevent Arabs from moving into Jewish communities, but its impact will be far greater by giving committees of private individuals the authority to reject persons who wish to build on state-owned land.<sup>39</sup> On November 23, 2011, two of ACRI's attorneys wrote to Reuven Rivlin, Speaker of The Knesset, describing the bill as a "draconian piece of legislation that severely infringes constitutional rights without appropriate purpose and to a disproportionate extent. The law promotes values of racism against minorities, discrimination, and physical segregation. It is incompatible with democratic values, and if passed, it will become a dark stain on the law books of the State of Israel."<sup>40</sup> The "Acceptance to Communities Bill" was adopted in a final vote by the Knesset on March 22, 2011.<sup>41</sup>

On the same day, the Knesset approved the "Nakba Bill"<sup>42</sup> in its final reading. The Nakba Bill calls on the government to deny funding to any organization, institution or municipality that commemorates the expulsion of Palestinians in 1948 from their homeland as a day of mourning.<sup>43</sup> Human rights organizations describe the bill as "the continued exclusion of the Palestinian citizens of Israel and a denial of their right for a historical narrative, as well as a blow to the freedom of expression."<sup>44</sup>

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## CURTAILMENT OF THE RIGHTS OF PALESTINIAN MEMBERS OF PARLIAMENT

Erosion of democracy and curtailment of civil and political rights are observable even in the diminished rights of Knesset members. Haneen Zoabi, a Palestinian Member of Parliament who belongs to the Balad party, had three parliamentary privileges withdrawn under Article 13 of the Act regulating the Immunity of Members of the Knesset and their Rights and Obligations due to her participation in the Free Gaza Flotilla, where she rode on the MV Mavi Marmara passenger ship that was boarded by Israeli Defense Forces on May 31, 2010.<sup>45</sup> These privileges are: (1) her right to visit countries with which Israel does not maintain diplomatic relations; (2) her diplomatic passport; and (3) her right to financial assistance from the Knesset for legal proceedings in the event of her immunity being lifted because of a criminal prosecution. Some Israeli cabinet ministers and Members of the Knesset called for Haneen Zoabi to resign from the Knesset, to be prosecuted and even have her citizenship withdrawn because of her actions. On July 12 through 15, at its 130th meeting in Geneva, Switzerland, the Interparliamentary Union Committee on the Human Rights of Parliamentarians branded the Knesset decision undemocratic, stating that it “considers punishment for the expression of a political position to be unacceptable in a democracy, and emphasizes that, on the contrary, democracy requires and indeed thrives on the expression and debate of different views, necessarily including those critical of government policies . . . .”<sup>46</sup>

Haneen Zoabi’s is not an isolated case. It epitomizes an increasingly widespread policy devoted to gradually depriving Palestinians of their civil rights. Professor Mordechai Kremnitzer, an academic lawyer and vice-president of the Israeli Democracy Institute, remarks that there is a danger not just that the Arab minority in Israel may be delegitimized, but that the same fate could await all critics of the government’s policy.<sup>47</sup> Consequently, according to Uri Avnery, “Parliament, the highest expression of democracy, is itself now posing a dire threat to Israeli democracy.”<sup>48</sup>

## REPRESSIVE MEASURES AGAINST PALESTINIAN HUMAN RIGHTS DEFENDERS

Given the attitude described above, it is no wonder that Palestinian human rights defenders with Israeli citizenship are also having their liberties restricted and face charges of espionage if they are considered disloyal. On June 5, 2010, Ameer Makhoul, the director of Ittijah, an umbrella organization for Arab human rights groups in Israel, was convicted of some of the most serious security offences in the Israeli penal code, including espionage.<sup>49</sup> Amnesty International (Amnesty) is

calling for the release of Mr. Makhoul and has declared him to be a prisoner of conscience. According to Amnesty, “Ameer Makhoul’s sentencing comes at a time when human rights activists are coming under increasing pressure in Israel and being accused by some in the government and by members of the Knesset of being anti-Israel and unpatriotic because of their reporting on and campaigning against human rights violations in Israel and the Occupied Palestinian Territories.”<sup>50</sup>

Additionally, Palestinian human rights defenders involved in the peaceful resistance movement Stop the Wall, and journalists who document this resistance, are constantly subjected to acts of repression. Arbitrary arrests of their members are an increasingly frequent occurrence, as in the recent case of the internationally renowned human rights defender Jamal Jumaa. Stop

the Wall and Addameer — the Prisoner Support and Human Rights Association — estimate the number of human rights defenders who are currently being held in custody without formal charges or trial at more than 100. On June 13, 2010, Adeen Abu Rahma from Bil’in was convicted for his part in protests against the Israeli separation wall.<sup>51</sup> Abu Rahma was the first Stop the Wall

activist convicted by a military court. On December 12, Adeen Abu Rahma was released after eighteen months of incarceration in Ofer Military prison.

Another member of Adeen Abu Rahma’s extended family, Abdallah Abu Rahma, a member of the executive committee of the Stop the Wall movement and one of its leading activists, was initially held in prison on the West Bank without trial following his arrest on December 10, 2009. On August 24, an Israeli military court found him guilty of incitement and of organizing illegal protests<sup>52</sup> because of the key role he had played in the organization of civil resistance against the wall and against illegal settlements in the area around the village of Bil’in. Abu Rahma was convicted solely on the basis of confessions extorted from minors. On October 11, 2009, the Court sentenced him to a year in prison, six months suspended sentence, and a fine of 5,000 New Israeli Shekels (approximately U.S. \$1,463). In 2008, as a representative of the Popular Committee against the Wall and Settlements of Bil’in, the International League for Human Rights awarded Abu Rahma with the Carl von Ossietzky Medal. For this same commitment to human rights he became a convicted member of society. In several press releases the EU representatives and Consul Generals in Jerusalem, as well as the European Union’s High Representative for Foreign Affairs and Security Policy, Catherine Ashton, strongly condemned the persecution of Abdallah Abu Rahma.<sup>53</sup> This continued public support is important, but must be translated into real and concrete pressure on the Israeli government.

# Erosion of democracy and curtailment of civil and political rights are observable even in the diminished rights of Knesset members.

## GERMAN HUMAN RIGHTS POLICY AND ISRAEL

In the view of the German Federal Government, the Israeli occupation involves restrictions, some of them extremely severe, for the population of the West Bank. The German government believes it is debatable whether these Israeli actions violate human rights in individual instances or whether they are legitimate occupation measures under international humanitarian law.<sup>54</sup> In light of the numerous reported cases of human rights violations, such as torture in administrative custody,<sup>55</sup> this is a cynical position to adopt. The German government also stresses that no distinction is made between human rights defenders and other detainees in administrative custody.<sup>56</sup> The crucial point, however, is that it is part and parcel of the task of human rights defenders to criticize government policies and occupation forces and that therefore, as is emphasized in the EU Guidelines as well as in the German government's own human rights report, they need special protection.<sup>57</sup>

The German Federal Government does not seem to regard the increase in repressive measures on the part of the Israeli Government and its impact on the work of Israeli and Palestinian human rights defenders as a threatening development. Instead, it notes that the Israeli legal system gives individuals and non-governmental organizations a wide range of opportunities to pursue their concerns. It also states that these acts of repression and attempts at intimidation emanate from non-state actors. In doing so, it fails to consider direct human rights violations committed by the Israeli government through legislating anti-democratic bills that infringe upon the freedoms of speech and association. The German government also fails to focus on the role of the state as the guarantor of civil and political freedoms, and on the need for special protection of human rights defenders, which is enshrined in the Guidelines of the EU and in its own human rights report.

Although it was explicitly called upon to evaluate the Associations Act Amendment Bill, which would restrict universal jurisdiction, the German Federal Government has not yet done so.<sup>58</sup> It did not comment on the restriction of democratic freedoms for the purpose of preventing the involvement of Israeli human rights defenders in the investigation of war crimes, even though it emphasizes in its own human rights report that it regards the prevention of impunity as one of its main objectives, along with the important aim of protecting political rights, without which human rights defenders cannot function effectively.<sup>59</sup>

When asked about its engagement to provide support to human rights defenders, the German government remarked in general terms that it was following up on cases of persecution and other violations through different means at its disposal,

such as *démarches* and the attendance of court cases.<sup>60</sup> A representative of the organization Addameer confirmed that the diplomatic representatives of the German government have started to act upon violations of human rights defenders since the detention of Jamal Jumaa in December 2009.<sup>61</sup> However, as long as a clear implementation strategy of the EU Guidelines in Israel is lacking, and as long as pressure is not accordingly asserted on the Israeli government, these initiatives remain almost fruitless, as the recent conviction of Abdallah Abu Rahma shows.

## CONCLUSION

On February 18, 2011, the Israeli peace movement Gush Shalom published an advertisement in the daily newspaper Haaretz referring to the struggles and aspirations for democracy of the people in the Arab world: "The Egyptian people are fighting valiantly for human rights. The Israeli Knesset is fighting valiantly to abolish human rights." This is a very provocative statement, but the continued delegitimization of the human rights community in Israel is alarming and must be countered with steadfast advocacy for the human rights principles articulated in UN Resolution A/RES/53/144 and the EU Guidelines on Human Rights Defenders.

Criticism of Israeli policies and legislation, in particular *vis-a-vis* the Palestinian population — according to the inherent logic of the current Israeli Government — is regarded as an act of treason against the State of Israel, which may result in rights being forfeited and punished. However, the nature of democracy implies diversity of opinion, including those that are less palatable.

Human rights defenders are, by nature of their task, often critical of government policies and need protection in order to carry out their important monitoring role. The violations of the rights of the defenders need to be addressed through mechanisms on the international as well as European levels.

Haneen Zoabi, Palestinian Member of the Knesset, has now been included in the German Bundestag's Parliamentarians Protect Parliamentarians program. That is a small step because there are no "enforcement mechanisms" that could provide protection, but it at least sends a political signal.

If human rights abuses do not have political consequences in the international and European arenas, violations of rights will continue. In the case of Israel, human rights abuses so far have not had any consequences. On the contrary, the Israeli government continues to receive privileged access to European markets and the EU's political structure, membership in the Organization for Economic Co-operation and Development (OECD), and open trade in arms.<sup>62</sup> Accordingly, why would the Israeli government feel the need to change its policies and stop the abuse of human rights?

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Without international pressure, Israeli policy and human rights abuses will likely not change. This conclusion was recently expressed by Hadas Ziv, director of the Israeli human rights organization Physicians for Human Rights:

The world sympathizes, she said, with the Palestinians but provides them only with humanitarian aid. The world is less and less able to empathise with the Israelis. Consequently, Israel perceives itself as a society under siege, regarding any deviation from consensus as an act of treason. At the same time the economy is booming and the country has been able to join the OECD. For this reason, Israel sees no need to take any specific action to overcome its isolation. For an end to occupa-

tion, however, Israel requires a clear signal, namely a little more empathy, accompanied by pressure.<sup>63</sup>

The German Federal Government should apply the EU Guidelines for the protection of Israeli and Palestinian human rights defenders and it should continue to encourage enforcement of the other mechanisms at hand, such as Article 2 of the Association Agreement of the European Union with Israel.<sup>64</sup> If mechanisms to protect human rights are not adequately engaged, or only applied selectively in certain countries for political or economic reasons, the EU and the German government cannot credibly assert that the protection of human rights maintains an important role in their external policies.

## ENDNOTES: De-democratisation in Israel: Repressions Against Human Rights Defenders and the Need for Implementation of the EU Guidelines on the Protection of Human Rights Defenders

<sup>1</sup> See the website of the European Union, available at [http://eeas.europa.eu/human\\_rights/defenders/index\\_en.htm](http://eeas.europa.eu/human_rights/defenders/index_en.htm).

<sup>2</sup> *Id.*

<sup>3</sup> Council of Europe, *Ensuring Protection-European Union Guidelines on Human Rights Defenders*, 6-7 (2008) available at <http://www.consilium.europa.eu/uedocs/cmsUpload/16332-re01.en08.pdf>.

<sup>4</sup> *Id.* at 4.

<sup>5</sup> *Id.* at 5-6.

<sup>6</sup> Ninth report of the German government's human rights politics, covering the period March 1<sup>st</sup> 2008– February 28<sup>th</sup> 2010, p106.

<sup>7</sup> Answer of the German government to a written question by Annette Groth, Bundestag printed paper 17/3114, September 29, 2010.

<sup>8</sup> The Goldstone report was written by the UN-fact-finding-mission on the Gaza conflict (December 27, 2008 –January 18, 2009) that was headed by Justice of the South African Constitutional Court Richard Goldstone. The mission investigated alleged violations of international human rights law and international humanitarian law in connection with Operation Cast Lead. The report is available at <http://www2.ohchr.org/english/bodies/hrcouncil/specialsession/9/FactFindingMission.htm>.

<sup>9</sup> See Coalition of Women for Peace in Israel: All-out war. Israel against democracy. Status report. November 2010, pp.37-45

<sup>10</sup> For new developments regarding the Goldstone Report and the state of investigations see Goldstone Report:

Statement Issued by Members of the UN Fact-finding Mission to Gaza, May-September 2009, THE GUARDIAN (April 14, 2011) available at <http://www.guardian.co.uk/commentisfree/2011/apr/14/goldstone-report-statement-un-gaza>.

<sup>11</sup> See Israel's Democracy: Under Siege Too: Some Liberals Say that Israel's Vaunted Democracy is Under Threat, THE ECONOMIST (June 17, 2010) available at <http://www.economist.com/node/16381128>.

<sup>12</sup> Gili Izikovich and Cnaan Liphshiz: Jerusalem Post: Chazan fired due to lawsuit over NIF advert

Prof. Chazan was at center of right-wing media campaign against the New Israel Fund, of which she is president. Haaretz, February 7, 2010, available at <http://www.haaretz.com/print-edition/news/jerusalem-post-chazan-fired-due-to-lawsuit-over-nif-advert-1.262877>.

<sup>13</sup> See Harriet Sherwood: Knesset approves investigation of Israeli human rights groups. Commission of inquiry into groups monitoring activities of the Israeli military in occupied West Bank denounced as 'McCarthyite'. The guardian, January 5, 2011, available at <http://www.guardian.co.uk/world/2011/jan/05/knesset-approves-investigation-israeli-human-rights-groups>.

<sup>14</sup> See press release by human rights NGOs in Israel on January 5, 2011, NGOs in Israel sign Joint Statement: We have nothing to hide. See also Press release by the Public Committee Against Torture (PCATI) in Israel, The PCATI rejects the rights wing call to establish a parliamentary committee of inquiry to investigate NGOs that work on human rights and humanitarian violations committed by Israel's security forces, January 5, 2011. See also press release by ACAT-France, APRODEV, BroederlijkDelen, CCFD-Terre solidaire, the European-Mediterranean Human Rights Network and Front Line on January 11, 2011, . . . denounce the decision of the Israeli Knesset to investigate human rights NGOs in Israel.

<sup>15</sup> See press release by The Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT) on April 27, 2010: "The observatory . . . condemns the smear campaign launched against twelve Israeli human rights organisations, including Adalah — The Legal Centre for Arab Minority in Israel and the Public Committee Against Torture in Israel (PCATI). . . . Further, Im Tirtzu launched a billboard campaign, timed to coincide with Memorial Day for the Soldiers on April 19, and Israeli Independence Day, on April 20, de-legitimising Adalah and NIF action through defaming slogans such as "NIF and Adalah are subversive" and "We salute and NIF and Adalah persecute." Im Tirtzu had already started its first campaign against human rights organizations in February 2010, which focused on their provision of information to the United Nations (UN) Independent Fact-Finding Mission on the Gaza Conflict led by former Justice Richard Goldstone. The Observatory strongly condemns these slanderous statements inciting to hatred and urges the Israeli authorities to take measures to ensure the protection of human rights defenders and organizations as provided in the Declaration on Human Rights Defenders adopted by the UN General Assembly on December 9, 1998, which provides that "the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually or in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration", available at <http://www.unhcr.org/ref-world/country,,COUNTRYNEWS,ISR,,4bfd1bd6c,0.html>; See also the website of the New Israel Fund, available at <http://www.nif.org/media-center/nif-under-attack.html>