

October 6, 2014

European Governments Funding NGO “Documentation” for Lawfare Attacks

Overview

- On August 2, 2014, the Ramallah based Human Rights and International Humanitarian Law Secretariat (the “Secretariat”), a funding consortium comprised of the Netherlands, Switzerland, Sweden, and Denmark, announced “emergency funding” to nine non-governmental organizations (NGOs) for use in documenting “large scale violations of human rights and international humanitarian law – the majority against Palestinian civilians and civilian objects” in Gaza.
- With this additional funding, the Secretariat is supporting “current and future documentation and investigation efforts by CSOs [civil society organizations] for the purposes of assisting and supporting national and international mechanisms” such as the UN Human Rights Council’s investigation headed by William Schabas, and the campaign to open cases against Israelis in the ICC.
- The nine NGOs (Al-Dameer, B’Tselem, Badil, Breaking the Silence, DCI-Palestine, Al Mezan, Palestinian Center for Human Rights, Women’s Affairs Center, Women’s Affairs Technical Committee) have an extensive record of making unsubstantiated allegations of Israeli “war crimes,” while disregarding clear Hamas violations. In addition, some of these NGOs played a pivotal role in providing dubious and inaccurate statements to the discredited 2009 UN Goldstone inquiry.
- None of these groups possesses the requisite military and legal expertise to assess potential violations of international humanitarian law. These NGOs, as demonstrated in their reports, do not have the capacity to address information pertaining to military objectives, war casualties, and other factors that are necessary to determine complicity in war crimes or crimes against humanity.
- In parallel to this funding, the Secretariat, together with Konrad Adenauer Stiftung, the Institute of Law and Ibrahim Abu Lughod Institute at Birzeit University, the Office of the UN High Commissioner for Human Rights (responsible for staffing and logistics of the HRC Gaza inquiry), and the “lawfare” NGO Al Haq, organized an August 19 workshop, “UN Independent Commission Inquiry to investigate violations of international humanitarian and human rights laws in the oPt.”
- The emergency funding and workshop constitute additional European government support for efforts to de-legitimize Israel through “lawfare.” The four Secretariat member states, which approve all calls for proposals and funding decisions per Secretariat policy (see below), bear responsibility for funding false and immoral NGO legal attacks against Israel and facilitating UN demonization frameworks.

The Secretariat - Background

- Denmark, Sweden, Switzerland, and the Netherlands jointly fund Israeli and Palestinian NGOs through The Human Rights and International Humanitarian Law Secretariat (the “Secretariat”). This funding mechanism has a projected budget of \$17.6 million over four years. The funds are managed by the Institute of Law at Birzeit University (IoL-BZU) and a European multidisciplinary consulting company, NIRAS.
- In March 2014, the Secretariat announced \$10.5 million in pooled funding, over three years, for 24 Israeli and Palestinian NGOs, including many groups that engage in legal warfare against Israeli officials and companies that do business with Israel, promote BDS (boycott, divestment, and sanctions) campaigns, advance a “1948 agenda” (rejecting a state of Israel in any form and regardless of boundaries), use explicitly antisemitic imagery and language, and exploit the false “apartheid” analogy to demonize Israel.
- The Secretariat has a focus on international humanitarian law, as seen by the emergency grants relating to the Gaza conflict. In this context, the partnership with the Institute of Law Birzeit University (IoL-BZU) is troubling:
 - In February 2014, IoL-BZU published a 15-page report, “Advocating for Palestinian Rights in conformity with International Law: Guidelines” (English and Arabic). This document advances a 1948 agenda and is a strategic manual for exploiting legal terms and rhetoric to demonize and isolate Israel internationally (“lawfare”), as well as to emphasize that Israel is among “racist regimes which are absolutely prohibited in their entirety.” The extreme rhetoric advanced by the Institute suggests that it does not possess the capacity to administer the Secretariat or to carry out the objective of engaging in “policy dialogue.”
- According to the Secretariat’s “Fund Management Manual,” calls for proposals and final awards must be processed by the Steering Committee of the Secretariat, “made up of the ‘Heads of Cooperation’ of the Secretariat Donors.” As such, the emergency funding for these nine NGOs was approved by government officials from Denmark, Switzerland, Sweden and the Netherlands.

NGO recipients of the Secretariat’s emergency funding

Organization	Role in Goldstone	Role in Gaza 2014
Al Haq is a leader in anti-Israel lawfare and BDS activities. Al Haq's general director is allegedly linked to the Popular Front for the Liberation of Palestine, designated as a terrorist organization by the U.S., EU, and Canada. Al Haq did not receive	<ul style="list-style-type: none"> • Goldstone report references: 40 • Met with Goldstone mission in July 2009. • The 2009 Al Haq narrative report states: "The majority of Al Haq's work at the UN level in 2009 can be summed up in one word- Goldstone." 	<ul style="list-style-type: none"> • Al Haq was active in the delegitimization campaigns calling for an arms embargo, international investigations, and BDS against Israel. • According to Al

<p>emergency funding; however, it participated in the Secretariat workshop.</p>		<p>Haq, the Schabas Mission is important because "the Commission would be able to look at the root causes, violations and alleged responsibilities that led to the escalations of the events in the Gaza Strip, including the continued denial of the Palestinian right to self-determination."</p>
<p>Al-Mezan Center for Human Rights consistently refers to the Israeli army as the "Israel Occupation Forces" (IOF), erasing the context of Palestinian terror and delegitimizing Israeli self-defense.</p>	<ul style="list-style-type: none"> • Goldstone report references: 5 • Provided inaccurate and false fatality statistics to Goldstone Mission. 	<ul style="list-style-type: none"> • Central role in lobbying UNHR C for establishing investigative committee. • Accused the IDF of "massacres," "war crimes," and "disproportionate" and "criminal" attacks against civilians during the fighting.
<p>Palestinian Center for Human Rights(PCHR) is a leader in anti-Israel warfare.</p>	<ul style="list-style-type: none"> • Goldstone report references: 50 • Provided assistance and met with members of the mission. • Testified before the mission, "present[ing] a 75-minute testimony." PCHR also "prepared the agenda" for the prejudicial Independent Fact Finding Committee 	<ul style="list-style-type: none"> • Repeatedly called for the establishment of a fact-finding mission on alleged Israeli crimes in Gaza. • Accused the Israeli army (what PCHR labels the "Israeli Occupation

	<p>on Gaza to the League of Arab States, which "found that members of the IDF committed war crimes, crimes against humanity and, possibly, genocide" in the 2009 conflict.</p>	<p>forces") of "massacres," "war crimes," and "disproportionate" and "criminal" attacks against civilians during the fighting.</p>
Al-Dameer	<ul style="list-style-type: none"> • Goldstone report references: 2 • Called for prosecution of Israel, but not of Hamas or other armed Palestinian groups. 	<ul style="list-style-type: none"> • In a letter to Catherine Ashton, Al Dameer was 1 of 12 NGOs to openly reject Israel's right to self-defense, aiming to isolate Israel politically and lay the foundation for international prosecutions of Israel officials.
B'Tselem	<ul style="list-style-type: none"> • Goldstone report references: 56 • Met with Goldstone mission in July 2009. • Claims to have "provided assistance to the investigative staff of the Goldstone mission from the beginning to the end of its research." 	<ul style="list-style-type: none"> • Prioritizes informing "the public about events in Gaza" despite the acknowledgement that their reports on the ongoing conflict might be "incomplete or contain errors."
Breaking the Silence	<ul style="list-style-type: none"> • Goldstone report references: 27 • The Goldstone report referenced "Israeli soldiers' testimonies collected by the Israeli NGO Breaking the Silence" to demonstrate that "they had no 	<ul style="list-style-type: none"> • BtS officials have published opinion articles in the European press, alleging that Israel prevents terror "through the collective punishment of

	<p>encounters with Palestinian combatants," as well as to corroborate allegations of Israeli war crimes.</p>	<p>innocent Palestinians," "Israel []cannot sincerely argue that it is doing everything in its power to spare the innocent," and "Homes of Hamas members have become legitimate targets, regardless of the number of people within their walls... no one bothers to justify or make excuses."</p>
<p>Badil promotes "resistance" and "martyr" rhetoric, anti-peace initiatives, and a "one-state" framework. The NGO has engaged in blatant antisemitic activities, including awarding a monetary prize to an antisemitic cartoon as part of Badil's 2010 Al-Awda Nakba caricature competition.</p>	<ul style="list-style-type: none"> • Badil did not actively contribute to the Goldstone report but strongly lobbied for its implementation. 	<ul style="list-style-type: none"> • In a letter to Catherine Ashton, Badil was 1 of 12 NGOs to openly reject Israel's right to self-defense, aiming to isolate Israel politically and lay the foundation for international prosecution of Israeli officials.
<p>Defence for Children International – Palestine Section (DCI – PS)</p>	<ul style="list-style-type: none"> • Goldstone report references: 27 • Met with the Goldstone delegation • Provided information based on statements given by Palestinian "eyewitnesses." • Asserted that "the abuse of Palestinian children by Israeli authorities is systematic and 	<ul style="list-style-type: none"> • At the UNHRC, DCI-PS falsely accused Israel of deliberately attacking civilians and baselessly asserted that "more children have been killed by Israeli fire than Palestinian

	<p>institutionalized."</p>	<p>militants."</p> <ul style="list-style-type: none"> • In its press releases and publications, cited unverifiable information on children casualties, without noting that some of them were participating in hostilities. Also fails to condemn Hamas tactics such as using children to shield terrorist and military infrastructure and equipment, and the practice of using child soldiers.
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Correspondence between NGO Monitor and the “Secretariat” Donor Consortium

NGO Monitor provided representatives of the Netherlands, Sweden, Denmark and Switzerland with a draft version of this report for comment. As of September 22, 2014, NGO Monitor received one response from the Representative of Denmark to the Palestinian Authority and UNRWA. See the correspondence below.

August 26, 2014

RE: “Emergency” funding by the Human Rights and International Humanitarian Law Secretariat

NGO Monitor has been closely following the activities of non-governmental organizations (NGOs) in response to the ongoing Israeli conflict with Hamas.

It has come to our attention that the Human Rights and International Humanitarian Law Secretariat, (based in Ramallah and Gaza) with the consent of its donor consortium (Switzerland, Sweden, the Netherlands and Denmark), will provide “emergency” funding to 9 political advocacy NGOs. According to the Secretariat’s announcement, this funding will support “current and future documentation and investigation efforts by

CSOs [civil society organizations] for the purposes of assisting and supporting national and international mechanisms.”

We are attaching a draft report with our research of this funding for your commentary. We are planning on publishing this report next week and thereby request your comments no later than **September 2, 2014**.

In addition, we would like to request a response to the following questions:

1. What are the full amounts awarded to each of the 9 recipient NGOs in the emergency framework?
2. Were the governments of the donor consortium involved in the decision making process to provide this funding for the declared purpose of “documentation and investigation efforts,” and in the choice of NGO recipients? If yes, what was the nature of this involvement?

Thank you and we look forward to your response.

Response of the Representative of Denmark to the Palestinian Authority and UNRWA

Thank you for your email. We have nothing to add to the announcement made by the secretariat.

Best regards,

Anders Tang Friborg