

OPEN LETTER - THE OBSERVATORY

Open Letter to the Israeli Knesset

Geneva-Paris, January 13, 2011

Re: Concern about the establishment of a parliamentary committee of inquiry to investigate Human Rights NGOs

Dear members of the Knesset,

The Observatory for the Protection of Human Rights Defenders, a joint program of the World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH) is writing to you regarding the decision taken by the Knesset plenum on January 5, 2010, to approve the two proposals submitted by the political parties Yisrael Beiteinu and Likud in view of establishing a parliamentary committee of inquiry to “examine the activities of Israeli organisations involved with the collection of information about soldiers and to follow their funding sources”¹.

The Observatory monitors the situation of human rights defenders worldwide based on the conviction that human rights defenders need special protection to operate within a free and safe environment in all the countries. It is on the basis of this global expertise that the Observatory is concerned about the possible repercussions of the Knesset decision, which might de-legitimise and hinder the work of civil society organisations in Israel and the Occupied Palestinian Territories (OPT).

The Observatory stresses the legitimate and useful role that human rights organisations play for peace, democracy and the respect of the Rule of Law in Israel and the OPT. By documenting, reporting and denouncing human rights violations and violations of International Humanitarian Law, civil society organisations are fundamental in the advancement of a democracy. In this sense, it is the duty of state institutions, including the legislative branch, to support these efforts to ensure accountability by protecting all those who promote human rights and fundamental freedoms, as established by the UN Declaration on Human Rights Defenders in its Article 12.3, which provides that “everyone is entitled, individually or in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms [...]”

The Observatory was already particularly concerned about the restrictions imposed by the Government of Israel on human rights organisations that made the fight against impunity and the respect of the Rule of Law one of their priorities and provided information to the United Nations (UN) Independent Fact-Finding Mission on the Gaza Conflict led by former Justice Richard Goldstone. It is important to highlight that the cooperation of individuals and groups with the United Nations human rights mechanisms shall not be followed by any kind of reprisals² and that any posture to the contrary would undermine the very basis of the international human rights system.

¹ See B'tselem's Press Release, January 5, 2011. See also PCATI's Press Release, January 8, 2010.

² See the Resolution adopted by the Human Rights Council on the cooperation with the United Nations, its representatives and mechanisms in the field of human rights, A/HRC/RES/12/2, October 12, 2009.

The Observatory recalls that a series of measures adopted by Israel have severely curtailed the freedom of association, freedom of expression and freedom of movement of human rights organisations and defenders operating in Israel and the OPT. These measures include arbitrary arrests of those participating in peaceful demonstrations, refusal of access of Israeli and international NGOs to Gaza, administrative detentions of defenders who denounce Israeli policy under the military legal framework applicable to the West Bank, international travel bans for Israeli human rights defenders and restrictions of the visa policy for international NGO humanitarian workers³.

In this context, the Observatory fears that the establishment of a parliamentary committee of inquiries will result in restricting the legitimate working space of human rights organisations. Indeed, the Observatory considers that there is no need for the establishment of a parliamentary committee of inquiry to examine the NGO's activities and funding sources as each NGO in Israel is already required to publish on-line its list of donors and other financial information and to report annually to the Israeli Registrar of Non-Profits, specifying donations from foreign governments and their purpose. The Observatory fears that the establishment of this committee might dissuade foreign donors from providing funds to Israeli human rights NGOs with repercussions in their activities.

In accordance, the Observatory fully supports the NGOs in Israel that have expressed their opposition to the establishment of a parliamentary committee of enquiry⁴ and joins them in urging you to ensure that critical analysis and dissent can be voiced without interference and hindrance, as those elements are essential in a democracy.

Consequently, the Observatory respectfully requests the Knesset House Committee to review the decision of the Knesset Plenum and refrain from approving any specific parliamentary committee of enquiry on this subject or from adopting any other legislative measure that may hamper the work of human rights defenders in Israel and the OPT.

We express our sincere hope that you will take these considerations and requests into account.

Yours sincerely,

Eric Sottas
OMCT Secretary General

Souhayr Belhassen
FIDH President

³ See the Observatory Annual Report 2010; *the Observatory press releases dated January 22, 2010; April 27, 2010; April 28, 2010; May 6, 2010, and the letter dated March 10, 2010. See also the Observatory Urgent Appeals: ISR 002 / 1209 / OBS 198 and ISR 002 / 1209 / OBS 198.1; ISR 001 / 0210 / OBS 013; ISR 001 / 0607 / OBS 069.3 and ISR 002 / 0510 / OBS 058.*

⁴ See Press Release "*Israeli NGOs Sign Joint Statement: We have Nothing to Hide*", January 5, 2011, signed by the Association for Civil Rights in Israel, Assaf, Bimkom - Planners for Planning Rights, B'tselem, Gisha, Public Committee against Torture in Israel, Hamoked, Public Hotline for Migrant Workers, Machsom Watch, Mossawa, Adalah, Ir Amim, Women's Coalition for Peace, Kav LaOved, Physicians for Human Rights – Israel and Shovrim Shtika.