



**English translation of the Introduction to the Objection submitted by  
Palestinian organizations against the Israeli Military Commander's decision  
to declare them as “unlawful associations”**

Objection submitted 3 February 2022

1. The organizations submitting this objection [Addameer – Prisoner Support and Human Rights Association, Al-Haq, Bisan Center for Research and Development, Defence for Children International – Palestine, and the Union of Palestinian Women's Committees] constitute the backbone of Palestinian civil society in the Occupied Territories. They are well-established organizations, some of which were founded more than four decades ago, while others have been operating for the past three decades. These groups are human rights, social change and research organizations, which: document human rights violations, provide legal aid to imprisoned and detained persons; offer legal assistance to minors; protect children's rights; promote legislation and policies for childrens' development; protect women's rights, empower women, and fight against domestic violence; and research and publish position papers promoting policies for the protection of vulnerable groups and for the enjoyment of social and economic rights.
2. On 21 October 2021, Israel's Defense Minister designated the organizations as "terrorist organizations" under Israel's domestic Counter-Terrorism (Anti-Terror) Law, 2016 [hereinafter: "the Counter-Terrorism Law"]. Two weeks later, on 3 November 2021, the Israeli Military Commander declared five of these organizations as “unlawful associations”, pursuant to his authority under Regulation 84(1)(b) of the Defense (Emergency) Regulations, 1945 [hereinafter: “the Defense Regulations”]. Regulation 84(1)(b) authorizes the Military Commander to make such declarations, if the Defense Minister has declared an organization as an “unlawful association.”
3. The aforementioned declarations were signed abruptly, without prior notice to the organizations or a preliminary hearing; the declarations were not even preceded by any investigative activity into any of the organizations (collecting testimonies, etc.). The only reasoning provided by the declaration orders is general and vague, according to which the organizations are each “an arm of the declared terrorist organization, the ‘Popular Front for the Liberation of Palestine’.”

4. Considering the vital nature of the organizations' activities, the large number of beneficiaries receiving their services, their long history, their centrality in the life of Palestinian society, which suffers from the prolonged occupation, and the political circumstances under which the organizations operate, these declarations are undoubtedly an attack on and an attempt to destroy Palestinian civil society.
5. The attempt to destroy Palestinian civil society is, in itself, a denial of the right of the Palestinian people to realize minimal elements of their right to self-determination. The implementation of the declarations would essentially create a barrier to the very existence of Palestinian civil society. Therefore, the issuance of the declarations is itself a blatant and extreme violation of international law, because it is a fundamental denial of the legitimate interests of the Palestinian people, living under occupation, to work to protect civilian life and social welfare.
6. Declaring an entity as an unlawful association is a form of legal execution of that entity. It triggers a series of prohibitions, the violation of which carries severe criminal penalties, and far-reaching and even draconian administrative powers, all in order to force the destruction of the entity. When the targeted groups are human rights and civil society organizations that are at the forefront of criticism and activism against the policies of Israeli governments regarding the Israeli-Palestinian conflict; when the declarations take place within the framework of a prolonged military occupation created by an apartheid regime, which is prohibited as such; and when both the Defense Minister and the Military Commander are main targets of the organizations' criticism and accusations of the commission of serious and systematic violations of international law, it is difficult to avoid the impression that this is a tyrannical act that seeks to silence criticism of Israel's military occupation regime in the West Bank and to thwart activities designed to ensure accountability for violations attributed to it.
7. It is no coincidence that the above declarations have received unprecedented international condemnation. This criticism referred to the declarations as an attack on Palestinian society and an attempt to criminalize Palestinian civil society. Many countries demanded explanations from the State of Israel regarding its decisions. However, after the Israeli Foreign Ministry provided them with explanations and presented materials, these countries made statements announcing that they were not entirely convinced that the materials justified the declarations. The factual part of this objection, below, will address this critique in detail.

8. The organizations also requested that the Military Commander disclose all the material that formed the factual bases for the declarations, but their request was denied. In his response, the Military Commander clearly stated that, "There is no need to clarify that the core of the declarations is based on classified intelligence material.". In other words, no material allowing the organizations to defend themselves against the declarations will be disclosed. The denial of disclosure requests means that the Military Commander is unable to openly point to one of the hundreds of public activities carried out each day by the organizations as an illegal act. The Commander does not point to even one of the dozens of goals of the organizations as an illegitimate goal. The Commander does not point to a single penny of the organizations' funds as being received from an illegal source, or any illegal publication of the thousands of publications produced by the organizations in the past four decades. Nor does the Commander point to any misuse of funds by any of the organizations that resulted in the funding of illegal activities, or even that one of the organizations was mismanaged. Simply put, the Commander does not point to any of the above, because there is no material to indicate such violations.
9. Therefore, despite the fact that all of the organizations' goals and activities are visible, known to the public, and documented in writings and reports beyond what is required of them, in the factual part of this objection, we will present the goals and activities of the organizations, which will show them as highly legitimate. The legal purpose of this chapter is also to attest to the declarations' arbitrariness and, at the very least, to oblige the Military Commander to disclose the materials, if they exist, in a manner that will guarantee the right of the organizations to defend themselves effectively.
10. In the legal part of this objection, we will explain in detail that the Military Commander's response not to disclose the "core" of the materials that form the factual bases of the declarations is, in itself, exceptionally extreme. The refusal to disclose the evidence not only fundamentally contradicts the rules of international law that require the disclosure of the "core material", but also the rules of Israeli law – known for its extreme measures and bias in favour of the Israeli security authorities and their decisions.
11. The declarations state that the organizations may submit objections to the Military Commander; however, the Defense Regulations do not provide for any objection procedure. This [instruction] is probably the reason why the Military Commander dared to determine that he, the person who issued the declarations, would also be the entity competent to review objections to those same declarations, thus preventing an examination by a neutral and independent entity, if only for the sake of the appearance of a fair procedure.

12. In the legal part of this objection, we will argue that the Military Commander's decision is void for the following reasons: 1) It is contrary to the principle of legality and the rule of law because his decision relied on a regulation allowing him to declare an organization as an unlawful association, only if the Defense Minister declared it as such. The Defense Minister has never declared any of the organizations as unlawful associations; 2) It is contrary to the rules of justice, especially the right to present an argument and to a fair hearing (*audi alteram partem*): first, it does not detail and substantiate the allegations on the basis of evidence that is disclosed and meets the "clear, unequivocal and convincing" test; second, there was no preliminary hearing; third, the evidence that allegedly substantiates the allegations is not disclosed, and thus, the organizations do not have a meaningful opportunity to respond to and challenge the allegations against them; and fourth, the process of the objection itself is tainted by a conflict of interest since the decision-maker is also the entity competent to decide on the objections, i.e., whether the decision is correct and justified; 3) It does not pass the test of proportionality, as it violates the rules of justice in a sweeping manner, especially with regard to a severe violation of the freedom of association, which in itself, leads not to a temporary violation of the organizations' freedom but rather to the organizations' total destruction.
13. Below we will detail the factual background surrounding the objections, and the goals and activities of the declared organizations. We will then provide the legal arguments that require, to our understanding, the cancellation of the declarations.

*The objection was submitted to the Military Commander in the West Bank by the organizations' legal team – The Adalah Legal Center, and the offices of Attorney Michael Sfard and Attorney Jawad Boulus*