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26 October 2020

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Ms. Mary Lawlor
Special Rapporteur on the Situation of Human Rights Defenders
Office of the High Commission for Human Rights
United Nations
Geneva, Switzerland

Dear Special Rapporteur Lawlor,

We write to you with concern regarding a submission to your office by the Palestinian NGO Al Haq, dated 5 October 2020.

At the outset, we note that it is particularly outrageous that Al Haq has filed this submission in response to a “Call for Input on the Killings of Human Rights Defenders.” Around the globe, hundreds, if not thousands of people are murdered each year by repressive regimes for standing up for their rights. In sharp contrast, Al Haq provides no evidence whatsoever of incitement or physical violence, much less “killings.”¹ In many respects, the submission is a complaint over a semantic dispute about what constitutes “business and human rights” advocacy.

PRESIDENT:

Prof. Gerald Steinberg

In its submission, Al Haq falsely accuses our organization of being an arm of the Israeli government and an “Israeli proxy organization” (whatever that means), levying “smears,” promoting “incitement,” and producing “inaccurate and dishonest reports.” In other words, Al Haq engages in the very activity about which it complains to you.

In reality, Al Haq maligns NGO Monitor’s systematic research as improper because it dislikes our opinions and conclusions. Our reports undergo an extensive editing process and are fully documented. Whether Al Haq agrees with our analysis is irrelevant.

As Special Rapporteur, you are surely aware that the international right to free expression applies to ALL individuals, not just “human rights defenders” (or those that claim that mantle). This universal human right not only gives one the right to speak, but the right to express an opinion and the right to criticize. Criticism enhances public debate and improves policymaking. Contrary to Al Haq’s strange formulation, analysis and criticism are not “incitement,” but a foundational part of the democratic

¹ If anything, the only killing at present is the [August 2019 murder of 17-year old Israeli Rina Shnerb](#) by officials from several Palestinian NGOs. Our work in [uncovering terrorist networks in the Palestinian NGO community](#) is to prevent further attacks from being potentially financed with European taxpayer monies. It is strange that Al Haq, which claims to be a human rights organization, has done nothing to speak out against Shnerb’s murder or condemn the members in the NGO community who were responsible.

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process. Claiming to be a human rights defender does not grant immunity from these activities nor does it offer a special entitlement to repress the free speech rights of others.

We are therefore disturbed that Al Haq is exploiting your office to attack a private research organization. Your mandate is aimed at examining **state** compliance with international human rights law, not policing the free speech and legitimate criticism of civil society. In essence, Al Haq is asking your office to pressure the State of Israel to silence the free speech of our organization – an Israeli NGO that employs Israeli citizens. Such governmental censorship may be standard practice in the Palestinian Authority, but that is unacceptable in a Western democracy. It is quite surprising that a self-proclaimed “human rights defender” would advocate such a course of action.

In addition to free expression, another cornerstone of good governance is financial transparency. The public has a right to know how taxpayer monies are spent and whether the funded activities are in keeping with the policies they were intended to support.

Our work examines government funding and reports on the activities of the NGO recipients. Al Haq may want to hide what it is doing with European taxpayer monies, but the general public has a right to know what their money is supporting. This right is even more critical when the funding at issue is potentially being directed to organizations with links to designated terror organizations in violation of international and domestic law.

Regardless of Al Haq’s defamatory attacks, we will not stop scrutinizing public funding, even to those that claim for themselves the defense of human rights.

We would be happy to discuss these issues with you in greater detail.

Respectfully submitted,

Anne Herzberg
Legal Advisor, NGO Monitor

cc:

H.E. Antonio Guterres, UN Secretary General

H.E. Michelle Bachelet, UN High Commissioner for Human Rights

H.E. Meirav Eilon Shahar, Permanent Representative of Israel to the United Nations and other International Organizations in Geneva