

June 2017

**Submission of NGO Monitor to the
120th Session of the Human Rights Committee
in Advance of its Reporting on Switzerland**

Recommendations:

NGO Monitor recommends that the Human Rights Committee:

Recommend to Switzerland, in the concluding observations on the state party report, that it swiftly approve and implement the March 8, 2017 bill of the Swiss Parliament to “amend the laws, ordinances and regulations so that Switzerland can no longer subsidize, even indirectly, development cooperation projects carried out by NGOs involved in racist, antisemitic or hate incitement actions, or in BDS (Boycott, Divestment and Sanctions) campaigns.”

Recommend to Switzerland, in the concluding observations on the state party report, to implement campaigns to raise public awareness and combat antisemitic behavior and anti-Israel incitement.

Recommend to Switzerland, in the concluding observations on the state party report, that legislation and regulatory reforms be enacted prohibiting the promotion of antisemitism and national origin discrimination in all settings, without exception.

Recommend to Switzerland, in the concluding observations on the state party report, that legislation and regulatory reforms be enacted prohibiting the use of any taxpayer funding, whether direct or indirectly provided, to organizations that engage in activities promoting antisemitism and national origin discrimination in all settings, without exception.

Recommend to Switzerland in the concluding observations on the state party report, that legislation be enacted prohibiting any funding and/or support to designated terrorist organizations in all settings, including funding to NGOs linked to those organizations.

Recommend to Switzerland in the concluding observations on the state party report that Switzerland provide effective remedies for victims of antisemitism and anti-Israel national origin discrimination.

Introduction:

NGO Monitor, a project of the Institute for NGO Research (formerly the Amuta for NGO Responsibility), an NGO in Special Consultative with ECOSOC, respectfully submits the following information to the Human Rights Committee (“HRC” or “Committee”) in advance of its adoption of the report and concluding observations for Switzerland.

According to the International Covenant for Civil and Political Rights (“ICCPR”), Switzerland is required “to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status” (Art. 2); “to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein” (Art. 5); to prohibit by law “any propaganda for war” and “any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence” (Art. 20); and to “prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status” (Art. 26).

Yet, Switzerland is currently not fulfilling these obligations as it provides millions of euros in funding to NGOs that promote antisemitism, anti-Israel national origin discrimination, violent imagery and the erasure of Israel, and a so-called “right of resistance” (a euphemism for terrorism). Several of these groups also have links to the Popular Front for the Liberation of Palestine (PFLP), a terrorist organization designated by the EU, the U.S., Canada, Australia, and Israel. This destructive funding not only violates the Swiss Federal government’s obligations under the ICCPR and international and domestic law, but creates and contributes to an environment of hate and incitement that endangers Jews and Israelis worldwide. In the interests of brevity, the following submission highlights several representative examples, but there are dozens more.

Anti-Israel Campaigns, Denial of Jewish History, and BDS are Antisemitism

Government leaders around the world have repeatedly remarked that anti-Israel BDS campaigns and activities that deny Jewish history or the legitimacy of Israel are forms of antisemitism.

In December 2015, French Prime Minister Manuel Valls, for instance, noted that “Behind the scenes, [those supporting BDS] are taking part in activities that are not criticism of one policy or another, but a condemnation of Zionism, which has truly become anti-Semitism.”¹

¹ <http://www.jpost.com/International/French-PM-Valls-condemns-BDS-Criticism-of-Israeli-policies-that-turned-into-anti-Semitism-437814>

On December 7, 2016, the ruling Christian Democratic Union party in Germany passed a resolution condemning BDS as antisemitic: “Who today under the flag of the BDS movement calls to boycott Israeli goods and services speaks the same language in which people were called to not buy from Jews. That is nothing other than coarse antisemitism.”² Similarly, in May 2017, Berlin’s Social Democratic Party (SPD) passed a resolution stating that “they oppose the antisemitic BDS campaign” and “condemn sharply widespread anti-Zionist antisemitism.”³

On May 30, 2017, in a meeting with a Jewish organization as well as in a speech given in April 2017, UN Secretary General, Antonio Guterres, stressed that Israel has an “undeniable right to exist and to live in peace and security with its neighbors,” and that “the modern form of anti-Semitism is the denial of the existence of the State of Israel.”

On June 1, 2017, the European Parliament voted in favor of adopting the International Holocaust Remembrance Alliance’s working definition of antisemitism. The definition includes the following as expressions of antisemitism:

“Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor.

- Applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation.
- Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.”

Significant Swiss funding is used to promote all of these forms of antisemitism.

Swiss Funding for Antisemitism, National Origin Discrimination, and Incitement

Swiss Parliamentarian Christian Imark has highlighted the damaging impact of Swiss funding to political advocacy groups promoting antisemitism, national origin discrimination, and incitement:

“We have tried countless times – without success, unfortunately – to persuade the government of Switzerland (and the relevant Department) to take a stand regarding the specific accusations and to present the matter from its point of view. For instance, Switzerland either directly or indirectly supports [organizations] with some millions of Swiss francs: . . . These organizations promote and carry out boycotts and sanctions against Israel; incite hatred of Israel and conduct juridical warfare, anti-Zionist and racist campaigns; call for the destruction of the state of Israel; and even, in some cases, have direct ties to terror organizations.”

Notably, on May 17, 2017, in response to an interview on Israeli Channel 10 regarding the issue of Danish funding to Palestinian NGOs. Danish Foreign Minister Anders Samuelsen remarked: “...But if any of these organizations crossed a line... if a leader

² <http://www.jpost.com/Diaspora/German-Chancellor-Merkels-party-labels-BDS-antisemitic-474715>.

³ <http://www.jpost.com/Diaspora/Berlin-social-democratic-party-declares-BDS-antisemitic-492485>

of one of these organizations for example publicly announced that they want to get rid of all Jews, or kill all Jews, anything like that, of course we will immediately close down the support... If you end up in a way where you have an aggressive rhetoric, wanting to kill people or do illegal things, then of course we will immediately close down the support..." As of May 31, 2017, after being presented significant evidence that Danish funding was crossing Mr. Samuelson's red line, the government of Denmark is now reviewing this funding.

As noted below, Switzerland funds many of the same organizations that currently under review by the Danish government.

On March 8, 2017, the Swiss Parliament voted (111 to 78 with 4 abstentions) to "amend the laws, ordinances and regulations so that Switzerland can no longer subsidize, even indirectly, development cooperation projects carried out by NGOs involved in racist, antisemitic or hate incitement actions, or in BDS (Boycott, Divestment and Sanctions) campaigns."⁴ The bill moves to the Swiss Council of States for a June vote. This bill is an important step toward curbing antisemitism and anti-Israel national origin discrimination fostered by Swiss government funding to political organizations both in Switzerland and abroad.

Human Rights & International Humanitarian Law Secretariat

The primary mechanism through which Switzerland provides funding to NGOs described above is via the Human Rights & International Humanitarian Law Secretariat ("IHL Secretariat"), a donor consortium of the Netherlands, Switzerland, Sweden, and Denmark managed by the Institute of Law at Birzeit University ("IoL-BZU") in Ramallah.⁵ This NGO framework, with a projected budget of \$17.6 million between 2013-2017, plays a central role in promoting the activities of terror-affiliated NGOs, as well as antisemitism and discriminatory BDS (boycott, divestment, and sanctions) campaigns.

The IHL Secretariat transfers millions of dollars to discriminatory BDS groups. This funding is in direct contradiction to the foreign policies of the donor consortium countries (including Switzerland), which explicitly oppose BDS efforts. Of the 24 core funding recipients, 15 support BDS. The 15 pro-BDS NGOs received \$7.28 million from the IHL Secretariat. Another 15 out of the 34 NGOs that receive project funding support BDS; these groups received over \$1.2 million in 2014-2015.

The location of the IHL Secretariat within Birzeit University is also a reflection of the discriminatory aspects of the program. In February 2014, IoL-BZU published "Advocating for Palestinian Rights in conformity with International Law: Guidelines" (English and Arabic).⁶ This document is a strategic manual for

⁴ <http://www.jpost.com/Diaspora/Swiss-legislature-passes-bill-to-stop-funding-for-boycotts-of-Israel-483649>

⁵ http://www.ngo-monitor.org/article/human_rights_and_international_humanitarian_law_secretariat_denmark_sweden_switzerland_and_the_netherlands0; <http://lawcenter.birzeit.edu/iol/en/index.php?PHPSESSID=zvpfayls>

⁶ <http://lawcenter.birzeit.edu/iol/en/project/outputfile/6/986afcc6c9.pdf>

promoting anti-Israel campaigns and to emphasize that Israel is a “racist regime[]which are absolutely prohibited in their entirety.”

NGOs funded by the IHL Secretariat include Women's Centre for Legal Aid and Counseling (WCLAC) (IHL Secretariat core-funding \$710,000), which claims that it “works to protect and promote women’s human rights within the framework of international human rights mechanisms and standards.” Yet, WCLAC fieldworker Manal Tamimi has repeatedly posted extreme antisemitic imagery and rhetoric, incitement, as well as the promotion of violence on social media. For instance in September 2015, she tweeted⁷ “Vampire zionist celebrating their Kebore day by drinking Palestinian bloods, yes our blood is pure & delicious but it will kill u at the end.” In August 2015, Tamimi tweeted,⁸ “I do hate Israel ,i (sic) wish a thrird Intefada (sic) coming soon and people rais (sic) up and kill all these zionist settlers everywhere.” Tamimi was included as a human rights defender in the Special Rapporteur Michael Lynk’s March 2017 report. After receiving an official complaint from the The Amuta for NGO Responsibility, Tamimi was removed from the report.⁹

Another IHL-Secretariat funded NGO Addameer (IHL Secretariat core- funding: \$325,000), campaigns in support of Palestinians convicted of security offenses and imprisoned by Israel. Addameer is listed as a PFLP “affiliate.”¹⁰ The NGO’s chairperson and co-founder, Abdul-latif Ghaith,¹¹ was banned by Israel from travelling internationally due to his alleged membership in the PFLP; he was also banned from entering the West Bank from 2011 to 2015.¹² Abdul-latif Ghaith was described in an article posted by Miftah (another Secretariat-funded NGO) as a representative of the PFLP.^{8,13}

Khalida Jarrar, Addameer’s vice-chairperson, is a senior PFLP official.¹⁴ On April 1, 2015, Jarrar was placed in administrative detention by Israeli security forces. On April 15, 2015 she was indicted for various offenses including active membership in a terrorist organization (the PFLP) and inciting violence through a call to kidnap Israeli soldiers to be used as “bargaining chips for the release of Palestinian prisoners.”¹⁵ Jarrar accepted a plea bargain and, according to reports, was convicted on “one count of belonging to an illegal organization and another of incitement.”¹⁶ She received a

⁷ <https://twitter.com/screamingtamimi/status/646452060930486272>

⁸ <https://twitter.com/screamingtamimi/status/627589229271490560>

⁹ <http://www.ngo-monitor.org/pdf/AmutaComplaintMichaelLynkManalTamimi.pdf>

¹⁰ http://www.fatehorg.ps/index.php?action=show_page&ID=11455&lang=ar

¹¹ <http://www.addameer.org/about/board-general-assembly>; <http://www.alhaq.org/advocacy/topics/human-rights-defenders/615-yet-another-palestinian-civil-society-leader-targeted-by-israel-addameer-chairperson-abdullatif-ghaith-receives-ban-from-leaving-the-country>

¹² <http://samidoun.ca/2014/10/prisoner-rights-leader-abdul-latif-ghaith-banned-from-entering-the-west-bank-or-leaving-palestine/>

¹³ <http://www.miftah.org/Display.cfm?DocId=4181&CategoryId=11>

¹⁴ <http://pflp.ps/english/2013/06/jarrar-on-the-66th-anniversary-of-the-naksah-the-way-forward-is-unity-and-resistance/>; <http://www.addameer.org/about/board-general-assembly>

¹⁵ <http://www.law.idf.il/163-7238-he/Patzar.aspx>

¹⁶ <http://www.haaretz.com/israel-news/1.690481>

15-month prison sentence with an additional 10-month suspended sentence. Jarrar was released from prison on June 3, 2016.¹⁷

Addameer board member, Yousef Habash, is apparently the nephew of PFLP founder George Habash and is a member of the BDS National Committee, which advocates for discriminatory campaigns targeting Israeli businesses and those doing business with Israel.¹⁸ Ayman Nasser, an Addameer researcher, was arrested on October 15, 2012 for alleged links to the PFLP.¹⁹¹⁴ An indictment was filed attributing a number of offenses relating to membership in the PFLP and activities on behalf of the organization.²⁰ On June 3, 2013 the Judea Military Court convicted Nasser, who admitted to being a member of the terrorist organization and for providing services to the organization.²¹¹⁶ Sumoud Saadat, Addameer's documentation officer, is the daughter of PFLP general secretary Ahmad Saadat – who is serving a 30-year prison sentence in Israel due to his terrorist activity.²² Suha Al Bargouti, Addameer's treasurer, is the wife of alleged PFLP member Ahmed Qatamesh.²³

Another IHL Secretariat-funded NGO, Badil (IHL Secretariat core-funding \$370,000), promotes a Palestinian “right of return,” uses “resistance” rhetoric, and is a leader of discriminatory BDS campaigns. BADIL holds annual “right of return contests” and has published antisemitic cartoons on its website, as well as propagandistic imagery promoting violence and the elimination of Israel. A cartoon that won a monetary prize for 2nd prize in BADIL's 2010 Al-Awda Nakba caricature competition is a blatant representation of classic antisemitic tropes, including a Jewish man, garbed in traditional Hasidic attire, with a hooked nose and side locks. He stands above a dead child and skulls, holding a pitchfork shaped as a menorah dripping with blood.²⁴ In 2015, BADIL published a cartoon depicting a tsunami of keys rising up and washing over what is supposed to be the “negotiation table” and two people, one of whom is wearing a kippah with a Jewish star on it. Another 2015 cartoon shows a clenched fist rising up through a map of the State of Israel with the caption reading “Return is our Right and our Destiny.”

Conclusion:

The examples presented in this submission represent just a few of the many destructive and discriminatory activities being carried out by organizations funded by

¹⁷ <http://samidoun.net/khalidajarrar/>

¹⁸ <http://www.addameer.org/about/board-general-assembly>; <http://www.cpgb-ml.org/index.php?art=434&secName=proletarian&subName=display>; <https://www.bdsfrance.org/levident-place-de-bds-dans-le-forum-social-mondial/>

¹⁹ <http://www.addameer.org/about/our-staff>; <https://www.amnestyusa.org/sites/default/files/uaa27613.pdf>

²⁰ <http://www.psakdin.co.il/Court/%D7%94%D7%97%D7%9C%D7%98%D7%94-%D7%91%D7%AA%D7%99%D7%A7-%D7%A2%D7%9E-2715-12#.V71715h96M9>

²¹ <http://www.law.idf.il/261-5815-he/Patzar.aspx>

²² <http://pflp.ps/english/2012/01/sumoud-saadat-negotiations-do-not-free-prisoners/>;
<http://www.addameer.org/about/our-staff>

²³ <http://www.addameer.org/about/board-general-assembly>; http://www.addameer.org/files/NGO_Action_UA_I/amnesty-international-urgent-appeal-ahmad-qatamish.pdf

²⁴ http://www.ngo-monitor.org/nm/wp-content/uploads/2013/05/badil_cartoon.jpg

Switzerland. The support for these organizations stands in sharp contrast to the government's obligations mandated by the ICCPR, particularly those in Articles 2, 5, 20, and 26. We hope that the Committee will raise these important concerns in its adoption of the report and concluding observations for Switzerland at its 120th session.