

NGO MONITOR: SHRINKING SPACE

Defaming human rights
organizations that criticize
the Israeli occupation

A report by the Policy Working Group

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PWG

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Foreword

NGO Monitor is an organization that was founded in 2002 under the auspices of the conservative think tank JCPA (the Jerusalem Center for Public Affairs) and has been an independent entity since 2007.

Its declared goal is to promote “transparency and accountability of NGOs claiming human rights agendas, primarily in the context of the Arab-Israeli conflict”.¹ This is a disingenuous description. In fact, years of experience show that NGO Monitor’s overarching objective is to defend and sustain government policies that help uphold Israel’s occupation of, and control over, the Palestinian territories.

Israeli civil society and human rights organizations consistently refrained from engaging with NGO Monitor. Experience taught that responding to its claims would be interpreted in bad faith, provide ammunition for further attacks and force the targeted organizations to divert scarce resources away from their core mission – promoting human rights and democracy.

But times have changed. Those in Israel who promote universal values, freedom and equality find themselves on the defensive. Much of this concerted attack is being led by groups that pretend to be independent and nonpartisan. In reality, they work hand in hand with the Israeli government, which is using its resources to curtail and undermine the work of critical civil society organizations.

The outcome of this attempt to silence critical civil society in Israel is yet to be seen, but the prospects are bleak. As German think tank Stiftung Wissenschaft und Politik (SWP) rightly noted in its January 2018 publication, “The Rise of ‘Bad Civil Society’ in Israel”²:

“... the well-orchestrated efforts to reduce the liberal-democratic spaces that have characterized the Israeli political system through the promotion of illiberal, religious-nationalist, and anti-human-rights ideals seem to have gained the upper hand.”

SWP demarcated three strategies that nationalist organizations in Israel use to undermine human rights organizations (HROs):

“The first is delegitimizing HROs through naming and shaming tactics. They lead well-orchestrated political and media campaigns that associate HROs with terrorist organizations. The second is silencing HROs by shaming the institutions – educational, cultural, and media – that invite the former to speak to their audiences. The third strategy is cutting off the sources of funding for HROs through lobbying activities in donor countries and putting pressure on governments to stop their funding of the former.”

Much of what SWP writes applies, as this report explains, to the activities of NGO Monitor. In fact, as the report argues, NGO Monitor is spearheading the shrinking of space for Israeli and Palestinian human rights NGOs.

As an organization whose purpose is to scrutinize others, NGO Monitor itself has so far received little scrutiny of its own. After years of evasion, it is time to monitor NGO Monitor.

This report concludes and argues that NGO Monitor is a government-affiliated organization that selectively targets human rights organizations, relies almost entirely on funding from donors in the US, shirks the transparency it demands of others and disseminates misleading and tendentious information, which it presents as factual in-depth research.

We are aware that shrinking civil space is a global phenomenon and a current concern in Europe. In Israel, however, it is unique in that it is a product of – and prerequisite for – expanding space for the Israeli occupation, which began more than 50 years ago.

Protecting space and maintaining funding for critical civil society organizations is an urgent priority and a mutual interest for Israel and Europe. As food for thought about what could and should be done, we offer the following policy recommendations from SWP's publication "The Rise of 'Bad Civil Society' in Israel":

» Donors, both governmental and private, should not fall into the trap laid by nationalist organizations accusing human rights organizations of protecting or even assisting terrorists or associated individuals and organizations. SWP explains the rationale of such accusations:

"This line of thinking is propagated in order to embarrass democratic governments, which are then accused by nationalist CSOs [civil society organizations] of acting against their own official positions. Nationalist CSOs seek to link the process of assisting HROs [human rights organizations] in Israel with being anti-Israeli, or even anti-Semitic, knowing that none of the donor states would tolerate being affiliated with such activities."

» Leading democratic countries, especially those close to Israel, should openly criticise legislation in Israel that undermines human rights NGOs and exert political pressure to defend democratic, liberal and human rights values.

» European governments and donors should invite Israeli HROs and other liberal CSOs to participate in public events in Europe and elsewhere in order to demonstrate their support for them, legitimate their activities and open channels that enable the CSOs to communicate information and transmit knowledge.

» Western media should pay more attention to the activities and information provided by HROs and liberal CSOs in Israel. This media coverage could be central in blocking government policies that silence and delegitimize those who are promoting democratic values.

SWP notes that nationalist organizations such as NGO Monitor try to draw liberal human rights organizations into a struggle for survival. Let us ensure that they survive and continue to focus on their vital core business: defending human rights and the liberal values we share.

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Ambassador (ret.) Ilan Baruch, Chair of the Policy Working Group *

* The Policy Working Group (PWG) is a collective of Israeli ex-diplomats, academics and others, who on a voluntary basis advocate and promote a transformation of relations between Israel and Palestine from occupation to coexistence, based on a two-state solution. The PWG calls for the emergence of an independent sovereign State of Palestine alongside the State of Israel, with Jerusalem serving as the capital of both states. The PWG is also engaged in advocacy to protect the civic space in Israel against incitement and legislation by the Israeli government and defamation by affiliated organizations in Israel and abroad, which undermine the freedom of expression and association and suppress any critical discourse about the Israeli government and its policies in the Occupied Palestinian Territories.

Executive Summary

NGO Monitor was founded in 2002 as a part of the conservative Israeli think tank JCPA (the Jerusalem Center for Public Affairs) and registered as an independent organization in 2007. NGO Monitor presents itself as *“an independent and nonpartisan research institute dedicated to promoting transparency and accountability of NGOs claiming human rights agendas, primarily in the context of the Arab-Israeli conflict.”*

In reality, as this report concludes and will establish, NGO Monitor is a politically-motivated organization that maintains close coordination and cooperation with the Israeli government. It consistently shields and promotes government policies that seek to perpetuate, consolidate and expand Israel’s occupation of, and control over, the Palestinian territories.

Selectivity | In line with this political agenda, NGO Monitor focuses exclusively on human rights and civil society organizations that speak out against the occupation. Its website blacklists some 250 Israeli, Palestinian, European and international organizations of this kind.

NGO Monitor does not target any of the numerous organizations that support the occupation and the settlement enterprise and that display a spectacular lack of transparency and accountability.

Government ties | This report concludes that NGO Monitor cannot be considered an “independent and nonpartisan research institute”. It publicly boasts of close ties with the government and relies on the Israeli Ministry of Foreign Affairs to facilitate lobby meetings in European capitals, sometimes attending them along with Israeli diplomats.

NGO Monitor plays a key role in providing Israeli ministries and diplomatic missions with misleading information to defame Israeli and Palestinian human rights organizations, and mobilizes the government to pressure European counterparts to stop funding them. In Israel, it acts as a catalyst for anti-democratic legislation that selectively targets such NGOs.

Partisan people | Several key people behind NGO Monitor and within the organization are hawkish, ideologically partisan figures who are close to the Israeli government and support its current agenda. The organization was founded under the guidance of Dore Gold, then director and now president of JCPA. Gold is closely affiliated with Prime Minister Netanyahu, who appointed him ambassador to the UN and later director-general of the Ministry of Foreign Affairs. Gerald Steinberg, NGO Monitor’s founder

and long-time president, worked for the Prime Minister's Office and for the Ministry of Foreign Affairs.

NGO Monitor's military justice consultant is Maurice Hirsch, former chief military prosecutor in the West Bank. Yosef Kuperwasser, former director-general of the Israeli Ministry of Strategic Affairs, is on the board of directors. The advisory boards include staunch defenders of Israel's settlement policy and American neoconservatives such as current US National Security Advisor John Bolton and former CIA Chief James Woolsey.

Lack of transparency | While NGO Monitor demands extreme transparency from human rights groups about their funding, it is highly reticent about its own sources of income. Since 2013, the financial reports as displayed on its website and the information about the organization on Israeli NGO transparency website GuideStar, have not disclosed any of its private donors by name.

Under Israeli law, NGO Monitor is obliged to report to the Israeli registrar for non-profit organizations the identity of all donors who give more than NIS 20.000 (about € 4.600). According to information NGO Monitor provided to the registrar in a separate document (only available for a fee), it was funded by seven donors in 2015 and 2016 overall. Only three of them are mentioned on its website: REPORT, the Orion Foundation and Peter Simpson.

The US organization REPORT (Research + Evaluation = Promoting Organizational Responsibility and Transparency) is NGO Monitor's main donor. In 2016, it contributed about 90% of its total funding. NGO Monitor attacks human rights groups for their foreign funding, yet relies almost entirely on foreign funding itself.

REPORT's website displays a US GuideStar "seal of transparency", but offers minimal financial information and transparency. It presents a list of thirteen private and institutional donors that support two projects, one of which is NGO Monitor. Neither REPORT nor NGO Monitor clarify which of these donors have contributed to NGO Monitor, when and how much.

Baseless claims | Articles and reports by NGO Monitor contain baseless claims and factual inaccuracies. For example, in 2014, Gerald Steinberg claimed that one of the EU's main assistance programs, the European Instrument for Democracy and Human Rights (EIDHR), directed more resources to the Israeli-Palestinian conflict than to other conflict areas in the world. In a response, the EU's Ambassador to Israel at the time, Lars Faaborg-Andersen, dismissed this claim as factually incorrect and qualified Steinberg's publication as "a cocktail of tendentious research, intentional inaccuracies and downright EU-bashing propaganda."

In its 2016 annual report, released in January 2017, NGO Monitor wrote about the Human Rights and International Humanitarian Law Secretariat, a joint funding mechanism for Israeli and Palestinian human rights NGOs led by Denmark, the Netherlands, Sweden and Switzerland: *“As a result of our tireless efforts, both the Netherlands and Switzerland have reconsidered their funding to the IHL Secretariat.”* However, in November 2016, the Dutch government had announced it would continue to fund the Secretariat and stated it attached “great value” to its work.

Faulty research | NGO Monitor does not conduct any independent field research. Its publications are generally based on selective internet inquiries and on echoing claims by official Israeli sources. Moreover, it focuses its publications selectively and exclusively on refuting the observations and conclusions of the NGOs it targets.

By contrast, many human rights organizations attacked by NGO Monitor conduct independent and thorough field research. NGO Monitor has a long track record of easily dismissing their work and of distorting the authoritative international legal framework these organizations apply.

For example, in 2015, NGO Monitor claimed there was no legal basis to B’Tselem’s argument that the demolition of all structures in the Palestinian village of Susiya and the eviction of its residents from their lands would constitute “forcible transfer”. However, already in 2013, B’Tselem published a detailed legal analysis, referencing numerous legal sources and renowned experts on international humanitarian law, which substantiated this argument. NGO Monitor ignored it.

“Occupation is an internal Israeli affair” | In its efforts to shield the Israeli occupation from international criticism, NGO Monitor frames the occupation of the Palestinian territories as an internal Israeli affair in which other countries must not interfere. Accordingly, human rights organizations that criticize Israel’s conduct in the occupied Palestinian territories and receive foreign funding are framed as violating Israel’s sovereignty, as tainted by “foreign interests” and as distorting the “domestic” debate.

“NGOs pose existential threat” | In addition, NGO Monitor seeks to deflect international criticism of the occupation by framing human rights NGOs as powerful actors that pose an existential threat to Israel. According to NGO Monitor, at the 2001 World Conference against Racism in Durban, NGOs shifted *“the war against Israel – from attempts to destroy Israel through military power and terror attacks, to a ‘soft power’ political war aimed at erasing Israel through ‘non-violent’ means”*.

NGO Monitor accuses these NGOs of using two means to that end: BDS (see below) and 'lawfare'. It defines the latter as *"the exploitation of courts and international legal bodies to judicially impose boycotts and embargoes, and interfere with Israel's diplomatic and foreign relations"*. However, it entirely ignores the extensive use of legal means by organizations that defend and promote the agenda of the Israeli government, such as Shurat HaDin. In fact, NGO Monitor itself deployed 'lawfare' when it (unsuccessfully) sued the European Commission in 2010.

Using BDS to defame Palestinian NGOs | NGO Monitor uses two main tactics to damage the professional reputation and integrity of Palestinian civil society organizations. First, it demonizes NGOs that support BDS, i.e. the Palestinian-led international movement that puts pressure on Israel to end its violations of human rights and international law.

NGO Monitor lobbies European governments and parliaments to categorically defund Palestinian NGOs that support BDS. In doing so, it relies on the EU's official rejection of BDS, but selectively ignores the EU's position that BDS is protected by freedom of expression and freedom of association. Moreover, when campaigning against BDS, it also targets NGOs that merely call for measures against Israel's illegal settlements and occupation.

Accusations of "terrorist affiliations" | The second tactic that NGO Monitor employs to defame Palestinian NGOs is associating them with armed groups, in particular by claiming they have alleged ties with the Popular Front for the Liberation of Palestine (PFLP), which is listed as a terrorist organization by Israel, the US and the EU.

NGO Monitor says it has exposed ties between Palestinian NGOs and the PFLP. However, it has not presented any evidence that the accused organizations ever participated in terrorist activities or violence. It also has not explained how the organizations' work – field research, documentation, legal work, international advocacy – is in any way related to terrorism.

The accusations are largely based on references to outdated information, on a small number of cases in the 1970s and 1980s, on selective internet inquiries and on guilt-by-association. Employees of those organizations are often accused of being "affiliated", "linked", or of having "alleged ties", sometimes via family relations, with terrorist organizations or their leaders.

Apart from very few exceptions, no trials or formal indictments have been initiated by Israeli authorities against employees or board members of Palestinian organizations relevant to NGO Monitor's accusations and relating to the period of their involvement in the organization.

Moreover, no legal action has ever been taken by the EU under its counter-terrorism policy when employees or board members of the accused organizations visited Europe, although European police and judicial authorities have competence over such allegations.

This does not imply that all of NGO Monitor's allegations are irrelevant and invalid. It does illustrate the recklessness, means of deception and perfidious intentions that serve NGO Monitor to fabricate grave allegations against a vast number of Palestinian NGOs and their employees and board members, in order to fatally damage their reputation and credibility and embarrass their donors.

1 / Ideological bias and political ties

NGO Monitor presents itself as *“an independent and nonpartisan research institute dedicated to promoting transparency and accountability of NGOs claiming human rights agendas, primarily in the context of the Arab-Israeli conflict”*.³

That presentation is misleading and baseless. As this report concludes, NGO Monitor is a politically motivated organization that maintains close connections with the Israeli government. It consistently shields and reinforces government positions and policies regarding the Israeli-Palestinian conflict, which are aimed at perpetuating the occupation and Israel’s control over the Palestinian territories.

Background

NGO Monitor was established by people who are close to the Israeli government. It was founded in 2002 under the guidance of Dore Gold, then director of the conservative Jerusalem Center for Public Affairs (JCPA).⁴ Gold has close ties with Prime Minister Netanyahu, who appointed him as ambassador to the United Nations (1997-1999) and director-general of the Ministry of Foreign Affairs (2015-2016).⁵

Only in 2007 did NGO Monitor disengage from JCPA. The break occurred after members of JCPA’s board expressed concern over the “problematic aspects” of NGO Monitor’s publications, *“due to the difficulty to ascertain the correctness of the facts presented in these articles by any overseeing party empowered by the center”*. It was then agreed to look into the possibility of establishing a separate entity for NGO Monitor.⁶ The organization registered as an independent entity named ‘The Amuta for NGO Responsibility’ after the registrar for non-profit organizations in the Israeli Ministry of Justice denied its request to register under the name ‘NGO Monitor’.

Partisan people

As the below examples show, NGO Monitor’s staff and board members include hawkish, politically motivated and ideologically partisan figures, who strongly support the Israeli government and authorities and/or have been affiliated with them.

Staff | Gerald Steinberg, the president, previously served on a steering committee of the Prime Minister's Office and as a consultant to the Ministry of Foreign Affairs and the National Security Council, which answers to the prime minister.⁷

Maurice Hirsch, the senior military justice consultant, lives in the settlement of Efrat and served as chief military prosecutor in the West Bank. In this capacity, he oversaw the arrest and prosecution of Palestinian minors and the policy of criminalizing Palestinian protesters.⁸

Hodaya Shahar, the spokesperson, is an activist for the Likud party who denounced the director of B'Tselem as a "fifth column" on Facebook and called for revoking his citizenship. She also accused a Knesset member who spoke out against the occupation of inciting terrorism.⁹

Board of directors | Yosef Kuperwasser, a member of NGO Monitor's board of directors, headed the research department of the Israeli army's intelligence agency and was director-general of the Ministry of Strategic Affairs.¹⁰ Kuperwasser runs Kela Shlomo, a new, highly political organization that was established by the Israeli government and masquerades as an NGO. For 2018-2020, Kela Shlomo is set to receive NIS 128 million (about € 30 million) in funding from the government for "mass awareness activities" and to fight delegitimization and boycotts of Israel.¹¹

One of Kela Shlomo's directors is Dore Gold, who is also the president of the Jerusalem Center for Public Affairs (JCPA), from which NGO Monitor originates. Kuperwasser is also affiliated with JCPA and is the director of its project on Regional Middle East Developments.¹²

Legal advisory board | Alan Baker served on a committee established by the Israeli government to examine the legal status of Israeli settlements in the West Bank (the 'Levy Commission'). Contrary to the international legal consensus, the commission concluded that the West Bank does not have the status of a militarily occupied territory and that the establishment of Israeli settlements there is not illegal.¹³

Eugene Kontorovich is a vigorous advocate in the US for legislation targeting and sanctioning non-violent BDS activism and boycotts of settlement products, for countering policy differentiation by the US and EU between Israel and settlements and for promoting the argument that Israeli settlements are legal.

International advisory board | This board includes key figures identified with the neoconservative establishment under the Trump, Bush Sr. and Jr. and Reagan administrations. The most high-ranking among them

is John Bolton, whom Trump appointed national security advisor amid condemnations by liberal Jewish-American groups due to his vehement opposition to the two-state solution and Palestinian self-determination and to his close links to prominent Islamophobes.¹⁴ Others include former deputy national security adviser Elliott Abrams, American lawyer Alan Dershowitz, a staunch defender of Israeli government policies, and former CIA-director James Woolsey.¹⁵ Another establishment figure who recently joined the advisory board is retired Israeli High Court Justice and former Attorney General Elyakim Rubinstein.¹⁶

One-sided focus, intrinsic bias

NGO Monitor focuses exclusively on human rights and civil society organizations that criticize Israel's occupation of the West Bank and the Gaza Strip.¹⁷ Its website blacklists some 250 Israeli, Palestinian, European and international civil society organizations, including Al-Haq, Amnesty International, Avaaz, B'Tselem, Breaking the Silence, Church of Sweden, Euro-Med Rights Network, European Council on Foreign Relations, International Crisis Group, Oxfam International, Palestinian Center for Human Rights, Save the Children and the World Council of Churches.¹⁸

NGO Monitor does not monitor nor publish any information about organizations that promote the Israeli occupation and settlement enterprise. Examples include the Yesha Council, the umbrella organization of settlements in the West Bank; Regavim, which lobbies and sues the Israeli government to dispossess Palestinians from their land and destroy EU-funded humanitarian projects; the Elad-Ir David Foundation, which promotes Jewish settlement in East Jerusalem's holy basin; Im Tirzu, a McCarthyist movement that campaigns against persons and organizations it labels as anti-Zionist; the Samaria Settlers' Committee, a radical settler organization in the Northern West Bank that advocates for segregated transportation for Israelis and Palestinians and defames human rights organizations as Nazi collaborators; and Honenu, which provides legal services and financial aid to Israelis tried for terror attacks against Palestinians. Some of these organizations receive taxpayer funding through local settlement authorities and/or enjoy a tax-deductible status, which amounts to indirect government funding.¹⁹

NGO Monitor does not offer profiles of these organizations, investigate their foreign connections and sources of income, or protest the lack of basic transparency regarding their funding – let alone criticize their positions and goals, which are often extremist and discriminatory.

Connections with the Israeli government and state authorities

NGO Monitor describes itself as politically “independent and nonpartisan”.²⁰ In reality, the organization operates in close coordination and cooperation with the Israeli government.

As far back as 2009, the Israeli Ministry of Foreign Affairs hosted a press conference to promote a report by NGO Monitor on ‘lawfare’.²¹ In 2010, the Israeli EU embassy in Brussels hosted an advocacy visit by NGO Monitor. During the visit, NGO Monitor president Gerald Steinberg met with members of the European Parliament and told media that “*European officials in charge of NGO allocations seek to exploit a minority group of Israelis to impose EU-favoured policies on the wider Israeli public*”.²²

In 2017, the Israeli Ministry of Foreign Affairs provided support for NGO Monitor’s lobbying efforts in Europe on at least two occasions. In May, the Israeli embassy in Dublin arranged at least one meeting for Gerald Steinberg during his visit to Ireland. At the meeting that Steinberg held with representatives of an Irish NGO, the Israeli ambassador to Ireland, Zeev Boker, was also present.²³ In June, the Israeli embassy in Bern (Switzerland) hosted a joint lobby meeting for NGO Monitor’s Europe desk officer Shaun Sacks and Israeli Foreign Ministry spokesperson Emmanuel Nahshon with “pro-Israel activists”.²⁴



In Brussels, diplomats from Israel’s EU embassy have accompanied NGO Monitor on meetings with officials from the European Commission.²⁵

In fact, NGO Monitor itself has publicized its growing coordination with the Israeli government, in particular since the current government took office in May 2015. In its 2015 annual report, NGO Monitor stated²⁶:

“Following consultations with NGO Monitor, Deputy Minister Hotovely, Dir.-Gen. of the Ministry of Foreign Affairs Amb. Dore Gold, and other professional staff at the MFA began a series of meetings with European officials on their governments’ funding to political NGOs”.

"NGO Monitor is working closely with the Justice Ministry and Minister of Justice Ayelet Shaked (Jewish Home) to ensure compliance and proper enforcement of the NGO Foreign Funding Transparency Law."

"Following the March elections and subsequent cabinet reshuffle, Gilad Erdan (Likud) was appointed Minister of Strategic Affairs, tasked with countering the global BDS campaigns. NGO Monitor, which has a longstanding working relationship with the ministry, met with Minister Erdan and delivered tailor-made materials detailing the various actors in and funders of anti-Israel campaigns."

In its 2016 annual report, NGO Monitor said²⁷:

"NGO Monitor continues to closely cooperate with the Ministry of Strategic Affairs and Public Diplomacy, as well as with the Ministry of Justice and the Ministry of Foreign Affairs. These ministries' staff reaches out to NGO Monitor for materials on NGOs and European government funding."

"NGO Monitor's continuously updated reports provided Israeli government officials with the details of European government funding to NGOs supporting BDS, lawfare, and antisemitism. In 2016, as a result of our research, the Israeli government gave this issue top priority."

On 25 May 2018, the Israeli Ministry of Strategic Affairs published a report titled "The Money Trail – The millions given by EU institutions to NGOs with ties to terror and boycotts against Israel", in which it accuses the EU and its member states of "giving millions" to NGOs that have "ties to terror" and that promote "boycotts against Israel".²⁸ The report echoed and recycled allegations against the EU and European and Palestinian NGOs that NGO Monitor has been making for years.

The EU High Representative for Foreign Affairs Federica Mogherini responded to the report in a letter to the Israeli Minister of Strategic Affairs Gilad Erdan, which was leaked in Haaretz.²⁹ In the letter, she denounced allegations that the EU supports incitement or terror as *"unfounded and unacceptable"* and wrote that *"vague and unsubstantiated accusations serve only to contribute to disinformation campaigns"*. Mogherini also criticized the report's title as *"inopportune and misleading"*, considering *"it mixes terrorism with the boycott issue and it creates unacceptable confusion in the public eye regarding these two distinct phenomena"*. Mogherini confirmed that support for BDS is protected by freedom of expression and freedom of association and doesn't in itself render *"an organization or individual related to the BDS movement"* *"ineligible for EU funding"*.

In a statement in response to Mogherini's letter, NGO Monitor blamed the EU for a *"lack of due diligence"* and called on it *"to immediately initiate an internal audit to identify and prevent misuse of NGO funding"*.³⁰

In 2017, in a report on its work over the past 15 years, NGO Monitor expanded the list of government agencies with which it maintains working relations to include the Prime Minister's Office, the Ministry of Defense and Israeli consulates around the world. The report noted that:

*"Prime Minister Netanyahu's 2017 meetings with the prime ministers of the United Kingdom and Belgium further exemplify how NGO Monitor is ensuring that foreign government funding is discussed at the highest levels."*³¹

In its report on the first half of 2017, NGO Monitor reported that its research had helped Netanyahu pressure UK Prime Minister Theresa May and Danish Foreign Minister Anders Samuelsen:

*"In February, Prime Minister Netanyahu discussed British funding to radical NGOs active in the conflict with UK Prime Minister Theresa May. Prime Minister Netanyahu used NGO Monitor research to call upon the Danish Foreign Minister to cut funding for Palestinian groups involved in BDS campaigns against Israel."*³²

According to Israeli daily Haaretz, Netanyahu *"forwarded a list of Palestinian and Israeli organizations receiving Danish funding to the foreign minister and which Israel claims are involved with BDS efforts"*.³³ Two sources confirmed that Netanyahu's list was based on NGO Monitor's information.³⁴

Foreign Ministry spokesperson Emmanuel Nahshon described the cooperation with NGO Monitor in July 2017 as close: *"We work closely together with them. There is a level of coordination and we share information."*³⁵

Connections also exist at a personal level. As mentioned above, Gerald Steinberg worked for the Israeli government. On behalf of NGO Monitor, he promoted legislation that obliges NGOs to report every three months all donations received from foreign states (the Elkin Law).³⁶ The level of Steinberg's direct access to the Israeli government is indicated by meetings he held with former Minister of Strategic Affairs Yuval Steinitz and current Justice Minister Ayelet Shaked.³⁷

Asher Fredman, a former NGO Monitor researcher, is now chief of staff for Gilad Erdan, Israel's Minister of Strategic Affairs. Fredman also worked for Ministers Yuval Steinitz and Moshe Ya'alon.³⁸

NGO Monitor also cooperates with Member of Knesset Yair Lapid, the leader of opposition party Yesh Atid. In June 2017, it organized and funded a trip for Lapid to Spain to promote a report by NGO Monitor and lobby against Spanish funding for Palestinian NGOs.³⁹ NGO Monitor uses its cooperation with the centrist Lapid to obscure its partisan identity. However, Lapid's position concerning NGOs that oppose the occupation is very close to the positions of the Israeli government. For example, he joined the government's smear campaign against Breaking the Silence.⁴⁰

NGO Monitor's close cooperation with Lapid was also highlighted in its 2016 annual report: *"After presenting our foreign funding guidelines to MK Yair Lapid (chairman of Yesh Atid), he introduced our guidelines to 27 European Ambassadors."*⁴¹

NGO Monitor has concentrated its efforts to end European funding of Israeli and Palestinian NGOs on the Human Rights & International Humanitarian Law Secretariat. The Secretariat was a joint funding mechanism of Denmark, the Netherlands, Sweden and Switzerland. From 2013 to 2017, it constituted the largest donor program for Israeli and Palestinian NGOs that document and report human rights violations committed by Israel, the Palestinian Authority (PA) and the Hamas authorities in Gaza.

The Secretariat was founded on the principle of aid effectiveness, based on the belief that flexible, transparent, predictable and long-term funding is essential to promoting human rights in Israel and the occupied Palestinian territories. It maintained strict financial and programmatic requirements to ensure full compliance with international standards and regulations by its donors.

For years, NGO Monitor accused the Secretariat and its donor countries of funding "highly politicized" NGOs that have ties to terrorist organizations, promote antisemitism, engage in 'lawfare' and support BDS.⁴²

The donor consortium decided to discontinue the Secretariat as of 2018. On 24 December 2017, NGO Monitor sent supporters a newsletter headed "NGO Monitor Brings Down European Funding Framework", in which it claimed that Denmark's decision to stop funding the Secretariat, as well as political developments in other European countries, were *"direct results of NGO Monitor research and impact"*.⁴³

However, all donor countries have committed to continue funding Israeli and Palestinian human rights NGOs. On 30 May 2018, the Dutch government announced that *"supporting Israeli and Palestinian organizations that work to improve the local human rights situation remains [our] priority"* and presented 15 NGOs it is funding in 2018, including Israeli organizations Breaking the Silence, B'Tselem, Gisha, Yesh Din, the Public Committee Against Torture in Israel and Peace Now and Palestinian human rights organization Al-Mezan Center for Human Rights.⁴⁴ At the time of writing, the specific new funding arrangements of the other donors of the Secretariat have yet to be announced.

Newsletter NGO Monitor sent to supporters on 24 December 2017:



2 / Lack of financial transparency

NGO Monitor does not hold itself to the standards of transparency and accountability it demands from the NGOs it targets. It is reticent, to say the least, about disclosing its sources of income. According to the organization's website, "[a]ll our funding is provided by private donors and foundations, and NGO Monitor receives no governmental support".⁴⁵ Yet the information made available about these private donors and foundations and the amounts they give is partial at best.

The organization's financial reports and the information it provides to Israeli transparency website GuideStar have not mentioned a single donor by name since 2013.^{46, 47} Its financial reports merely present total amounts for "donations", "donations in kind", "income from research and consulting" and/or "book sales and provision of services".

NGO Monitor's income ("Activities turnover") in 2017, as presented in its 2017 financial report:

	Year ended December 31	
	2017	2016
Donations	5,624,643	4,467,571
Donations in kind *	335,171	137,241
Income from research and consulting	7,000	47,121
	5,966,814	4,651,933

NGOs are required by law to report to the Israeli registrar for non-profit organizations the identity of all donors who give more than NIS 20.000 (some € 4.600). NGO Monitor does this in a separate document, which in itself is a legal practice, and doesn't include it in its financial reports. As NGO Monitor chooses not to publish this information online, anyone wishing to obtain it must pay a fee to the registrar to access the document.

According to the information provided to the registrar for 2015 and 2016, NGO Monitor received funds from the following donors: REPORT (NIS 4.162.068 in 2015, NIS 4.040.485 in 2016), Orion Foundation (NIS 132.746 in 2015, NIS 134.197 in 2016), Nir Ben Yosef (NIS 450.000 in 2015), Islamophobic publicist Gisèle Littman (NIS 93.965 in 2015, NIS 37.660 in 2016), Robert Magid (NIS 156.030 in 2016), Peter Simpson (NIS 98.950 in 2015, NIS 48.794 in 2016) and J. Bollag (NIS 37.905 in 2016).

Only three of these seven sources are listed in the donor section of NGO Monitor's website: Peter Simpson, Orion Foundation and a US organization

named REPORT (Research + Evaluation = Promoting Organizational Responsibility and Transparency, formerly AFNGOM), from which NGO Monitor “receives significant financial support”.⁴⁸ No details are provided online regarding the amounts or dates of these donations.

Peter Simpson is merely listed on the website as living in Jerusalem. The Orion Foundation is registered in the British Isle of Man.

REPORT has its own website, which displays a US GuideStar ‘seal of transparency’, but provides scant financial information.⁴⁹ According to REPORT’s website, it supports two organizations, one of which is NGO Monitor, and is funded by thirteen private and institutional donors.

It is not clear which donors have contributed to NGO Monitor via REPORT. The organization appears to be NGO Monitor’s fundraising arm. In 2015, REPORT contributed 84.3% of NGO Monitor’s total income. In 2016, it contributed 90.7% of its total income with “a grant of \$1 million”.⁵⁰

The president of REPORT is Joshua Katzen, a real estate mogul from Boston, who founded American right-wing news site Jewish News Service and the neoconservative think tank Jewish Institute for National Security Affairs.⁵¹ Katzen is also a board member of the Middle East Forum, another US donor of NGO Monitor.⁵² Remarkably, NGO Monitor does not list the Middle East Forum as a donor in the relevant section on its website or in its financial reports.

NGO Monitor’s list of donors in 2015, as supplied to the registrar for non-profit organizations:

העמותה לאחריות ארגונים לא ממשלתיים (ע"ר)
פירוט תרומות מעל 20,000 ש"ח
(בשקלים חדשים)

פירוט תרומות מעל 20,000 ש"ח

להלן רשימת תורמים שתורמו במהלך שנת 2015 מעל 20,000 ש"ח:

תרומות שרשומות בדוח על הפעילויות:
שם התורם:

לשנה שהסתיימה ביום 31 בדצמבר 2015	REPORT, Inc.	1.
₪ 4,162,068	נ. בן יוסף	2.
₪ 450,000	Orion Foundation	3.
₪ 132,746	פיטר סימפסון	4.
₪ 98,950	ג'וזל ליטמן	5.
₪ 93,965		

חבר ועד
אברהם בן
חבר ועד
אליהו בן

NGO Monitor's list of donors in 2016, as supplied to the Registrar for non-profit organizations:

26.6.17

מכון לחקר ארגונים לא - ממשלתיים (ע"ר)
פירוט תרומות מעל 20,000 ש"ח
(בשקלים חדשים)

להלן שמות התורמים שתורמו סך של 20,000 ש"ח ומעלה בשנת 2016:

<u>שם התורם</u>	<u>סכום התרומה בש"ח</u>
REPORT, Inc.	4,040,485
Orion Foundation	134,197
ROBERT MAGID	156,030
P.SIMPSON	48,794
Dr. J. Bollag	37,905
GISELE LITTMAN	37,660

חבר ועד
אמיר פין

חבר ועד
אליהו גורן

In 2010, NGO Monitor reported to the Israeli registrar for non-profit organizations a donation of NIS 570.000 that it allegedly received from the Jewish Agency. However, an investigation by Haaretz newspaper revealed that the Jewish Agency only served as a conduit for a donation from an anonymous donor.⁵³ That same year, an organization called Matan served as a conduit for the transfer of another anonymous donation to NGO Monitor, amounting to NIS 100.000.⁵⁴

In 2011, NGO Monitor asked the registrar to anonymously register a donation of NIS 95.000, received in 2010 from the Orion Foundation. In response to a Haaretz inquiry about this donation, Gerald Steinberg said: "*It's the kind of thing I don't remember by heart exactly.*"⁵⁵ NGO Monitor noted the Orion Foundation as a donor in its financial reports for 2010, 2011 and 2012.

In 2013, as discovered by Peace Now, NGO Monitor failed to submit a list of its donors to the registrar.⁵⁶ Moreover, NGO Monitor presents no financial reports on its website for 2007 and 2008, the first two years after its establishment as an independent organization.

NGO Monitor receives most of its funding from foreign private donors and foundations, yet attacks human rights organizations for their foreign funding. To explain this inconsistency, it relies, like other right-wing actors in Israel, on an artificial distinction between its own income and donations to human rights organizations by states and international organizations:

*"Funding from private organizations and individuals represents personal interest, and does not reflect relations between states on the political and diplomatic levels."*⁵⁷

Contrary to this explanation, NGO Monitor regularly denounces private foreign donors that transparently support human rights groups, such as faith-based groups, the Open Society Foundations and the Rockefeller Brothers Fund.⁵⁸ It has continuously attacked the New Israel Fund, an organization that distributes funds collected from private donors in North America, Europe and Australia to progressive civil society causes in Israel, accusing it of funding Israeli NGOs such as Adalah, Breaking the Silence, +972 Magazine and Physicians for Human Rights-Israel, under the false claim that these groups *"are primarily active in campaigns that contribute to BDS and delegitimization"*.⁵⁹

On 1 February 2016, the New Israel Fund challenged NGO Monitor's lack of financial transparency on twitter⁶⁰:

 **New Israel Fund**  @NewIsraelFund · 1 Feb 2016
Congrats to @ngomonitor on your glossy new Annual Report. Can you point us the page with info on your donors or financials? [#transparency](#)

After NGO Monitor did not reply, NIF asked its president Gerald Steinberg:

 **New Israel Fund**  @NewIsraelFund · 3 Feb 2016
Replying to @GeraldNGOM
.[@GeraldNGOM](#) Did I miss it, or did you respond to the question about NGOM's lack of **transparency** in its annual report? [@NaomiPaiss](#)

Steinberg only replied after a third attempt by NIF. He did so evasively, without disclosing any information about NGO Monitor's donors or finances:

 **New Israel Fund**  @NewIsraelFund · 3 Feb 2016
Nudge Still hoping for a response. [@ngomonitor](#) [@GeraldNGOM](#).

 **(((Gerald M Steinberg)))**  @GeraldNGOM · 3 Feb 2016
.[@NewIsraelFund](#) [@ngomonitor](#) funny people. NIF posts financials in June, 18 months after money flows to BDS and damage done. 1/2
1 1 1

 **(((Gerald M Steinberg)))**  @GeraldNGOM · 3 Feb 2016
.[@NewIsraelFund](#) [@NaomiPaiss](#) \$30m/yr, so many screw ups, so little due diligence. Clean up your own BDS house before preaching to others 2/2
1 2 2

3 / Faulty research and questionable ethics

As mentioned above, NGO Monitor presents itself as “an independent and nonpartisan research institute dedicated to promoting transparency and accountability of NGOs claiming human rights agendas, primarily in the context of the Arab-Israeli conflict”.⁶¹ It touts its publications as the outcome of “in-depth research and analysis”. The head of its Europe desk, Olga Deutsch, argued:

*“While some disagree with our analysis, there is never any question about the credibility of our factual and fully-sourced research.”*⁶²

However, a review of publications by NGO Monitor concludes that the methods it employs are a far cry from the comprehensive investigations carried out by the human rights and civil society organizations it attacks. The publications appear largely based on selective internet inquiries and reverberating claims made by official Israeli sources. Moreover, it focuses its publications selectively on refuting the observations and conclusions published by targeted organizations.

Baseless claims and factual inaccuracies

NGO Monitor’s articles and reports contain baseless claims and factual inaccuracies. Several examples follow.

IHL Secretariat | In its 2016 annual report, NGO Monitor wrote: “As a result of our tireless efforts, both the Netherlands and Switzerland have reconsidered their funding to the IHL Secretariat.”⁶³ In fact, in answers to parliamentary questions published on 22 November 2016, the Dutch government emphasized it would continue funding the Secretariat and attached “great value” to its work.⁶⁴

Similarly, in a newsletter sent to supporters on 24 December 2017 titled “NGO Monitor Brings Down European Funding Framework”, the organization claimed that Denmark had “declared [on 22 December] it will end its funding” to the Secretariat (for more information about the IHL Secretariat, see p. 17).⁶⁵ In fact, Denmark had merely announced it would toughen criteria for financial aid to Palestinian NGOs and decrease the number of recipients.⁶⁶ Moreover, the official press release of the Danish International Development Agency (DANIDA) stated that the reduction of partners was related to professional reasons. In early 2018, the Danish Minister of Foreign Affairs reiterated that Denmark would continue supporting both Israeli and Palestinian human rights organizations and maintain the total amount of funding.⁶⁷

EIDHR | In February 2014, Gerald Steinberg claimed that one of the EU’s main assistance programs, the European Instrument for Democracy and Human Rights (EIDHR), directed more resources to the Israeli-Palestinian conflict than to other conflict areas in the world. In an op-ed published in

The Jerusalem Post, Steinberg wrote:

*"EIDHR channeled more money into Israeli-Palestinian issues than to any other country or part of the world – over €11 million. It would appear that for EIDHR, human rights violations in Syria and around the world are of relatively little importance."*⁶⁸

Steinberg's claim was factually incorrect. In a response published in The Jerusalem Post, then-EU Ambassador to Israel Lars Faaborg-Andersen presented the correct data:

*"The allegation by Prof. Steinberg that 57 percent of total funding under the EIDHR for Middle Eastern countries focused on Israel and the Palestinians is simply ludicrous. The correct figure is around one-third of that. In actual fact the annual funding provided to Israel (€ 1.2 m.) is on a par with what Croatia was receiving under the same program until it actually joined the EU last year."*⁶⁹

Faaborg-Andersen rejected Steinberg's information and arguments as *"...a cocktail of tendentious research, intentional inaccuracies and downright EU-bashing propaganda"*.⁷⁰

In a parliamentary debate on 31 January 2018, Danish Foreign Minister Anders Samuelsen said about NGO Monitor: *"The Ministry of Foreign Affairs has met with NGO Monitor both here and locally and raised the fact that the organization in many instances does not present proper and actual documentation for its claims and that in some cases there has been directly misleading information. We have also raised that the organization all in all does not have a sufficiently balanced approach, particularly since NGO Monitor itself claims to be impartial. As mentioned, the Ministry of Foreign Affairs cannot and won't react to loose accusations that aren't supported by documentation."*⁷¹

ICJ | In January 2010, Steinberg and NGO Monitor's legal adviser, Anne Herzberg, argued in an opinion article in Haaretz that the International Court of Justice (ICJ) in The Hague, in its 2004 advisory opinion about the Separation Barrier, *"denied Israel's right of self-defense and expressed no sympathy towards the victims of terrorism"*.⁷²

This assertion by Steinberg and Herzberg is fallacious. The ICJ explicitly stated: *"The fact remains that Israel has to face numerous indiscriminate and deadly acts of violence against its civilian population. It has the right, and indeed the duty, to respond in order to protect the life of its citizens."*⁷³ At the same time, the ICJ concluded that *"... the Court, from the material available to it, is not convinced that the specific course Israel has chosen for the wall was necessary to attain its security objectives"*.⁷⁴

Al Mezan | NGO Monitor argued that Palestinian organization Al-Mezan Center for Human Rights “*does not publish its annual budget or the amounts it receives*” and that its financial balances are not transparent.⁷⁵ However, Al-Mezan’s financial reporting is in accordance with the rigorous standards of the EU and in full compliance with the requirements of Palestinian law.

Under internal regulations self-imposed by Al-Mezan’s board, the organization is audited by one of the Big Four firms (Ernst & Young). Its audit reports are provided to the EU and other donors, are reviewed annually by the Palestinian Authority’s Ministry of National Economy and are available on the website of Transparency Palestine, of which Al-Mezan is a co-founder.⁷⁶

Palestinian activists | In a June 2017 report on “Spanish Funding to NGO’s Active in the Arab-Israeli Conflict”, NGO Monitor falsely claimed that two Palestinian activists, Munther Amira and Manal Tamimi, were arrested upon arriving in Barcelona for suspected terrorist activities, as they were on their way to take part in an event of the International Institute for Nonviolent Action (NOVACT).⁷⁷

No such incident took place. Amira and Tamimi were not arrested or suspected by the Spanish authorities.⁷⁸ NGO Monitor’s claim was based on an erroneous story published by Spanish TV channel Intereconomía. While Intereconomía issued a public apology to Munther Amira for spreading false allegations and information, NGO Monitor refrained from doing so, merely stating on its website that “*there remains significant confusion regarding this incident, which we have been unable to clarify.*”^{79, 80}

Yesh Din | In June 2018, NGO Monitor denounced a joint EU-funded project by Yesh Din, PHR-Israel and Breaking the Silence for being “*part of a wider ‘lawfare’ strategy of pressing ‘war crime’ cases against Israeli officials in foreign courts and in the International Criminal Court (ICC)*”.⁸¹ The only evidence cited to support this allegation was a Yesh Din fundraising document submitted separately to the UN.⁸² This document, however, contains nothing that could be reasonably interpreted as promoting international prosecution of Israelis. On the contrary, the project’s objectives state that Yesh Din “*seeks to identify and address, through legal and public advocacy, systemic failures in the military administrative and judicial procedures that stand in the way of access to justice for Palestinians.*”⁸³ The activities listed in the proposal consist of legal and public advocacy to promote accountability in the Israeli legal system and include submitting complaints to the Israeli authorities, petitioning the Israeli High Court, corresponding with authorities and accompanying victims to file complaints, as well as monitoring the implementation of military justice reforms and advocating to promote integration of international humanitarian law and international criminal law into Israeli law (see also the reference to the Turkel Commission report on p. 27).

Dismissing and distorting thorough research

As mentioned above, many of the human rights organizations attacked by NGO Monitor conduct independent, thorough field research. NGO Monitor has a long track record of easily dismissing their findings and distorting the authoritative international legal framework they apply.

For example, in July 2015, NGO Monitor claimed there was no legal basis for B'Tselem's argument that the demolition of all structures in the Palestinian village of Susiya and the eviction of its residents from their lands would constitute "forcible transfer":

*"[B'Tselem] argues without legal foundation that demolition would constitute the forcible transfer of an occupied population."*⁸⁴

However, as early as June 2013, B'Tselem published a detailed legal analysis to substantiate its claim, referencing numerous legal sources and renowned experts on international humanitarian law.⁸⁵ Moreover, an expert opinion issued in 2012 by Israeli legal scholar Prof. Eyal Benvenisti asserted unequivocally that *"anyone who commits in a territory subject to belligerent occupation an action whose result is a forcible transfer or deportation is personally responsible for committing a war crime."*⁸⁶

In 2014-2015, B'Tselem collected statistics on Palestinian casualties in Operation Protective Edge (Gaza Strip, 2014) and the number of women, children and elderly killed. The figures were collected through intensive field research over a period of a year and a half and published along with an extensive explanation of the research methodology.⁸⁷ NGO Monitor lacks the organizational infrastructure and methodological knowledge needed to contradict these data. Nevertheless, it carelessly disqualified B'Tselem's figures as "unverifiable" and thus unusable, because they were based on Palestinian sources.⁸⁸

Moreover, NGO Monitor distorted B'Tselem's data on the number of Palestinians killed during Operation Cast Lead (Gaza Strip, 2008). On its website, B'Tselem estimated that some 55% of the Palestinians killed were not involved in the fighting.⁸⁹ However, in an op-ed in The Jerusalem Post, Herzberg claimed that B'Tselem considered 75% of those killed as civilians.⁹⁰ She did so by adding to this category Palestinian police casualties, which B'Tselem had explicitly chosen to exclude from the category of civilian casualties.⁹¹

NGO Monitor also dismissed legal arguments presented in Yesh Din's report "Lacuna: War Crimes in Israeli Law and Court-Martial Rulings", which describes how Israelis charged with crimes considered by international law as amounting to war crimes are indicted of lesser offenses.⁹² Yesh Din recommended establishing special offenses for war crimes through legislation in Israeli penal and added that *"a legal system fulfilling its duty and perceived as such by external observers is of paramount interest to*

anyone who wishes to defend Israelis against foreign legal intervention”, i.e. from prosecution by the International Criminal Court or other international tribunals.⁹³

NGO Monitor framed this report as hostile ‘lawfare’ and:

“[an] attempt to brand Israel as guilty of ‘war crimes’ and the Israeli legal system as lacking accountability and not providing the right of due process. It is part of a wider ‘lawfare’ campaign promoting legal proceedings concerning ‘war crimes’ against senior Israeli officials in foreign legal tribunals and the International Criminal Court (ICC).”⁹⁴

However, the Turkel Commission (a commission of inquiry appointed by the Israeli government) adopted a similar position to that of Yesh Din and recommended that the government initiate legislation to “*explicitly absorb the international norms concerning war crimes into the law of the State of Israel.*”⁹⁵ NGO Monitor conveniently omitted this pertinent fact from its information about Yesh Din.⁹⁶

NGO Monitor has also tried to deflect criticism by human rights groups concerning the violation of the rights of Palestinian minors detained by Israel. In contrast to the detailed findings published by these groups, based on dozens of testimonies and affidavits, NGO Monitor’s position appears based on claims by Maurice Hirsch, its senior military justice consultant. Hirsch is the Israeli army’s former chief military prosecutor in the West Bank and oversaw the arrest and prosecution of Palestinian minors.

NGO Monitor has also denounced UNICEF for publishing critical reports about the detention of Palestinian minors by Israel.⁹⁷ In September 2017, NGO Monitor offhandedly dismissed UNICEF’s thorough report “*No Way to Treat a Child*” (2013), arguing that it was “*written by political and ideological actors rather than experts, [and] reflects a complete distortion of international law and of rudimentary criminal law concepts and procedures.*”^{98, 99}

An example of NGO Monitor’s tendency to fall short of the rigorous ethical standards it demands of human rights organizations is its ghost editing of Wikipedia. In 2013, Arnie Draiman, who is responsible for “online communications” at NGO Monitor, was permanently blocked by Wikipedia from the possibility of editing, after making hundreds of offensive edits on the pages of human rights groups and editing NGO Monitor’s and Gerald Steinberg’s pages, while obscuring his identity as employee of NGO Monitor, creating a conflict of interest.^{100,101}

4 / Foul tactics

This report concludes that NGO Monitor strives to disguise and downplay the human and political consequences, as well as the legal aspects of Israel's occupation and control over the Palestinian territories. To prevent a meaningful discussion about the occupation, NGO Monitor employs several tactics.

Framing the occupation as an internal Israeli affair

NGO Monitor frames the Israeli occupation of the Palestinian territories as an internal Israeli affair in which other countries must not interfere. Criticism of Israel's conduct in the Palestinian territories by human rights and civil society organizations that are funded by the international community is labelled a violation of Israel's sovereignty. It is presented as tainted by "foreign interests" and as a distortion of the domestic Israeli debate on these matters.

In a 2009 joint publication with the Institute for Zionist Strategies, NGO Monitor said:

*"There are certain NGOs that support the policy and interests of their funders, and thereby cause a substantial distortion of the exchange of ideas and internal discussion on central and important subjects. Thus, issues related to the peace negotiations, security, Israel's response to terrorist activities, settlements, the status of Palestinians who immigrate to Israel through marriage with Israeli Arabs ("the citizenship law"), and several other central issues are exposed to significant outside pressure in this process."*¹⁰²

This framing ignores Israel's international legal obligations and responsibilities as the occupying power and the commitments it undertook when ratifying international treaties and agreements. Moreover, it does not view the millions of Palestinians living under Israeli occupation as entitled to determine and shape their own future.

Branding NGOs as an existential threat in order to deflect criticism of the occupation

NGO Monitor deflects and redirects any criticism of Israel's policies and actions to the critics themselves, i.e. to the civil society organizations that criticize Israel's conduct in the occupied Palestinian territories. On its website, NGO Monitor denounces such organizations as powerful and undemocratic actors:

*"... many NGOs have large budgets and are very powerful political actors themselves. They are highly influential, affecting change in government policy through lobbying and expensive media campaigns... In addition, many NGOs receive significant funding from governments, belying claims of independence and "non-governmental" status. In fact, NGOs are non-democratic and unaccountable."*¹⁰³

According to NGO Monitor, the UN-sponsored World Conference against Racism in 2001 (in Durban, South Africa) was a turning point. NGO Monitor frames the final statement of the more than 1.500 participating NGOs as an attack on Israel's existence:

*"This plan of attack, or 'Durban Strategy' represents a shift in the war against Israel – from attempts to destroy Israel through military power and terror attacks, to a "soft power" political war aimed at erasing Israel through "non-violent" means."*¹⁰⁴

On its website, NGO Monitor describes the tactics NGOs have been using ever since:

*"NGOs utilize many different tactics to delegitimize and demonize Israel, depending on their budget, standing, and capacity within the powerful NGO network. This political warfare, in line with the Durban Strategy, is based on the exploitation of human rights, double standards, use of apartheid rhetoric, and false accusations of war crimes. The most common tactic is BDS – Boycotts, Divestment, and Sanctions."*¹⁰⁵

Another tactic highlighted by NGO Monitor is 'lawfare':

*"'Lawfare' is the exploitation of courts and international legal bodies to judicially impose boycotts and embargoes, and interfere with Israel's diplomatic and foreign relations. NGOs engaging in lawfare seek arrest warrants against Israeli officials for anti-terror operations; file lawsuits against companies and governments doing business with Israel; lobby for cases against Israelis at the International Criminal Court; and delegitimize the Israeli Supreme Court. NGOs utilize international legal rhetoric in their campaigns to add a veneer of credibility and expertise to their political objectives. They routinely distort existing international law and also try to invent new standards in order to portray Israel as an illegal aggressor and guilty of war crimes."*¹⁰⁶

The a-priori definition of 'lawfare' exclusively as legal activity that opposes the positions and policies of the Israeli government is an ideological position. This definition and interpretation is justified by a theme emerging from many of NGO Monitor's publications: that allegations that Israel violates international law are based on wrong information and/or a distorted legal analysis. The possibility that Israel may have violated international law does not exist in this framework, which generally describes Israeli actions as 'anti-terror operations'.¹⁰⁷

Accordingly, NGO Monitor ignores the extensive use of legal instruments by organizations that promote the agenda of the Israeli government, such as Shurat HaDin and Regavim. As a matter of fact, NGO Monitor itself deployed 'lawfare' when it (unsuccessfully) sued the European Commission (see box below) and when it filed an amicus curiae brief in the lawsuit submitted by Human Rights Watch and its Israel and Palestine director Omar Shakir against the Israeli government's decision to deport Shakir from Israel.¹⁰⁸

In January 2010, NGO Monitor president Gerald Steinberg filed a lawsuit at the European Court of Justice (ECJ) against the European Union. He did so to force the EU to disclose detailed internal information about its grants to Israeli and Palestinian NGOs, provided as part of two programs, the Partnership for Peace and the European Instrument for Democracy and Human Rights. Steinberg argued that there was an overriding public interest for disclosure, challenging the European Commission's refusal to disclose the documents on the grounds that "disclosure would undermine the protection of the public interest as regards public security" in addition to "privacy" and "commercial interests".¹⁰⁹ Repeatedly emphasizing that Steinberg's claims were "manifestly unfounded" and "manifestly lacking any foundation in law", the ECJ rejected his case and charged Steinberg with the legal fees.¹¹⁰

NGO Monitor uses the Durban statement, the BDS movement and what it calls 'lawfare' to attack and discredit critics of Israel's 50-year old military occupation. In fact, its publications entirely ignore the disastrous consequences of the settlement policy and the blockade of the Gaza Strip; of two legal systems in the West Bank, one with full rights for Jewish-Israeli settlers and the other highly oppressive for Palestinians; of the large-scale theft of the Palestinians' land and natural resources; of the discriminatory planning policy that blocks any possibility of sustainable development for Palestinians; and of the near-total impunity of Israelis who have done harm to Palestinians, even when strong suspicions exist that grave violations of human rights and humanitarian law have been committed.

NGO Monitor's denial of the occupation and its consequences is accompanied by false and misplaced 'neutrality' concerning the political context in which they occur. Olga Deutsch, head of the organization's Europe desk, claims her organization adopts a neutral position on the core issues of the Israeli-Palestinian conflict:

*"As a non-partisan organization, NGO Monitor holds no political position regarding a resolution of the conflict, including issues of borders, settlements, or the status of Jerusalem."*¹¹¹

This is highly misleading. NGO Monitor may not explicitly pronounce a political position, but in reality, it actively facilitates and promotes positions and policies of the Israeli government that have a tremendous impact on the Israeli-Palestinian conflict and on the prospects for its resolution.

Using BDS to defame Palestinian and Israeli NGOs

NGO Monitor relentlessly attacks the professional reputation and integrity of human rights activists and civil society organizations that criticize Israel's occupation and that expose the violations of human rights law and international humanitarian law it entails. Often, the attacks are personal and designed to 'kill the messenger'.

NGO Monitor directs these attacks mainly at Palestinian civil society organizations and employs two main tactics to hurt them. First, it demonizes NGOs that have endorsed BDS, i.e. the Palestinian-led 'Boycott, Divestment and Sanction' international movement that pressures Israel to end its violations of international law. NGO Monitor denounces BDS as 'political warfare' and frames it as antithetical to universal human rights.¹¹²

A majority of Palestinian civil society organizations signed the BDS Call issued in 2005, including many that do not actively promote BDS.¹¹³ Among the signatories are several NGOs that receive European funding. NGO Monitor calls this funding a "*BDS sewer system*", using an incendiary rhetoric that it is quick to accuse others of employing.¹¹⁴

EU High Representative for Foreign Affairs Federica Mogherini and several European governments have distanced themselves from the BDS movement. NGO Monitor has tried to capitalize on this, calling on the EU and its member states to categorically defund NGOs that support BDS.

However, Europe has refrained from giving in to this pressure, considering that opinions and activities in the context of BDS are protected by freedom of expression and freedom of association.¹¹⁵ While the EU does not fund any BDS activities, it has not withdrawn funding from Palestinian NGOs whose core business is, for example, advocating for child rights, promoting gender equality and developing agricultural land, and that signed the BDS Call.

It should be emphasized that NGO Monitor's demonization and instrumentalization of BDS also targets NGOs that merely support a boycott of settlement products and the EU's own policy of differentiation between Israel and the settlements, which was also called for by UN Security Council Resolution 2334.¹¹⁶ This is an intentional conflation of actors favoring an all-out boycott and sanctions against Israel with those that support selective measures targeting Israel's settlements and occupation only.

NGO Monitor has also tried to frame Israeli human rights defenders and civil society organizations as supporters of BDS, resorting to guilt-by-association. Any contact with activists or groups that support BDS is used to frame them as having joined the BDS movement.

For example, NGO Monitor accused Israeli human rights lawyer Michael Sfard of being a "BDS lawyer".¹¹⁷ However, Sfard had merely delivered a lecture at an event organised by Jewish Voice for Peace and Students for Justice in Palestine, two US groups that have endorsed BDS.¹¹⁸

In addition, NGO Monitor has falsely claimed that Breaking the Silence supports BDS, with reference to events where activists of Breaking the Silence spoke beside groups like Open Shuhada Street, which support BDS.¹¹⁹ NGO Monitor also accused Breaking the Silence of providing "ammunition" for BDS campaigns, 'lawfare' and other activities aimed at delegitimizing and isolating Israel.¹²⁰

NGO Monitor promoted motions in several European states against Israeli and Palestinian NGOs. In Switzerland, it pushed for a motion aimed at cutting Swiss funding, which was submitted in April 2016.¹²¹ The motion proposed distorted definitions of incitement to hatred and of BDS. Incitement was defined as including any criticism that could be *“considered offensive to sovereign states”*. BDS was broadly interpreted as *“any notion of boycott, divestment or sanctions against rival groups or sovereign states”*.

In March 2017, the motion was adopted by the Lower House of the Swiss parliament. In June 2017, however, the Upper House revised it and removed references to BDS and the so-called *“offensive actions”* – noting that *“the fact that a despotic head of state is offended by an NGO supported by Switzerland should not be a criterion governing the commitment of Switzerland”*.¹²²

The Swiss Minister of Foreign Affairs welcomed the introduction of amendments, noting that the original text would have *“swept away any possibility for civil society to criticize governments”*, while highlighting that the debate was already taking place in a context of shrinking space for civil society. The Lower House adopted the amended motion on 27 September 2017.¹²³

In the Netherlands, NGO Monitor publicly claimed success after a parliamentary motion was adopted in June 2016 calling on the Dutch government to *“terminate as soon as possible the direct or indirect financing of organizations which on basis of their objectives or by their activities pursue or promote a boycott of or sanctions against Israel, in particular of those organizations that play a lead role in this”*.¹²⁴

The Dutch government rejects BDS, but defended the right to BDS and refrained from implementing the motion. In May 2016, it clarified its position on BDS and funding: *“The movement which calls for “Boycott, Divestment and Sanctions” (BDS movement) is supported by a large number of [Palestinian] NGOs. The fact that they do constitutes for the government no rejection criterion for funding, considering that statements or gatherings of the movement are protected by freedom of expression and freedom of association, as enshrined in the Dutch Constitution and the European Convention on Human Rights.”*¹²⁵

Accusing Palestinian NGOs of “terrorist affiliations”

The second main tactic that NGO Monitor employs to defame and undermine Palestinian NGOs is associating them with armed groups, in particular by claiming they have ties with the Popular Front for the Liberation of Palestine (PFLP).¹²⁶

Israel defines the PFLP as an “unlawful association” and considers all its activities, including political or charitable, to be terrorist activity.¹²⁷ The US and the EU also define the PFLP as a terrorist organization.¹²⁸

NGO Monitor uses the listing of the PFLP as a terrorist organization to accuse anyone who politically identifies with the PFLP of involvement with terrorism. It does not differentiate between the militant arm of the PFLP and the group's political wing. The latter participated in the 2006 Palestinian parliamentary elections – with Israel's knowledge and consent.¹²⁹

NGO Monitor says it has exposed ties between Palestinian NGOs and the PFLP that range from *"establishment and operation by the PFLP itself to NGO officials and staffers being convicted of terrorism charges by Israeli courts"*.¹³⁰ In this context, it lists at least eight Palestinian NGOs. However, it does not present any evidence that the accused organizations ever participated in terrorist activities or violence. It also does not explain how the organizations' work – field research, documentation, legal work, international advocacy – is in any way related to terrorism.

NGO Monitor's accusations are largely based on outdated information, some dating as far back as the 1970s and 1980s, selective internet inquiries and accusations of guilt-by-association. Employees of those organizations are often accused of being "affiliated", "linked" or with "alleged ties", sometimes via relatives, to terrorist organizations and/or their leaders. The word "alleged" and its synonyms are generally included, presumably to avoid legal action by organizations falsely accused.¹³¹

In a parliamentary debate on 15 November 2017, former Dutch Foreign Minister Halbe Zijlstra addressed NGO Monitor and dismissed its approach and PFLP-related allegations. He said:

*"Let it be clear that we have no evidence showing that Dutch-sponsored NGOs or their board members in Israel or other countries have been guilty of activities that can be characterized as terrorism. If you say that it concerns terrorism, this has far-reaching consequences. This really has to be done carefully, with due regard for the rights of the people and organizations. The source of the accusation was usually NGO Monitor. I say it very simply: honestly, it is of little use to me. Very often, it concerns very vague accusations. For example, someone would be a relative of a PFLP member. The accusations are at such a level. Indeed, Ms. President [of the House], this is no reason to characterize organizations as supporting terrorist organizations. If this were to be determined, then there is no doubt that action would be taken. But such an accusation deserves careful substantiation and that is lacking. Then we shouldn't go along with such images."*¹³²

NGO Monitor has used the allegation of links with the PFLP to defame several Palestinian organizations. It should be noted that with very few exceptions, no trials or formal indictments have been initiated by Israeli authorities against employees or board members of Palestinian organizations relevant

to NGO Monitor's accusations and relating to the period of their involvement in the organizations.

Moreover, no legal action was ever taken by the EU under its counter-terrorism policy when employees or board members of the accused organizations visited Europe, although European police and judicial authorities have competence over the matter.¹³³

Under the EU's counter-terrorism legislation, the PFLP is subject to an asset freeze, which ensures that no funds, financial assets and economic resources can be made available to them, directly or indirectly.¹³⁴ This is inconsistent with NGO Monitor's allegation that *"[s]everal NGOs with links to terrorist groups receive major funding from European governments... There is no evidence that these links are considered in the funding processes of the donor governments."*¹³⁵

As beneficiaries of EU funding, these NGOs must comply with the EU's stringent transparency and accountability rules to prevent aid diversion, including terrorism financing and fraud. These include compulsory financial audits by independent accounting firms, selected and paid for by the EU, which scrutinize and certify all project-related expenditure. They are expected to report on any suspected breaches of EU anti-money-laundering and counter-terrorism financing legislation.¹³⁶

It falls outside the scope of this report to address all of NGO Monitor's allegations against Palestinian NGOs and their employees and board members, concerning ties with the PFLP. Furthermore, the report does not pretend that all allegations are irrelevant and invalid.

This section aims to demonstrate how NGO Monitor constructs and spins misleading and malicious accusations against specific individuals, in order to fabricate a claim that Palestinian NGOs function as a sort of European-funded 'front' for the PFLP. Below three cases that illustrate this modus operandi.

Palestinian Center for Human Rights (PCHR) | PCHR was established in 1995 by a group of Palestinian lawyers and human rights activists and is dedicated to protecting human rights, promoting the rule of law and upholding democratic principles in the occupied Palestinian territories. Most of PCHR's activities focus on the Gaza Strip, where it is based.

NGO Monitor has concentrated its attacks on general director Raji Sourani, whom it accuses of "PFLP ties".¹³⁷ As 'evidence', NGO Monitor quotes an interview with Sourani published in 1995, suggesting that Sourani admitted in the interview that he served *"a three-year sentence imposed by an Israeli court which convicted him of membership in the illegal Popular Front for the Liberation of Palestine"*. However, this ascribed quote is in fact taken from the journalist's introduction to the interview with Sourani.¹³⁸ Moreover, NGO Monitor omits a crucial clarification by the journalist: that *"he [Sourani] is no longer affiliated"* with the PFLP.¹³⁹

NGO Monitor's second piece of "evidence" concerns a public ceremony organized in Gaza by the PFLP, honoring Sourani for winning the "Alternative Nobel Prize". NGO Monitor fails to explain how this event proves that Sourani and/or PCHR are institutionally affiliated with the PFLP.

NGO Monitor also states that Sourani was denied a US entry visa in 2012.¹⁴⁰ It fails to mention that he received a visa and freely visited the US in 2016. This would have been unthinkable had there been any evidence of illegal activity.¹⁴¹

NGO Monitor also refers to a travel ban imposed on Sourani from 1977 to 1990, three more imprisonments in the 1980s and a restriction on legal work in 1986 and 1987, all based on information provided publicly by Sourani himself and by PCHR. None of this information contains any evidence that Sourani has been affiliated with the PFLP since establishing PCHR in 1995.

Moreover, since his imprisonment in 1979, the Israeli authorities have never formally charged Sourani with any crime. Israel has not imposed any travel restrictions on Sourani since 1990 and he left Gaza via Israel on several occasions.¹⁴²

Sourani is an internationally recognized human rights defender. In 1979, he was imprisoned by Israel and tortured during his three-year sentence.¹⁴³ While held in administrative detention in 1988, he was named Prisoner of Conscience by Amnesty International. Sourani received the Robert F. Kennedy Human Rights Award in 1991 and the Right Livelihood Award in 2013.

PCHR holds Special Consultative Status with the Economic and Social Council (ECOSOC) of the United Nations and is an affiliate of the International Commission of Jurists and the International Federation for Human Rights (FIDH). It is a recipient of the 1996 French Republic Award on Human Rights and the 2002 Bruno Kreisky Award for Outstanding Achievements in the Area of Human Rights.

Al-Haq | Since its establishment in 1979, Al-Haq has promoted and protected human rights and the rule of law in the occupied Palestinian territories. Al-Haq has around 35 staff members. NGO Monitor concentrates its attacks on general director Shawan Jabarin, whom it accuses of *"alleged ties to the PFLP terrorist organization"*. To support this allegation, it references a "1995 Israeli submission to the UN". The document linked by NGO Monitor is in fact a decision from November 1994 by the UN Working Group on Arbitrary Detention concerning several detentions of Jabarin by Israel, which refers to the Israeli government's submission.¹⁴⁴

All PFLP-related allegations against Jabarin echoed by NGO Monitor based on this source concern claims by the Israeli government. The UN Working Group merely reported these claims and did not confirm any of them. In this context, it wrote that *"in 1985, Jabarin was brought to trial" and "apparently convicted for recruiting new members for the PFLP and for arranging guerilla training outside of Israel. He was apparently sentenced to 24 months imprisonment, 9 months of which were served and 15 months suspended."*

The main point and concern of the UN Working Group related, however, to Israel's failure to bring Jabarin to trial on six other occasions when he was detained and periodically held in administrative detention. On its website, NGO Monitor omits this crucial information from the very source it uses to associate Jabarin with the PFLP.

The UN Working Group argued that the Israeli government "is obliged to charge and bring Mr. Jabarin to trial in the event it chooses to arrest him" and that *"the exercise of the power of administrative detention is not preventive but punitive"*. The UN Working Group thus decided that *"[t]he detention of Mr. Sha'b an [sic] Rateb Jabarin on all previous occasions when he was not brought to trial and since 21 June 1994 is declared to be arbitrary being in contravention of articles 9 and 10 of the Universal Declaration of Human Rights, and articles 9 and 14 of the International Covenant on Civil and Political Rights."*¹⁴⁵

Instead of transparently citing this important information, NGO Monitor relies on "secret information" and unverifiable claims by the Israeli government, such as that Jabarin *"had not discontinued his terrorist involvement and maintains his position in the leadership of the PFLP."*¹⁴⁶ Conveniently, NGO Monitor fails to mention that since his appointment in 2006 as director of Al-Haq, Israel has not arrested or charged Jabarin.

NGO Monitor also relies on the Israeli Supreme Court, which in decisions, based on secret evidence that his lawyers were prohibited from seeing, accused Jabarin of *"apparently acting as a manner of Doctor Jekyll and Mister Hyde" and denied petitions by him in 2007 and 2009, arguing "that the material pointing to the petitioner's involvement in the activity of terrorist entities is concrete and reliable material."*¹⁴⁷ The underlying evidence has never been disclosed to Jabarin.

Furthermore, NGO Monitor cites a travel ban that Israel imposed on Jabarin. The ban was only imposed after his appointment in 2006 as Al-Haq's general director. Previously, Jabarin had freely travelled abroad on several occasions between 1999 and 2006 – another fact that NGO Monitor omits. NGO Monitor also does not mention that the travel ban was lifted in 2012 and that Jabarin has been free to travel abroad ever since, crossing Israeli-controlled borders every time he does so.

Jabarin was Amnesty International's first Palestinian Prisoner of Conscience. In 1989, he was arrested and violently beaten by Israeli soldiers. Complaints by human rights organizations and an intervention by former US President Jimmy Carter triggered an investigation into the incident by the military police. Based on its findings, the Israeli Military Advocate General ordered that one soldier be court-martialled and an officer and another soldier subjected to disciplinary proceedings.¹⁴⁸

Jabarin has been awarded the Reebok Human Rights Award. He is Secretary-General of the International Federation of Human Rights, a Commissioner of the International Commission of Jurists and a member of the Advisory Board of Human Rights Watch.

Like PCHR, Al-Haq holds Special Consultative Status with the Economic and Social Council (ECOSOC) of the United Nations and is an affiliate of the International Commission of Jurists and the International Federation for Human Rights (FIDH). It is the recipient of several human rights awards, including the Dutch Geuzenpenning and the Danish PL Foundation Human Rights Award.

Addameer | Addameer was established in 1992 to support Palestinian prisoners held in Israeli and Palestinian prisons. It offers legal aid to prisoners, advocates for their rights at the national and international level and works to end torture and other violations of prisoners' rights through monitoring, legal procedures and solidarity campaigns.¹⁴⁹

Addameer is a primary target of NGO Monitor, which goes so far as to accuse it of being *"an official PFLP affiliate"*.¹⁵⁰ To support this allegation, NGO Monitor references a website of the Fatah party.¹⁵¹ However, the website does not provide any evidence confirming that Addameer is institutionally affiliated with the PFLP and no explanation is given why it qualifies as an authoritative and reliable resource. NGO Monitor itself does not offer any evidence to that end.

Moreover, NGO Monitor omits that Addameer denies affiliations with any political party, including the PFLP. Addameer is a legal organization that promotes the rights of all Palestinian prisoners. All of Addameer's publications and campaigns are available on its website and show no ties to the PFLP. Its official registration with the Palestinian Ministry of Interior confirms it is an independent NGO.

NGO Monitor's allegations have largely been directed at Khalida Jarrar, *"a senior PFLP official"* according to NGO Monitor. Jarrar is Addameer's former director and vice-chairperson and admits to being a PFLP member. In 2006, she was elected on behalf of the PFLP as a member of the Palestinian Legislative Council (parliament). Before becoming a member of parliament, she resigned as Addameer's director and joined the organization's board, until leaving the organization in 2017.

In April 2015, Jarrar was arrested and placed in administrative detention. In December 2015 she accepted a plea bargain and was convicted for belonging to an illegal organization – the PFLP.¹⁵² All of her alleged offenses relate exclusively to political activism outside her past work for Addameer.

NGO Monitor has hurled more accusations. Addameer's chairperson Abdullatif Ghaith is accused of *"alleged membership in the PFLP"*.¹⁵³ However, NGO Monitor presents no evidence linking him to the PFLP, other

than a travel ban imposed by Israel on the basis of secret information, and a marginal reference in an article by a Palestinian NGO.¹⁵⁴ Since his release from prison in the 1970s, Ghaith has not been convicted by an Israeli court.

NGO Monitor writes that Addameer's board member Yousef Habash *"is apparently the nephew of PFLP founder George Habash"*. However, according to Addameer, Yousef Habash is not the nephew of or in any other way directly related to George Habash.¹⁵⁵ NGO Monitor provides no evidence of any links between Yousef Habash and the PFLP.

It has also targeted Salah Hamouri, a field researcher at Addameer. In August 2017, Hamouri was placed in administrative detention. NGO Monitor mentions his arrest but omits that Hamouri was imprisoned on the basis of secret information and without charge and trial. According to Addameer, *"no evidence or real claims were made against Salah"* and *"the only arguments mounted related to events that took place over 12 years ago"*.¹⁵⁶ This refers to an earlier prison sentence of Hamouri, after he had been convicted of *"attempting to assassinate Ovadia Yosef...and for his involvement with the Popular Front for the Liberation of Palestine"*. No evidence is presented by NGO Monitor that Hamouri is currently affiliated with the PFLP.

Moreover, NGO Monitor lists Addameer's researcher Ayman Nasser, who was arrested by Israel in October 2012. NGO Monitor writes that *"the Judea Military Court convicted Nasser, who admitted to being a member of the terrorist organization and for providing services to the organization."* It references a statement by Amnesty International that contains vital information relevant to Nasser's confession and conviction, which NGO Monitor omits. Amnesty International wrote:

*"The most serious allegations concern the case of Addameer researcher and human rights defender Ayman Nasser. According to his lawyer, he was tortured during interrogation following his arrest by Israeli forces on 15 October 2012. He told his lawyer that he was interrogated for up to 20 hours every day and that during the interrogation he was kept in a stress position on a chair with his hands tied behind his back. He was convicted by an Israeli military court in November 2012 on charges including membership of the PFLP and carrying out activities in support of Palestinian prisoners. He spent a year in prison and was released on 21 October 2013."*¹⁵⁷

During Nasser's 2012 detention, Israeli authorities charged him with membership in an illegal organization, i.e. the PFLP. They did not charge him or produce any evidence tying Nasser to terrorist activity or violence.

Another Addameer staffer listed by NGO Monitor is lawyer Anas Barghouti. NGO Monitor writes that in February 2017, Barghouti *"pleaded guilty to membership in the PFLP"*. However, it omits that Barghouti denied both charges against him – being a member of the PFLP and leading demonstrations against Israeli policies.¹⁵⁸ It also omits the fact that

Barghouti accepted the plea bargain to end a nearly three-and-a-half year legal ordeal and forgo a prison sentence.¹⁵⁹

Finally, Sumoud Saadat (field researcher) and Suha Barghouthi (board member) are listed, merely because Saadat is the daughter of PFLP Secretary General Ahmad Saadat and Barghouthi is the wife of *“reported PFLP member Ahmed Qatamesh”*. This is pure guilt-by-association: NGO Monitor offers zero evidence tying either Saadat or Barghouthi, who have never been charged or convicted by the Israeli authorities, to the PFLP.

As mentioned before, none of the above implies that all of NGO Monitor’s allegations are irrelevant and invalid. It does illustrate the recklessness, means of deception and bad faith that serve NGO Monitor to fabricate grave allegations against a vast number of Palestinian NGOs and their employees and board members, in order to fatally damage their reputation and credibility and embarrass their donors.

Notes

¹ See NGO Monitor's website: <http://www.ngo-monitor.org/about/faqs>.

² Amal Jamal, "The Rise of "Bad Civil Society" in Israel, Nationalist Civil Society Organizations and the Politics of Delegitimization", SWP Comment 2018/C 02, January 2018, <https://www.swp-berlin.org/en/publication/israel-the-rise-of-bad-civil-society>.

³ See <http://www.ngo-monitor.org/about/faqs>. The organization's spokesperson, Hodaya Shahar, laid out in an article in Ha'aretz her version of the organization's mission: "The goal of NGO Monitor is to advance a public debate on the reports and activities of non-governmental organizations active in the Arab-Israeli conflict, and claiming to promote humanitarian agendas." Hodaya Shahar, "For the attention of B. Michael, we are not 'far right'", Ha'aretz, 3 July 2017: <https://www.haaretz.co.il/opinions/1.4223390> (Hebrew).

⁴ Originally, NGO Monitor was described as one of JCPA's "cutting-edge programs to present Israel's case to the world". About JCPA, see: <https://web.archive.org/web/20100216001106/http://www.jcpa.org/about-jun04.htm> and <http://www.geraldsteinberg.com/home.html>.

⁵ Zvika Klein, "Governments in Europe have no idea where the money goes," Makor Rishon, 18 June 2017: <http://www.nrg.co.il/online/1/ART259/882/2.html> (Hebrew). Harry Wechsler. Obituary, New York Times, 2 July 2017, see: <http://www.legacy.com/obituaries/nytimes/obituary.aspx?pid=185969547>. "NGO Monitor Mourns the Passing of Dr. Harry Wechsler", 3 July 2017, see: <https://www.ngo-monitor.org/ngo-monitor-mourns-passing-dr-harry-wechsler>. See also Uri Blau, "The NGO that monitors leftist organizations does not want you to know who its donors are", Ha'aretz, 10 February 2012: <https://www.haaretz.co.il/magazine/1.1636887> (Hebrew) and <https://972mag.com/questions-regarding-foreign-influence-transparency-of-ngo-monitor/35854>.

⁶ Section 4 in the minutes of the board meeting of the Jerusalem Center for Public Affairs from 4 January 2005, available via the Israeli Registrar for non-profits.

⁷ See <https://www.ngo-monitor.org/expert/gerald/>. See also Gerald Steinberg's CV on the website of Bar Ilan University: <https://faculty.biu.ac.il/~steing/conflict/CV.pdf>; his CV on the website of the Ariel Center for Policy Research: <http://www.acpr.org.il/authors/steinberg-g.htm>; and a description of his activities: <http://www.onlineopinion.com.au/author.asp?id=4345>.

⁸ Chaim Levinson, "In Israel, a Different Fate for Detained Palestinian Youths", Ha'aretz, 23 May 2014: <https://www.haaretz.com/israel-news/.premium1.592352>. "Two Palestinian women will be tried this week for non-violent demonstration", B'Tselem, 7 July 2013: http://www.btselem.org/press_releases/2013007_military_tries_noneviolent_demonstarators. Chaim Levinson and Nir Hasson, "Military prosecution makes effort to find offenses to justify the jailing of Palestinians released in the Shalit deal", Ha'aretz, 18 July 2014: <https://www.haaretz.co.il/news/politics/.premium-1.2380453> (Hebrew). Chaim Levinson, "Army's request to re-imprison acquitted Palestinian detainee denied: 'tainted with injustice'", Ha'aretz, 25 May 2016: <https://www.haaretz.co.il/news/politics/.premium-1.2955779> (Hebrew). Chaim Levinson, "Palestinian Activist Must Be Jailed to Keep Him Away From 'Bacterial Surroundings, IDF Prosecutor Says," Ha'aretz, 13 June 2016: <https://www.haaretz.com/israel-news/1.724761>. Noam Rotem and John Brown, "Children's detention, imprisonment without trial and incriminations: meet the prosecutor general in the territories", Mekomit, 22 May 2016: <https://mekomit.co.il/%D9%7E%D%95%7D%7A%8D%99%7D%7A%1D%94%7D%99%7D%7A%8D%7A9> (Hebrew).

⁹ See <http://www.leumiliberali.com/2016/07/28/%D7%94%D7%9B%D7%99%D7%A8%D7%95-%D7%90%D7%AA-%D7%94%D7%9C%D7%99%D7%9B%D7%95%D7%93%D7%A0%D7%99%D7%A7%D7%99%D7%AA-%D7%94%D7%95%D7%93%D7%99%D7%94-%D7%A9%D7%97%D7%A8> (Hebrew). See Hodaya Shahar Facebook post on October 15, 2016, which references an interview with the director of B'Tselem on Channel 2, with her own headline: "Who wants to count how many times he says "occupation" in this interview? Haggai Elad – director of B'Tselem – a fifth column": <https://www.facebook.com/hodaya.shahar/posts/10210911476361734> (Hebrew). And another post by Shahar on May 8, 2017 responding to comments by Knesset member Aida Touma Suleiman: <https://www.facebook.com/hodaya.shahar/posts/10213151768887647> (Hebrew).

¹⁰ Kuperwasser is listed on the Hebrew version of NGO Monitor's website, see: <https://www.ngo-monitor.org.il/about/boards/amutah>.

¹¹ Minister of Strategic Affairs Gilad Erdan said about the funding for Kela Shlomo, that "the activity that will be carried out by this dedicated body demands an extra-governmental discourse", or in other words, a GONGO (government-organized non-governmental organization). See Noa Landau, "Israel Sets Up Secret Firm With Top Ex-generals, Envoys for Online 'Mass Awareness' Campaign 'To Fight Delegitimization'", <https://www.haaretz.com/israel-news/.premium-ex-diplomats->

[generals-in-state-funded-firm-to-clear-israels-name-1.5729945](#). See also: David Horowitz, "BDS is a dirty business. Those who battle it on Israel's behalf must stay clean", Times of Israel, 17 June 2018, <https://www.timesofisrael.com/bds-is-a-dirty-business-those-who-battle-it-on-israels-behalf-must-stay-clean/>.

¹² See <http://jcpa.org/the-jerusalem-center-experts/> (checked 13 March 2018).

¹³ For the report of the Commission to Examine the Status of Building in Judea and Samaria, 21 June 2012: <http://www.pmo.gov.il/Documents/doch090712.pdf> (Hebrew). For the official English summary, see: <http://www.pmo.gov.il/English/MediaCenter/Spokesman/Documents/edmundENG100712.pdf>. See also Chaim Levinson and Tomer Zarchin, "The Outpost Commission: Israel is not an occupying force, the outposts must be legalized", Ha'aretz, 9 July 2012: <https://www.haaretz.co.il/news/politics/1.1751505> (Hebrew).

¹⁴ See <http://jstreet.org/press-releases/pro-israel-jewish-organizations-condemn-appointment-john-bolton/#.WsDMclhublU>.

¹⁵ See <http://www.ngo-monitor.org/about/boards>.

¹⁶ See <https://www.ngo-monitor.org/justice-elyakim-rubinstein>.

¹⁷ See the research database on NGO Monitor's website: <https://www.ngo-monitor.org/ngos>.

¹⁸ See <https://www.ngo-monitor.org/ngos/>.

¹⁹ Peace Now report by Ilan Sheizaf and Elad Vilner, "Funding Sources and Transparency For Nine Associations Identified with the Israeli Right Wing", December 2015: <http://peacenow.org.il/wp-content/uploads/2018/04/Right-Wing-Funding.pdf>. See also: <http://www.jpost.com/Israel-News/Right-wing-NGO-using-Israeli-state-funds-to-fight-govt-in-High-Court-514820>, <https://www.haaretz.com/israel-news/israeli-right-wing-ngo-regavim-gets-millions-of-shekels-in-public-fund-1.5744933> and <http://peacenow.org.il/en/our-taxes-are-funding-right-wing-terrorists>.

²⁰ See <https://www.ngo-monitor.org/about/faqs/>.

²¹ See https://www.ngo-monitor.org/press_conference_unveils_updated_lawfare_monograph/.

²² See <https://euobserver.com/foreign/30383>.

²³ A copy of the email exchange organizing the meeting is in the possession of the researcher.

²⁴ See <https://twitter.com/EmmanuelNahshon/status/873807255774400512>, <https://twitter.com/EmmanuelNahshon/status/873895859292966914> and <https://twitter.com/EmmanuelNahshon/status/873897361428414464>.

²⁵ Personal communication with EU official in 2018.

²⁶ See http://www.ngo-monitor.org/data/images/File/NGOMannual_report2015.pdf.

²⁷ NGO Monitor, Annual Report 2016: http://www.ngo-monitor.org/nm/wp-content/uploads/2017/01/NGOM-Annual-report_final.pdf. NGO Monitor's annual report for 2015 names three government ministries: Foreign Affairs, Justice and Strategic Affairs that used NGO Monitor's publications to "confront BDS and challenge European governments that provide NGO funding", see http://www.ngo-monitor.org/data/images/File/NGOMannual_report2015.pdf.

²⁸ The report "The Money Trail" can be found at: <http://eipa.eu.com/publicaffairs/2018/05/25/the-money-trail-the-millions-given-by-eu-institutions-to-ngos-with-ties-to-terror-and-boycotts-against-israel-an-in-depth-analysis/>.

²⁹ Noa Landau, "EU blasts Israeli minister: You feed disinformation and mix BDS, terror", Haaretz, 17 July 2018, <https://www.haaretz.com/israel-news/.premium-eu-s-mogherini-to-israeli-minister-you-feed-disinformation-1.6280308>.

³⁰ See <https://www.ngo-monitor.org/press-releases/ngo-monitor-statement-on-response-of-eu-vice-president-mogherini-to-minister-erdan-on-the-issue-of-ngo-funding/>.

³¹ "The First 15 Years: Expanding Influence, Generating Results", NGO Monitor, 2017, p. 33: <http://www.ngo-monitor.org/nm/wp-content/uploads/08/2017/NGOMonitor-at-15-Years.pdf>.

³² "Midyear Report, January-July 2017 Achievement and Successes", NGO Monitor, p. 1, <http://www.ngo-monitor.org/nm/wp-content/uploads/2017/07/Midyear-Report-2017.pdf>.

³³ Barak Ravid, "After Pressure From Israel, Denmark Reexamining Donations to Palestinian NGOs", Ha'aretz, 30 May 2017, <https://www.haaretz.com/israel-news/1.792817>.

- ³⁴ Personal communication with sources. See additionally “Danish Funding Update 2016”, 6 December 2016, <https://www.ngo-monitor.org/reports/danish-funding-update-2016>.
- ³⁵ Jacob Burns, “Palestinian rights groups accuse Israel of smear campaign”, Middle East Eye, 2 July 2017: <http://www.middleeasteye.net/news/palestinian-human-rights-groups-struggle-remain-afloat-amid-israeli-smear-campaign1552795311->.
- ³⁶ Zvika Klein, “Governments in Europe have no idea where the money goes”, Makor Rishon, 18 June 2017, <http://www.nrg.co.il/online/1/ART259/882/2.html> (Hebrew). “The First 15 Years: Expanding Influence, Generating Results”, NGO Monitor, 2017, p. 33: <http://www.ngo-monitor.org/nm/wp-content/uploads/08/2017/NGOMonitor-at-15-Years.pdf>. For the wording of the law of the duty of disclosure applying to anyone supported by a foreign state entity see: <http://www.justice.gov.il/Units/RasutHataagidim/ChukimTakanot/DisclosureRequirement.doc> (Hebrew).
- ³⁷ Schedule of Minister of Intelligence and Strategic Affairs Yuval Steinitz, March 2014. Schedule of Justice Minister, May-October 2015.
- ³⁸ Gil Hoffman, “Meet the Anglos who whisper in the ears of Israel’s Leaders”, The Jerusalem Post, 4 October 2017, <http://www.jpost.com/Magazine/Anglos-with-influence506566->.
- ³⁹ Barak Ravid and Jonathan Lis, “Lapid’s Trip to Spain Sponsored by Group That Attacks Israeli Human Rights Organizations”, Ha’aretz, 28 June 2017, see <https://www.haaretz.com/israel-news/.premium-1.798185>.
- ⁴⁰ See for example: Lahav Harkov, “Lapid with reservists: Breaking the Silence crossed from criticism to subversion”, The Jerusalem Post, 20 December 2015, <http://www.jpost.com/Israel-News/Politics-And-Diplomacy/Lapid-with-reservists-Breaking-the-Silence-crossed-from-criticism-to-subversion-437862>.
- ⁴¹ NGO Monitor, Annual Report 2016, see: http://www.ngo-monitor.org/nm/wp-content/uploads/2017/01/NGOM-Annual-report_final.pdf. NGO Monitor’s annual report for 2015 names three government ministries – Foreign Affairs, Justice and Strategic Affairs – that used NGO Monitor’s publications to “confront BDS and challenge European governments that provide NGO funding”, see http://www.ngo-monitor.org/data/images/File/NGOMannual_report2015.pdf.
- ⁴² See https://www.ngo-monitor.org/funder/human_rights_and_international_humanitarian_law_secretariat_denmark_sweden_switzerland_and_the_netherlands0/ and <https://www.ngo-monitor.org/reports/human-rights-international-humanitarian-law-secretariat/>.
- ⁴³ E-mail newsletter by NGO Monitor to supporters, sent on 24 December 2017.
- ⁴⁴ See https://www.tweedekamer.nl/kamerstukken/brieven_regering/detail?id=2018Z09977&did=2018D31104.
- ⁴⁵ “Who Funds NGO Monitor?”, see <https://www.ngo-monitor.org/about/who-funds-ngo-monitor/>. In contrast to the stated focus on government funding, NGO Monitor regularly criticizes private foundations, see p. 15.
- ⁴⁶ Idem.
- ⁴⁷ See <http://www.guidestar.org.il/en/organization/580465508>.
- ⁴⁸ See <https://www.ngo-monitor.org/about/who-funds-ngo-monitor>.
- ⁴⁹ See <http://reportorg.org/index.html>.
- ⁵⁰ Idem.
- ⁵¹ REPORT’s annual certification of compliance with conflict of interest policy, submitted to the Florida Department of Agriculture and Consumer Service on 19 October 2015 and 20 July 2016.
- ⁵² See <https://www.meforum.org/activities/education-fund>. See also the Middle East Forum’s 990 forms that mention donations to Friends of NGO Monitor and REPORT: http://990s.foundationcenter.org/990_pdf_archive/237/237749796/237749796_201612_990.pdf. http://990s.foundationcenter.org/990_pdf_archive/990_201512_237749796/237749796/237.pdf
- ⁵³ Uri Blau, “The NGO that monitors leftist organizations does not want you to know who its donors are”, Ha’aretz, 10 February 2012, see <http://www.haaretz.co.il/magazine/1.1636887> (Hebrew).
- ⁵⁴ Idem.
- ⁵⁵ Idem.

- ⁵⁶ Peace Now report by Ilan Sheizaf and Elad Vilner, "The sources of funding and transparency of nine NGOs identified with the Israeli right", December 2015, <http://peacenow.org.il/wp-content/uploads/2015/12/december15.pdf> (Hebrew).
- ⁵⁷ See <http://www.ngo-monitor.org/key-issues/ngos-101-the-basics-on-ngos-funding-and-delegitimization/funding-for-ngos>.
- ⁵⁸ See https://www.ngo-monitor.org/funder/open_society_institute_osi and https://www.ngo-monitor.org/funder/rockefeller_brothers_fund/.
- ⁵⁹ See https://www.ngo-monitor.org/funder/new_israel_fund/.
- ⁶⁰ See <https://twitter.com/NewIsraelFund/status/694946652487041025>.
- ⁶¹ See the organization's website: <http://www.ngo-monitor.org/about/faqs>. The organization's spokesperson, Hodaya Shahar, laid out in an article in Ha'aretz her version of the organization's mission: "The goal of NGO Monitor is to advance a public debate on the reports and activities of non-governmental organizations active in the Arab-Israeli conflict, and claiming to promote humanitarian agendas." Hodaya Shahar, "For the attention of B. Michael, we are not 'far right,'" Ha'aretz, 3 July 2017: <https://www.haaretz.co.il/opinions/1.4223390> (Hebrew). The head of the organization's Europe desk, Olga Deutsch, repeated the claim that NGO Monitor is a nonpartisan organization rather than a right-wing organization in her letter to European Parliament Member Julie Ward from 22 November 2017, see https://twitter.com/olga_deutsch/status/933281385233768449.
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- ⁷⁵ See http://www.ngo-monitor.org/ngos/al_mezan_center_for_human_rights.
- ⁷⁶ Al-Mezan's annual financial reports from 2008-2016 can be found at <https://www.aman-palestine.org/ar/about-aman/financial-reports>. Its narrative reports are available at <https://www.aman-palestine.org/ar/about-aman/annual-reports>.
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- ⁷⁸ Personal phone communication with Manal Tamimi and Munther Amira, 2017.

- ⁷⁹ See <https://intereconomia.com/economia/mundo/rectificacion-la-informacion-terrorista-palestino-conferenciante-la-universidad-barcelona-20170202-1737/>.
- ⁸⁰ See <https://www.ngo-monitor.org/reports/whitewashing-resistance-human-rights-funding-organizations-blurring-lines-violence-nonviolence/>.
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