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September 14, 2022

To:
Josep Borrell Fontelles
High Representative of the European Union
for Foreign Affairs and Security Policy

Re: **A request to impose EU targeted sanctions against Israel**
Minister of Defense Benny Gantz because of his political
prosecution against six Palestinian civil society organizations

1. I apply to you on behalf of Israeli human rights organizations, movements and activists that support the Palestinian Communities in the West Bank, and document the State of Israel and its security forces and settlers' crimes against these communities:

The Israeli organizations and movements:

Combatants for Peace, Mothers Against Violence, Windows – Channels for Communication, Your Neighbor as Yourself, and Jewish-Israeli Dissent (JID) Leipzig.

And the Israeli activists:

Dr. Diana Dolev, Dvorka Oreg, Yossi Gurvitz, Guy Butavia, Shoshana London Sappir, Dubi Moran, Oded Efrati, Yair Bunzel, Yael Agmon, Dr. Hilla Dayan, Dr. Ilana Hammerman-Nieraad, Tamara Holkenov, Yonatan Shapira, Dr. Hagar Gefen, Sharon Gamzo, Michal Peleg, Prof. Neve Gordon, Prof. Yigal Bronner, Rami Pinchover, Dr. Julia Chaitin, Chayut Rachel, Oded Paporisch, Zuraya Hadad, Tamar Yaron, Elie Avidor, Dr. Hannah Safran, Dr. Dalia Sachs, Dr. Ofer Cassif, Naomi Benzer, Bat-El Galor, Jude Liemburg, Hillel Barak, Prof. Veronika Cohen, Jiriess Sakas, Dr. Elliot Cohen, Norah Orlow, Michal Brody Bareket, Jonathan Ofer, Rivka Sum, Ronen Skaletzky, Amos Gvirtz, Yoav Sharabi, Michal Blumenthal, Vardit Goldner, Iris Gur, Ariel Moran, Reut Kristal, Marcey Gayer, Amit Fitzer, Miky Fisher, Shirley Nadav, Nora Benderskey, Itamar Feigenbaum, Prof. Nurit Budinsky, Daniel Danieli, Michal Wertheim, Dr. Salim Abbas, Aharon Segoly, Irit Hakim, Geries Mattar, Nathan Kaufman, Tsvia Horesh, Gilad Bashan, Liora Szyzman, Roy Chen, Edith Breslauer, Varda Heled, Avshalom Stoler-Ezra, Akafa Fathiya, Dr. Ruchama Marton, Amir Bitan, Prof. David Enoch, Dr. Anat Matar, Natalie Ginsburg, Yoko Ram Chupak, Dr. Basheer Karkabi, Milett Biberman, Dr. Erella Grassiani,

Reut Stoler Ezra, Dr. Gilad Liberman, Prof. Paul Mendes-Flohr, Eyal Shimoni, Noga Eitan, Prof. E. Natalie Rothman, Dr. Ofer Shinar Levanon, Prof. Ben Tzion Munitz, Avigail Arnheim, Bruria Beker, Dr. Uri Horesh, Dr. Felix Laub, Prof. Orly Benjamin, Yossef Mekyton, Prof. Haim Bresgheeth-Zabner, Ofer Neiman, Rela Mazali, Prof. Nihaya Daoud, Or Ben David, Dr. Ahmad Ighbariah, Magali Brosh, Prof. Gideon Freudenthal, Dr. Bettina Birman, Dr. Dochy Lichtensztajn, Amir Terkel, Prof. Amotz Agnon, Dr. Ran HaCohen, Dr. Itamar Shachar, Orly Rafman, Prof. Dorit Naaman, Ruth Ben Asher, Dr. Shir Givoni, Racheli Bar-Or, Dr. Susana Weich Shahak, Sayel Jabareen, Tamar Cohen, Dr. Tammy Razi, Dr. Guy Sapirstein, Liron Tal, Alon Cohen, Dr. Edna Gorney, Ruti Kantor, Chaya Ofek, Osama Aljabri, Raghad Rezik, Amir Abu Al-Saoud, Rutie Atsmon, Yuval Gal Cohen, Naela Meilad, Michal Ronel, Keren Bar, Daphne Banai, Dr. Noga Wolff, Dr. Tzvia Shapira and Raya Rotem.

2. We apply to you, since decisions on the adoption, renewal, or lifting of sanctions regimes are taken by the Council of the European Union, on the basis of proposals from the High Representative of the Union for Foreign Affairs and Security Policy¹.
3. As we will explain below, our request for the EU to put targeted sanctions against the Israel Minister of Defense, Benny Gantz, complies with EU guidelines, policy directives and other sanctions decisions.
4. Less than a year ago, in October, 2021, the Israeli Defense Minister Benny Gantz published² a list of six Palestinian human rights organizations, which he declared to be terrorist organizations.
5. It is not by chance that the organizations that were chosen deal with documenting the serious violations of international law and the policy of colonialism and apartheid carried out by the State of Israel and its security forces in the West Bank and the Gaza Strip, and their terrible effects on the daily lives of millions of Palestinian elders, men, women and children. Although Israeli right-wing organizations have been pressing the issue for years, the Netanyahu governments didn't dare to do so.
6. The timing of the announcements seemed to be related to Minister Gantz's personal political distress within the coalition, just before the vote on the state budget. The members of the government political-security cabinet from the Zionist-left parties, Minister of Transportation Merav Michaeli and Minister of Health Nitzan Horowitz, complained³ that they were not consulted and the announcements were hidden from them until published.
7. "Red flags" were seen, among other things, in view of the contradiction between the bombastic messages of the Ministry of Defense to the media according to which the six organizations are terrorist organizations, and the meager and vague reasons in the official announcement orders themselves. Regarding not even one organization among the six was it explicitly stated in Minister Gantz's

¹ https://ec.europa.eu/info/business-economy-euro/banking-and-finance/international-relations/restrictive-measures-sanctions/overview-sanctions-and-related-tools_en

² <https://www.haaretz.co.il/news/politics/2021-10-22/ty-article/0000017f-e77d-d97e-a37f-f77db20d0000>

³ <https://www.haaretz.co.il/news/politi/2021-10-25/ty-article/0000017f-e2f4-d7b2-a77f-e3f7b88d0000>

announcements that evidence of direct and concrete involvement in terrorism was found.

8. The reasons that were given were embarrassing and not at all relevant to the question of whether they are terrorist organizations or not. For example, Minister Gantz's declaration of "Al-Haq" as a terrorist organization was justified by its activity to demand justice for the Palestinians at the International Criminal Court in The Hague (ICC), and in relation to the "Addameer" organization, the declaration was justified by the fact that it provides legal representation to Palestinian prisoners and administrative detainees⁴.
9. The declaration of "Addameer" as a terrorist organization also seemed puzzling from a practical point of view, since there is no alternative to representation by the lawyers of this organization. There are very few other lawyers, and especially Israeli lawyers, willing to represent Palestinians in military courts. Without independent legal representation for the Palestinian detainees and defendants, the State of Israel will have a hard time convincing even its devout supporters that it indeed maintains fair legal procedures.
10. The Ministry of Defense repeated and justified the meager and vague reasons by saying that it is based on secret evidence, which cannot be disclosed to the public. It is possible that the evidence on which Minister Gantz acted is so secret that even the Ministry of Defense and the Ministry of Foreign Affairs did not know it. Or Perhaps the State of Israel thought that the opinions of its security forces, which are always enough to get the rubber stamp of the Israeli military courts and the High Court of Justice to deny the freedom of masses of Palestinians, would also be enough to convince the European countries that donate to the six organizations.
11. Some European countries did temporarily freeze the transfer of funds after Minister Gantz's announcement in October. However, at the end of June 2022, the European Commission informed the "Al-Haq" organization that it would return to support the organization's project. On July 12, Belgium, Denmark, France, Germany, Ireland, Italy, the Netherlands, Spain and Sweden issued a joint statement⁵, according to which they will continue to cooperate with the six organizations because Israel has not presented them with evidence justifying a change in their policy.
12. While European countries received most of the attention since they dealt with the issue publicly and are the main donors to the six organizations, it is important to note that Minister Gantz did not receive backing from the United States, which did not join the announcements.
13. President Joe Biden's administration has not directed any US officials to act according to them. With the publication of the announcement, on October 22, the spokesman for the State Department, Ned Price, said that the USA would

⁴ <https://nbctf.mod.gov.il/en/Pages/211021EN.aspx>

⁵ <https://www.haaretz.co.il/news/politics/2022-07-12/ty-article/.premium/00000181-f302-de0f-a58b-f3ea25410000>

contact Israel "to receive explanations on the basis for the classification of civil society organizations as terrorist organizations"⁶. Price added that his country had not received any warning or advance notice of the decision. That is, as far as Minister Gantz is concerned, President Biden is no different from the Minister of Health and the Minister of Transportation in Israel, who were also, as mentioned, not informed in advance. Obviously, without international support, Gantz's announcements became empty.

14. Past experience has proven that there is no point in expecting the Israeli Defense Minister or his office to admit to any mistake. But there was a tiny hope that maybe in the face of the international defeat they would "lower their profile". They simply won't enforce the announcements even if they don't rush to cancel them.
15. From the beginning, many around the world saw Gantz's announcements as an attack on the entire Israeli-Palestinian movement for human rights, as well as an attack on the global community of human rights activism. It was an attack conducted through draconian measures, reminiscent of those taken by the dictatorial regimes in Russia, Vietnam, Venezuela, China and Uganda.
16. The hope was dashed on July 18, 2022, when Minister Gantz decided to save his honor with the help of the Mafia's method: to send the "severed head of a horse". The deputy legal advisor of the Ministry of Defense, attorney Gal Cohen, sent a warning to the Israeli lawyers who represent the Palestinian organizations, according to which "as an office that represents a declared terrorist organization as defined in the Anti-Terrorism Law, and receives a fee from such an organization, we would like to draw your attention to the provisions of section 32 (d)(1) of the law, which concerns the legal way to act on the property of a terrorist organization, and this without going into the question of the legality of the legal representation and legal advice for a declared terrorist organization"⁷.
17. Since July 2015, the dictatorship in China has threatened, arrested and conducted criminal proceedings against hundreds of lawyers and activists associated with them, who represented citizens whose freedom was denied due to their political activities and opinions, who underwent torture, whose land and property were expropriated in corruption cases, or whose freedom of religion was violated. Even the lawyers who represent those lawyers who were arrested in the previous wave suffer threats and harassment, the denial of their lawyer license, endless investigations into their sources of income and even arrests and the opening of criminal proceedings against them. Any lawyer who agrees to represent a political prisoner in China risks becoming a political prisoner himself. Similar to the situation in China, Minister Gantz informed the Israeli lawyers who represent the Palestinian organizations that if they want to represent a Palestinian organization that was declared (for political reasons and

⁶ <https://www.haaretz.co.il/news/politics/2021-10-25/ty-article/.premium/0000017f-e238-d804-ad7f-f3fa80680000>

⁷ <https://www.haaretz.co.il/news/politics/2022-07-18/ty-article/.premium/00000182-0fd2-d5f6-abe3-0ffb4bf0000>

without any evidence) as a terrorist organization, it might be determined that they had also committed crimes of aiding terrorism.

18. Now Minister Gantz is in the midst of another election campaign for Prime Minister. Minister Gantz, who wants to win votes from the right, has received enormous public, political and media criticism for his last meeting with President Mahmoud Abbas⁸ (Abu Mazen). Among others, the Minister of Finance and Chairman of Yisrael Beytenu party Avigdor Lieberman issued a statement⁹ that Abu Mazen is a terrorist who engages in political terrorism and is therefore more dangerous than all the terrorist operatives of Hamas or Islamic Jihad and called on Minister Gantz to stop giving him legitimacy, by meeting and talking with him. Netanyahu's Likud party issued a statement¹⁰ about the danger in Gantz's "obsessive cooperation" with Abu Mazen.
19. It is not a coincidence that in the early morning of August 18¹¹, while Minister Gantz was trying¹² to stop the backlash and convince the Israeli public that he is not a weak leftist, the IDF forces raided the offices of these six organizations, seized materials and computers and physically sealed the doors.
20. Minister Gantz seems less enthusiastic in dealing with the Israeli-Jewish terrorists who operate freely on both sides of the Green Line, even though already nine years ago, in July 2013, the Minister of Defense at the time, Moshe Ya'alon, declared the Israeli-Jewish terrorist actions known as "Price Tag" as an illegal organization¹³. The name "Price Tag" came from the graffiti left by the terrorists after they burn or destroy Palestinian property, or physically harm their bodies. In a statement issued at the time by the Ya'alon office, it was stated that representatives of the Israel Police and the Shin Bet said in the discussion that the activities of "Price Tag" are the same as the activities of modern terrorist organizations. Minister Gantz knows that he may lose votes from the right if he starts to strictly enforce the law on them.
21. The freedom of the Palestinian people will continue to be subject to the internal political needs of Israeli politicians, as long as the international community allows it. Minister Gantz acts this way because he knows he can.
22. After the Israeli raids on six Palestinian civil society organizations, you published this strong statement¹⁴:

"The EU is deeply concerned by the raids on six Palestinian civil society organisations that took place in the morning of 18 August and the measures that followed them including arrests and interrogations of staff members of these organisations, as part of a worrying reduction of space for civil society in the oPt. These actions are not acceptable.

⁸ <https://www.ynet.co.il/news/article/b1wmiwqrc>

⁹ <https://twitter.com/AvigdorLieberman/status/1559768969837514752>

¹⁰ https://twitter.com/Likud_Party/status/1559779136293507072

¹¹ <https://www.haaretz.co.il/news/politics/2022-08-18/ty-article/premium/00000182-af68-d1f9-a59e-ff6802a70000>

¹² <https://www.ynet.co.il/news/article/s10je8oc9>

¹³ <https://www.haaretz.co.il/news/politics/2013-07-01/ty-article/0000017f-db3a-df9c-a17f-ff3a89e30003>

¹⁴ https://www.eeas.europa.eu/eeas/israel/palestine-statement-high-representative-josep-borrell-israeli-raids-six-palestinian_en

A free and strong civil society is indispensable for promoting democratic values and for a two-state solution. The EU is committed to its continued support to civil society that contributes to this purpose and to confidence-building between Israelis and Palestinians. It stands firm with non-governmental organisations to uphold the right to freedom of expression and association in the oPt.

As already explained, no substantial information was received from Israel that would justify reviewing our policy towards the six Palestinian civil society organisations on the basis of the Israeli decision to designate these NGOs as ‘terrorist organisations.’ We have been consistently clear with Israeli authorities on this, together with many EU Member States and like-minded partners, including following the latest events. Should convincing evidence be made available to the contrary, we would act accordingly. In the meantime, it is crucial to ensure that anti-terrorism legislation does not lead to undermining civil society and its valuable work and contributions to building fairer and more peaceful societies.

The EU supports the call by the UN agencies on Israel to refrain from any action that would prevent these organisations from continuing their critical human rights, humanitarian and development work in the oPt.”

23. This is one of the rare moments in the recent years when the European Union seems to be in a real dispute with Israel, and it must be translated into strong actions, more than the continuation of their funding to these organizations.
24. On December, 2020, the EU Council adopted a decision and a regulation establishing a global human rights sanctions regime, that will allow it to target individuals, entities and bodies – including state and non-state actors – responsible for, involved in or associated with serious human rights violations and abuses worldwide, no matter where they occurred. The restrictive measures provide for a travel ban applying to individuals, and the freezing of funds applying to both individuals and entities. In addition, persons and entities in the EU are forbidden from making funds available to those listed, either directly or indirectly.
25. The political prosecution of Minister Gantz against the six Palestinian civil society organizations, is relevant to articles 2(1)(d)(iii) and 2(1)(d)(iv) of the Council Regulation (EU) 2020/1998 of 7 December 2020 concerning restrictive measures against serious human rights violations and abuses¹⁵, that include violations or abuses of freedom of peaceful assembly and of association and of freedom of opinion and expression. Also, Minister Gantz’s prosecution against these organizations should be understood as intended to make it easier for Israel to violate most of the international conventions that are noted in articles 2(2) of this Regulation.
26. It is impossible to dispute that Minister Gantz’s actions are a serious concern as regard the objectives of the common foreign and security policy set out in article 21 of the TEU¹⁶: **“The Union’s action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human**

¹⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.LI.2020.410.01.0001.01.ENG&toc=OJ%3AL%3A2020%3A410I%3ATOC>

¹⁶ https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/DOC_1&format=PDF

rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law”.

27. We would be grateful for your prompt action and response, and hope that you will propose to the EU council to impose sanctions on Minister Gantz.



Eitay Mack, Adv