

MONITORING REPORT

# The Attempt to Chill Palestinian Rights Advocacy

IN THE NETHERLANDS



**ELSC**

European Legal Support Center



The **European Legal Support Center (ELSC)** is the first and only organisation mandated to defend and empower the Palestine solidarity movement in Europe through legal means. We provide free legal advice and assistance to associations, human rights organisations, groups and individuals advocating for Palestinian rights in Europe. The ELSC intervenes to end arbitrary restrictions and criminalization of peaceful advocacy and humanitarian work. It also develops legal tools and engages in strategic litigation to support civil society advocacy and campaigns. The Center was established in January 2019 as a joint initiative of European jurists, the Palestinian civil society network PNGO and the Dutch NGO The Rights Forum – which is kindly hosting the ELSC in Amsterdam.

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## **I. Introduction and Executive Summary**

In many countries and continents, civil society-based advocacy and campaigning for Palestinian human rights in the 21st century has contributed to more public awareness and criticism of Israel's illegal settlements, annexation of Palestinian land, racial discrimination and forcible displacement of Palestinians, as well as of the role of corporations and governments in facilitating these systemic violations of international law. Civil society organisations and networks, including the Palestinian civil society-led Boycott, Divestment and Sanctions (BDS) movement, have mobilised and pushed for effective measures by the United Nations and Member States to uphold international law and Palestinian human rights, and for the opening of an investigation by the International Criminal Court (ICC). This activism presents a challenge to long-standing opinions and positions that ignore, excuse, justify or otherwise support Israel's human rights abuses.

Fearful of a shift in public opinion and political support, Israel's far-right government under Prime Minister Netanyahu launched, in 2015, an unprecedented campaign to silence criticism abroad.



Since then, the Israeli government and its staunchest defenders in the United States and Europe, including think tanks, advocacy organisations, public relations firms and legal practitioners, have intensified their efforts to stifle domestic critique of Israeli policies and advocacy for Palestinian rights by means of tactics that follow similar patterns.

This Report of the European Legal Support Center (ELSC) discusses the attempts to stifle Palestinian rights advocacy in the Netherlands. It is the first of a series of ELSC Monitoring Reports that will complement the work of Palestine Legal on the suppression of Palestinian rights advocacy in the United States by analysing how this attack on civic space plays out in selected European countries.

The findings of this Report are based on 76 incidents of censorship, smears or other burdens on Palestinian rights advocacy that occurred in the Netherlands between 2015 and 2020, and about which sufficient documentation could be obtained. Since many of those targeted and affected did not keep a record of all incidents faced and/or did not report every incident to the ELSC, the actual scope of the problem is most likely much larger. We are confident, nevertheless, that based on the available data, the report provides valid insights into facts and trends concerning incidents of suppression on Palestinian rights advocacy in the Netherlands.

### **Main findings**

With regard to the main findings, the Report first sheds light on the actors responsible for incidents of suppression of advocacy for Palestinian rights in the Netherlands. "Israel-advocacy groups", including a small number of Dutch organisations and groups, that work in coordination with or staunchly support the anti-Palestinian policies and practices of the Israeli government are identified and discussed as initiating and leading the attacks. In addition, Dutch, primarily right-wing, media

outlets and political parties are classified as "enabling actors" that amplify – voluntarily and/or without appropriate fact-checking – the hostile initiatives of the primary actors.

Examining the dynamics that facilitate the incidents, the Report recalls **the political context that contributes to a hostile environment** for Palestinian rights advocacy. Dutch political and cultural institutions, including governments and political parties, have traditionally held an uncritical pro-Israel stance. More recently, the far-right has been on the rise, spreading Islamophobic discourses that foster anti-Palestinian sentiments and narratives. In this context, Dutch Israel-advocacy groups have replicated the claims of Israeli institutions that Palestinian rights advocates would be guilty of supporting terrorism and/or antisemitism. Allegations of antisemitism in particular, has been facilitated by the promotion among Dutch national and local institutions of the controversial IHRA Working Definition of Antisemitism (IHRA-WDA) that conflates political criticism of the State of Israel with antisemitism. Based on these allegations, Dutch national and local institutions have also been pushed by the above-mentioned actors to adopt motions aimed at suppressing the Palestinian civil society-led BDS movement.

The Report then describes **nine common tactics**, which have been employed in the above context to silence Palestinian rights advocates in the Netherlands. The most common tactic is *smear campaigns*, usually by means of inflammatory and unfounded allegations of antisemitism or support of terrorism, which publicly discredit those who take a stand against Israel's violations of Palestinian human rights and humanitarian law. The second most used tactic is *(attempted) defunding* of organisations supporting the Palestinian people through pressure on their Dutch donor(s), closely followed by *(attempts at) denying the use of public/private space for activities*,

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*Incidents of suppression of Palestinian rights advocacy 2015 - 2020*

through pressure on venue-providers. Five cases concerned (*attempts at*) *restricting academic freedom*, while three cases involved (*threats with*) *lawsuits or administrative complaints*. Two incidents of *financial deplatforming* disrupting organisations' ability to use financial services were also recorded, as well as two cases of *threats with violence* and one case of *cyber-attack*. Finally, *arbitrary denial of access to the Occupied Palestinian Territory (OPT) do Dutch citizens* was recorded once. 12 illustrative case studies reflecting these tactics in the Netherlands are published in Appendix 1 of the Report with the permission of the targeted individuals, groups or associations.

Looking at the **targets and consequences** of these incidents, the Report shows that the primary targets were 23 individuals, 6 groups and 53 organisations. Most of the latter were civil society organisations. Secondary targets were mostly governmental institutions, political parties and their representatives on whom pressure was exerted because of their instrumental role in enabling the attacks on the primary targets. Most of the targeted individuals, groups and organisations reported immediate negative effects of these incidents, such as fear of stigmatisation and reputational damages, distress and mental health problems, financial burden, inability to carry out activities as planned, and drain of time and resources. The longer-term effect common to all the recorded incidents is intimidation and self-censorship.

## **SMEAR CAMPAIGNS**

**DENIAL OF USE OF PUBLIC/PRIVATE EVENT SPACES**

**DEFUNDING ATTEMPTS**

**FINANCIAL DEPLATFORMING**

**THREATS OF VIOLENCE**

**SURVEILLANCE**

**RESTRICTION OF ACADEMIC FREEDOM**

**LAWSUITS**

**DENIAL OF ACCESS TO THE OPT**

*The Primary Targets were 23 individuals, 6 groups and 53 organisations*

Although the above findings in the Netherlands indicate a situation similar to that in many other European countries, additional findings distinguish the Netherlands as a country with a relatively favourable environment for pursuing advocacy for Palestinian rights:

First, the Dutch government has not formally adopted the IHRA-WDA, and it has declared publicly that it does not endorse the IHRA's problematic examples that conflate political criticism of the State of Israel with antisemitism.

Secondly, while abstaining from direct financing of BDS activities in accordance with parliament's motion of June 2016, the government has upheld the right of Dutch citizens to support the BDS movement as "protected by freedom of expression and freedom of assembly". Since June 2016, all attempts at anti-BDS motions have been rejected by the Dutch national and local state institutions.

Finally, as Dutch human rights activists and scholars pointed out, there are political parties in the Dutch parliament that have become increasingly critical of Israel's systemic violations of humanitarian law and Palestinians' human rights. They are a minority, but the fact that they are represented in parliament has enabled them to table important motions concerning these Israeli violations, including calls for sanctions. At the same time, Dutch activists and scholars also expressed concern about possible negative developments, in particular since the Dutch government appointed in 2021 a National Coordinator to

Combat Antisemitism (NCAB) that has close ties with CIDI (Center for Information and Documentation Israel), the Israel-advocacy group deeply involved in the incidents discussed in this Report. The NCAB has already accused Human Rights Watch of antisemitism for its report that holds Israel responsible for the crime of apartheid system, and he may follow the example of his German counterpart Felix Klein, who cooperates closely with Israel-advocacy groups to suppress Palestinian rights advocacy in Germany.

## Conclusions and Recommendations

The final section of the Report provides a set of concluding observations and recommendations to encourage debate in the Netherlands about the importance of safeguarding the freedom of expression on a matter of public concern, such as the situation of Palestinians under Israel's discriminatory and oppressive rule, and about ways to end politically motivated and meritless attacks of the kind discussed in the Report.

One conclusion spotlights the fundamental right to freedom of expression, which is enshrined in the European Convention on Human Rights (Article 10) and the Dutch constitution. The findings in this Report demonstrate that – despite the relatively favourable environment for Palestinian rights advocacy in the Netherlands, **the documented attacks have a chilling effect** on the freedom of expression of activists for Palestinian rights as well as NGOs, journalists, university teachers and politicians trying to do their job.

This chilling effect manifests itself in self-censorship and shrinking civic space, interferes with the right of the Dutch public to receive accurate information about Israel and the Palestinian people, and, as such, poses a threat to the system of fundamental rights, democracy and the rule of law in the Netherlands.

Another observation is that this chilling effect cannot be created by the small number of Israel-advocacy groups and their allies among far-right and Christian political parties and media outlets alone. Rather, it is enabled primarily by the political parties that represent the centre of the Dutch political spectrum, their representatives in the national parliament, government and municipal councils, Dutch mainstream liberal and conservative media outlets, university boards and administrators as well as financial service providers, when they collude with the agenda of Israel advocacy groups; or rely on the disinformation spread by the former; or remain silent in the face of suppression of the freedom of expression of advocates for Palestinian rights.

Finally, the report recalls that the Dutch State has a positive obligation – under the constitution and the European Convention on Human Rights – to actively protect and promote the fundamental right to freedom of expression, including the right to criticise Israeli policies and advocate for the rights of the Palestinian people, whether through BDS campaigns or otherwise. Dutch citizens and their representatives can and should, therefore, hold the Dutch government, authorities and public institutions accountable to this positive obligation and related policy commitments.

The Report ends with detailed recommendations aimed at ending politically motivated and meritless attacks on advocates for Palestinian rights. One set of recommendations is addressed to those targeted in the incidents, suggesting ways for a collective push-back. Additional sets of recommendations are addressed to Dutch political parties, members of parliament, government and authorities at the national and municipal level; to Dutch donors; to journalists, bloggers and editors of Dutch media outlets, as well as to administrators and faculty members of Dutch academic institutions and financial service providers.





# Methodology

## II. Methodology

This Report is a result of research and documentation carried out in the Netherlands by the European Legal Support Center (ELSC). The information in this Report is based on incidents of censorship, smear or other burdens on Palestinian rights advocacy that took place in the Netherlands between January 2015 and December 2020. Quantitative and qualitative data was collected by means of standard Incident Report Forms (see Appendix 2), which were filled out by affected individuals and groups. Where necessary, information was fact checked and completed by means of interviews and/or desk research carried out by ELSC staff.

***Allegations of antisemitism<sup>1</sup> and support of terrorism<sup>2</sup>, sweepingly raised without credible evidence and/or based on distorted definitions of antisemitism, are characterised in the Report as accusations that create a hostile environment and underpin attacks on Palestinian rights advocacy.***

Specifically, the Report documents incidents that were classified into the following nine categories, which reflect common tactics to silence advocacy for Palestinian rights observed across European countries:

### ***Tactics***

- Smear campaigns that publicly discredit individuals or organisations
- Denial of use of public/private event facility (Attempt at)
- Defunding (Attempt at)
- Financial De-platforming (Attempt at)
- Violence (Threats with)
- Surveillance, spying and cyber attacks
- Restriction of academic freedom (Attempt at)
- Lawsuit (Threat with)
- Denial of access to the Occupied Palestinian Territory (OPT - including the West Bank, East Jerusalem and the Gaza Strip) to Dutch citizens

The documented incidents often fall into more than one category. In such cases, incidents were allocated to the most relevant category. Case studies that illustrate these tactics are presented in Appendix 1 to the Report.

With regard to the quantitative findings of this Report, it is important to note that the 76 incidents documented by the ELSC are not fully indicative of the scope of suppression of engagement for Palestinian rights in the Netherlands between 2015 and 2020. The actual number of incidents is higher for several reasons: first, much information about such incidents has been lost because many of those targeted and affected did not keep a record of all attacks they have faced. Moreover, not all of the incidents were reported to the ELSC, among others because the ELSC started operating in 2019 and Incident Report Forms were not yet accessible online for most of 2020.





# Chilling Palestinian Rights Advocacy in the Netherlands

## Main Findings



### III. Chilling Palestinian Rights Advocacy in the Netherlands Main Findings

#### 1. Actors

The incidents of suppression of advocacy for Palestinian human rights documented by the ELSC and discussed in this Report were carried out in the Netherlands between 2015 and 2020 by a variety of Dutch actors. Although not necessarily established or explicitly mandated for this purpose, all of them amplify the disinformation campaign of Israel's far-right governments and initiate, lead or enable actions to smear, censor, criminalise or otherwise burden advocacy for Palestinian rights.

Concerned about the increasing international criticism of its gross violations of Palestinians' human rights and international law, and about the growth of the Palestinian civil society-led Boycott, Divestment and Sanctions (BDS) Movement in Europe and elsewhere, the Israeli government mandated in 2015 the **Ministry of Strategic Affairs** (MSA) to lead its global fight against BDS, which it defined as *"the campaign to delegitimise the very existence of the state."*

*During an anti-BDS conference organised in Jerusalem by the Israeli daily Yedioth Ahronoth in 2016, then Minister of Strategic Affairs Gilad Erdan and Minister of Intelligence Yisrael Katz called for the "targeted civil eliminations of BDS leaders" with the help of Israeli intelligence.*

The investigative documentary series by Al Jazeera, "The Lobby USA" and "The Lobby UK" clearly shows that the MSA, which is mostly composed of former Israeli intelligence agents and soldiers, crosses red lines by infiltrating the space of foreign states, organisations and individuals:

Since 2018, moreover, the MSA has repeatedly accused the European Union (EU) of funding terrorism against Israel by means of two reports, *"The Money Trail"* and *"Terrorists in Suits"*, which associate EU-funded Palestinian and European NGOs with proscribed Palestinian organisations. The two MSA reports are based on information compiled by the NGO Monitor, an Israeli institution that has been described by the Policy Working Group – an association of Israeli ex-diplomats and academics – as a politically motivated organisation with close ties to the Israeli government, promoting their unlawful policies, and shielding them from international criticism. Dutch Foreign Affairs ministers also expressed reservations about the NGO Monitor's allegations (see more in section 2). Former EU Foreign Affairs chief Federica Mogherini firmly rejected the MSA's *"vague and unsubstantiated"* allegations, accusing the Israeli Ministry of disinformation because, *"it mixes terrorism with the boycott issue and creates unacceptable confusion in the public eye regarding these two distinct phenomena."*

## 1 a. Primary Actors

### Israel-Advocacy Groups



In the Netherlands, disinformation that is consistent with the unverified and politically-motivated messages circulated by the Israeli MSA and its supporters, such as the NGO Monitor, has frequently been amplified and facilitated by Dutch organisations. Moreover, incidents of suppression have been initiated by a few Dutch organisations and groups working in coordination with and/or staunchly supportive of the anti-Palestinian policies and practices of the Israeli government. These politically motivated entities, referred to as “**Israel-advocacy groups**” in this Report, include public relations, lobby and lawfare groups.<sup>3</sup> They mobilise chains of support among their respective communal, cultural and political environments and represent the group of primary actors.

Prominent among them is **CIDI, the Centrum voor Informatie en Documentatie Israël** (Center for Information and Documentation Israel) founded in 1974. It is presenting its mission as strengthening the ties between the Netherlands, the EU and Israel, stimulating the Israeli-Palestinian peace process based on the two-state solution, and fighting antisemitism. Nevertheless, based on the incidents of suppression reported to the ELSC, we concluded that CIDI has been at the forefront of attempts to silence advocacy for Palestinian rights and Israel’s accountability to inter-national humanitarian and human rights law. The organisation or members of its staff were involved in 46 of the 76 incidents reported to the ELSC.

Moreover, according to the Dutch NGO,

The Rights Forum, CIDI, which presents itself as a watchdog of antisemitism in the Netherlands, has developed close ties with far-right and Christian parties, sharing the same intentions to shield Israel from criticism and political and economic pressure.<sup>4</sup>

Other incidents reported to the ELSC were led by **Likoed Nederland** (Likud Netherlands), a representation of the right-wing Israeli political party registered in the Netherlands as an association working to “achieve the goals of Zionism”. Among others, Likoed initiated campaigns against book publishers ThiemeMeulenhoff and Noordhoff in 2015<sup>5</sup> and 2019 respectively, each time alleging that certain Dutch schoolbooks would be “antisemitic”, contain “historical falsification” and “read like Palestinian propaganda”.

Many reports of anti-Palestinian incidents also involved the following organisations: Evangelical Christian association **Christenen voor Israël**, which is the Dutch branch of Christians for Israel International promoting Christian Zionism;<sup>6</sup> Jewish Dutch organisations and groups, in particular the **CJO** (Centraal Joods Overleg/Central Jewish Consultation), an association that includes CIDI among its members, and the small **Federatief Joods Nederland** professing orthodox religious Judaism. Sometimes, incidents also involved explicit Israel-advocacy groups, foremost **StandWithUs Nederland**, a Dutch charity part of a private, US-based global initiative, and **Dutch Support for Israel**. In June 2020, Christenen voor Israël called upon their

followers to message the Council of Churches and its members, leading to a flood of hostile emails and comments on social media platforms at the Council for its solidarity with Christian Palestinians resisting the then-

announced Israeli plans to formally annex large swaths of the occupied West Bank. An official of the Council spoke of “*insulting, resentful and even threatening*” messages.

## 1 b. Enabling Actors

Media Outlets

Political Parties

De Telegraaf

GEENSTIJL

DDS DE DAGELIJKE STANDAARD

ELSEVIER WEEKBLAD

OpinieZ

THEPOSTONLINE

NIW

Forum voor Democratie

PARTIJ VOOR DE VRIJHEID

ChristenUnie

SGP

Dutch media outlets and political parties have played a key role not as initiators but rather as enablers of the anti-Palestinian campaigns of Israel-advocacy groups, primarily by hosting and amplifying – voluntarily and/or without appropriate fact-checking – the allegations brought by the primary actors.

### Media Outlets

Dutch right-wing media outlets, in particular, have played a significant role as enablers. Among them are the widely-read daily **De Telegraaf** and the weekly **Elsevier Weekblad**; online media like **GeenStijl**, **De Dagelijkse Standaard**, **ThePostOnline** and **OpinieZ**; as well as media that primarily address Jewish readers, like the **NIW** (Nieuw Israëlietisch Weekblad/New Israelite Weekly), **Joods.nl** and **Jonet**. These media outlets often echo each other’s allegations, propagating a hostile environment for fact-based, accurate information about Israel and the Palestinian people.

Of these De Telegraaf is considered by many as

the most influential. The daily has the highest print circulation of newspapers in the Netherlands, and its website is among the top-five media in the online market.<sup>7</sup> Over the years, De Telegraaf has published news and background stories that initiated from groups like CIDI, often based on information provided by the Israeli **NGO Monitor**. In 2020, for instance, De Telegraaf reported a story accusing two Palestinian NGOs, and the Dutch government for its funding of the latter. The story falsely, and without any evidence whatsoever, framed the government as “*financing terror*”. In December 2018, for example, the NIW accused the Partij van de Arbeid (Dutch Labour Party; PvdA) of being “*institutionally anti-semitic*” for not adopting the IHRA Working Definition of Antisemitism (IHRA-WDA). Once the party adopted the definition in February 2019, the NIW changed its tone, rewarding PvdA leader Lodewijk Asscher with a friendly interview. But when the PvdA constituency adopted a motion a year later rejecting the IHRA Working Definition’s

equation of political criticism of Israel with antisemitism, the NIW came back with false allegations accusing the party again of “Jew-hatred”, claiming that its members “love dead Jews” while “the living may be pushed into the sea”.

Dutch right-wing media outlets also frequently echo biased articles of Israeli media and journalists, such as Cnaan Liphshiz, a former CIDI employee working as editor with the New York-based **Jewish Telegraphic Agency (JTA)**, whose articles are also regularly republished by mainstream Israeli media outlets. Examples are the echoing in Dutch media of Liphshiz’s articles supporting the smear campaign against former Dutch Prime Minister Dries van Agt, as well as CIDI’s campaigns against former Minister Sigrid Kaag and a kite festival in Vlissingen, which are presented as Case Studies in Appendix 1 of this Report.

Of even greater concern, however, is that more professional Dutch media outlets have also replicated allegations of Israel-advocacy groups without the necessary scrutiny of the facts. Articles published in August 2020 in the **Het Parool** and **De Stentor**, for example, accused the Dutch government of funding terrorism against Israel by mirroring the allegations of the NGO Monitor, CIDI and other Israel-advocacy groups.

### Political Parties

Political parties that actively promote the agenda of the Israeli government and aligned advocacy groups, such as the NGO Monitor, CIDI and Christenen voor Israël, are found on the extreme-right of the political spectrum in the Netherlands that is represented by the **PVV** (Partij voor de Vrijheid/Party for Freedom) and the **FvD** (Forum voor Democratie/ Forum for Democracy). Further support for the Israeli government agenda is provided by the Evangelical Christian party **SGP** (Staatkundig

Gereformeerde Partij/Reformed Political Party) and the **Christian party CU** (ChristenUnie/ChristianUnion).

These right-wing and/or Christian parties join and empower the anti-Palestinian campaigns of Israel-advocacy groups primarily by offering them a platform in parliament. One of many examples is the hosting of the NGO Monitor representatives in the Dutch national parliament in March 2016 by the PVV, CU and SGP, which prepared the ground for the subsequent adoption by the House of Representatives of a motion calling for the halt of Dutch funding to organisations promoting the boycott of Israel.<sup>8</sup>

*Support is, however, not limited to right-wing and Evangelical Christian political parties. Parties and members of Parliament (MPs) representing the centre of the political spectrum – while seeking to stem the wave of right-wing populism – also enable the anti-Palestinian campaigns, not least by cementing the traditional pro-Israel stance of the majority of the Netherlands’ political and cultural institutions.<sup>9</sup>*



Central in perpetuating this stance, is the centre-right **VVD** (Volkspartij voor Vrijheid en Democratie/People’s Party for Freedom and Democracy), the Netherlands’ largest political party. The Christian-democratic **CDA** also plays a major enabling role because this party often casts the decisive vote in parliament, including on motions and bills affecting Dutch policy on Israel and the Palestinian people – an issue on which the party is divided. Finally, it is important to mention that many political parties, including in **PvdA** and **D66** (Liberal Democrats), have CIDI employees or ex-employees as active members.<sup>10</sup>





# The Hostile Context for Palestinian Rights Advocacy



## 2. The Hostile Context for Palestinian Rights Advocacy

In the Netherlands, political parties and MPs have for decades upheld a relative pro-Israel stance.<sup>11</sup> This stance ignores Israel's flagrant violations of international humanitarian and human rights law, and negates and delegitimises Palestinians' experience of colonial violence and oppression.<sup>12</sup>

As in many other European countries, the political context in the Netherlands in the past decade has also been marked by rising Islamophobia, anti-immigrant and anti-refugee sentiments and the increasing prominence of extreme-right political parties.<sup>13</sup> Islamophobic sentiments are often instrumentalised by Dutch media<sup>14</sup> and Israel-advocacy groups to discredit Palestinian rights advocates.

In this context, Dutch Israel-advocacy groups have continuously advanced the claims of Israeli institutions, such as the **Ministry of Strategic Affairs** (MSA) and the **NGO Monitor**, that individuals and organisations supporting the Palestinian people would be guilty of supporting terrorism and/or antisemitism. Amplified by the Dutch media and political parties discussed in section 1b, these allegations have contributed to an environment that is often hostile to Palestinian rights advocacy, and conducive to its suppression.

A primary source of inflammatory accusations of support of terrorism that lack credible evidence is the Israeli organisation NGO Monitor. On its website, the organisation has compiled snippets of information that allegedly prove that some 260 Palestinian, Israeli and international NGOs, including Dutch NGOs, have antisemitic motives and/or ties with proscribed groups, i.e., groups that are members of the Palestine Liberation Organisations (PLO) or the Islamic resistance movement and subjects of terrorism-related EU sanctions. The NGO Monitor also dedicates special webpages to eight Palestinian NGOs with alleged close ties to one of the EU-proscribed Palestinian groups, as well as to their governmental donors, including the Dutch government.

Dutch Israel-advocacy groups, media outlets, political parties and MPs replicate and use NGO Monitor information, although its accuracy has been widely called into question. In 2018, former EU Foreign Affairs chief Federica Mogherini and EU Ambassador to Israel, Lars Faaborg-Andersen dismissed the Israeli lobby group's claims as *"inappropriate and misleading"*, and as *"a cocktail of tendentious research, intentional inaccuracies, and downright EU-bashing propaganda"*. In its 2018 report *"NGO Monitor – Shrinking space"*, the



*“... these allegations have contributed to a climate in which human rights organisations have come under increasing pressure. As far as the government is aware, the NGO Monitor does indeed focus exclusively on organisations and donors that are critical about Israel’s policy.”*

Dutch Minister of Foreign Affairs, Blok, 2020

Policy Working Group of Israeli ex-diplomats and academics characterised NGO Monitor materials as “highly selective” and containing “baseless claims”, concluding that the Israeli lobby group “disseminates misleading and tendentious information, which it presents as factual in-depth research”.

Several Dutch politicians have voiced similar reservations about the NGO Monitor. In a parliamentary debate in 2017, for example, then Dutch Minister of Foreign Affairs Halbe Zijlstra explained that, “the source of the accusation was usually the NGO Monitor. I’m just saying very simply and frankly, I can’t do much with it. Very often these are very vague allegations.” His successor, Minister Blok, stated in a response to a parliamentary question in 2020: “... these allegations have contributed to a climate in which human rights organisations have come under increasing pressure. As far as the government is aware, the NGO Monitor does indeed focus exclusively on organisations and donors that are critical about Israel’s policy.”

Since 2016, sweeping allegations of anti-semitism that lack credible evidence have been increasingly advanced and justified with reference to the IHRA Working Definition of

Antisemitism (IHRA-WDA). This definition and its examples are widely contested and rejected by scholars specialised in Jewish history, the Holocaust and anti-racism as well as organisations concerned with Palestinian human rights, including Jewish groups, for equating legitimate critique of Israel with antisemitism.<sup>15</sup> Nevertheless, the IHRA-WDA and its controversial examples have been endorsed as a non-legally binding policy tool – and used with concrete restrictive effect – by many European national governments, institutions and political parties in response to persistent pressure from Israel-advocacy groups.

## **2 a. The Controversial IHRA Working Definition of Antisemitism in the Netherlands**

Unlike other European governments, the Dutch government has not adopted the controversial IHRA-WDA by means of a formal act. However, it has heeded the call of non-binding motions of the Dutch parliament to embrace and promote the use of the IHRA-WDA.

CIDI has played a lead-role in promoting the IHRA-WDA, whereas the right-wing SGP introduced in November 2018 a first parliamentary motion calling on the government *“to support the use of the IHRA definition”*. A majority of MPs voted in favour of this motion, however, D66 was among those that opposed to the motion for failure of the IHRA-WDA to distinguish clearly between anti-semitism and legitimate criticism of the Israeli government.

In November 2020, another SGP-motion was adopted by the Dutch parliament, this time calling on the government *“to promote the prompt use of the IHRA definition in the detection and prosecution of antisemitism”*. This motion was supported by all political parties that formed the then ruling Dutch coalition government, including D66, as well as by GroenLinks (GreenLeft) and PvdA (Labour) that had also voted against the 2018 motion.

Only three parties representing 14 percent of parliamentary seats voted against the 2020 motion: the socialist SP, the Partij voor de Dieren (Party for the Animals, PvdD) and DENK.

In parallel, the controversial IHRA-WDA has been incorporated into municipal decisions and action plans, such as the Amsterdam Joods Akkoord (Amsterdam Jewish Accord) of March 2018. Crafted as a pledge of the City Council to fight antisemitism, the Amsterdam Jewish Accord introduces, albeit through an obscure footnote, the IHRA-WDA as a tool to determine if incidents classify as antisemitic. The Accord was signed by the overwhelming majority of political parties represented in the Council, despite opposition from members of the Jewish community active in Een Ander Joods Geluid (A Different Jewish Voice), and from DENK and BIJ1, the only two parties that did not give their endorsement.<sup>16</sup> A motion on *“proposals for a re-evaluation of Jewish heritage and to tackle hatred against Jews”* adopted in June 2020 by The Hague’s City Council also clearly refers to the IHRA-WDA.

Unlike many other European governments, the Dutch government has not taken a formal decision to adopt the IHRA-WDA. Nevertheless,

in the opinion of some analysts and politicians, the government has endorsed the IHRA Working Definition de facto by virtue of the unanimous support of the 2020 parliamentary motion by all political parties of the ruling coalition. Also, the Minister of Justice Ferdinand Grapperhaus shared, already based on the 2018 motion, “the indicators of the IHRA definition” with the police and public prosecutor for use in determining whether an offense amounts to insult, hate speech or other discrimination against a group.<sup>17</sup>

It is important to highlight in this context, that the Dutch government does not consider the IHRA-WDA's problematic examples of so-called ‘Israel-related antisemitism’ to be an integral part of the definition, contrary to the narrative that Israel-advocacy groups have been promoting. Specifically in this regard, Minister of Justice Grapperhaus explained the government's position in August 2020:

*"The IHRA illustrates its working definition with a non-exhaustive list of examples of manifestations of anti-Semitism (...) These examples are included to support the IHRA ("to guide IHRA in its work"). The examples, like the IHRA definition itself, are not legally binding, but are a tool to recognize and record anti-Semitism. Regarding whether the Cabinet considers these examples to be an integral part of the IHRA definition, I note that this is not the case. The government considers [them]... as examples that ... could be helpful to a greater or lesser extent in being alert to*

*facts and circumstances that indicate what could constitute a discriminatory statement or offense. At the same time, it must be noted that some of the examples that the IHRA provides, such as [those on] criticism of states and political debate, are in principle protected by the freedom of expression."*<sup>18</sup>

Moreover, with regard to calls for the use of the IHRA-WDA as a tool for the prosecution of antisemitism, the Minister clarified that endorsement and use of the IHRA's illustrative examples of antisemitism *"can never automatically lead to the conclusion that there is a punishable discriminatory/anti-Semitic expression or conduct"*, and that, *"Whether an expression or an act is a criminal offense is a legal question to be tested against the [Dutch] Criminal Code and relevant case law."*<sup>19</sup>

Government's position notwithstanding, however, the IHRA-WDA has been used in practice on numerous occasions to publicly frame criticism of Israel and support for the rule of law and human rights of Palestinians as antisemitic.

In 2016, for example, then Minister of Foreign Affairs Bert Koenders' (PvdA) position in favour of proper labelling of Israeli settlement products was smeared as antisemitic based on the claim of a right-wing Israeli news outlet that this would fall under the IHRA Working Definition of Antisemitism.

In May 2017, Likoed Nederland issued a press release accusing the Federation of Dutch Trade Unions (FNV) of antisemitism as defined by the



Israeli Minister of Strategic Affairs, Gilad Erdan, at the 'Stop The Boycott' Conference, Jerusalem, 28th March 2016. Youtube screenshot.

IHRA-WDA for publishing on a FNV website an article about a study of Israeli apartheid by the UN agency ESCWA and calling for a boycott of Israel as the morally appropriate response to its apartheid regime.

**In April 2018**, only one month after the Amsterdam City Council had adopted the Amsterdam Jewish Accord – which refers to the IHRA-WDA – the Amsterdam Jewish Society called on the City Council to act against protests and the distribution of flyers in public spaces. It was actually referring to activities organised by the Netherlands Palestine Committee (NPK) and that the latter were “antisemitic demonstrations”; that NPK activists had used Nazi symbols and spread lies about Israel, and that, *“It is precisely these kinds of anti-Jewish statements that you have promised to combat in the Jewish Accord and that make the Amsterdam Jewish Community feel unsafe.”* NPK refuted the accusations as “baseless” in its response to the City Council.

**In February 2019**, the Nieuw Israëlietisch Weekblad (NIW) accused the political party GroenLinks, which had repeatedly criticised Israeli human rights violations, of practicing

*“double standards”*, adding that such behaviour is a typical example of Jew-hatred as defined by the IHRA-WDA.

**In the same month**, CIDI accused the Dutch pastor Chris Kors implicitly of antisemitism for comparing contemporary Israeli policy with that of the Nazis (which is anti-Semitic according to the IHRA-WDA). CIDI tweeted against Pastor Kors: *“Vicar @ChrisKors1 draws ... a parallel between WWII and the situation in the Palestinian territories. This comparison is not only incorrect, but it also trivializes the crimes of Nazi Germany.”*

**In a May 2019** letter to Tilburg University, CIDI’s youth organisation CiJO accused one of the speakers in a planned roundtable, Electronic Intifada’s contributor Adri Nieuwhof, of regularly comparing Israel with Nazi Germany on Twitter, pointing out that it is “antisemitic according to the IHRA Definition.” As evidence, CiJO provided a link to a tweet with a quote – not of Nieuwhof – but of Auschwitz survivor Hajo Mayer whom Nieuwhof had interviewed in 2014, shortly before he passed away at the age of 90.

## 2 b. The Push for Anti-BDS Motions

Attempts to institutionalise the suppression of public criticism of Israel's flagrant violations of international humanitarian law and Palestinian human rights have - in addition to the push for institutional adoption of the IHRA-WDA - included a push for anti-BDS motions. Although not legally binding, these motions garner political consensus and will among parliament and government to suppress the BDS movement.

The Palestinian civil society-led BDS movement defines itself as a global movement for freedom, justice and equality for the Palestinian people. Inspired by the South African anti-apartheid movement, it seeks to end Israel's system of apartheid, settler colonialism and occupation by means of non-violent campaigns for Boycotts, Divestment and Sanctions (BDS). Due to its growing popularity and impact, Israel's government and aligned advocacy groups have since 2015 pushed for the outlawing, criminalisation and suppression of the BDS movement in all continents, especially in Europe and North America.<sup>20</sup>

In the Netherlands, the SGP, PVV and CU, after hosting the NGO Monitor in the Dutch parliament in March 2016, were the first to present and support anti-BDS motions.

On 16 June 2016, the SGP initiated a motion calling on "government to terminate as soon as possible the direct or indirect financing of organisations, which on basis of their objectives or by their activities pursue or promote a boycott of or sanctions against

Israel."<sup>21</sup> The motion was adopted by the Dutch parliament due to the support of the CDA (Christian-Democratic Party) that is often the decision voter. No other anti-BDS motion has since then been passed by the Dutch national parliament.<sup>22</sup>

On 7 July 2016, the Ministers of Foreign Affairs and Trade and Development Cooperation issued a letter to parliament in response to the 16 June motion, explaining that,

*"The government does not support the internationally organised call of the BDS (Boycott, Divestment and Sanctions) movement and will therefore adopt the strict position that it does not finance activities that promote BDS against Israel. In this way, the government is implementing the motion of Van der Staaij et al of 16 June.*

*... It should further be noted that statements made or meetings held by the BDS movement are protected by freedom of expression and freedom of assembly. These freedoms are enshrined, inter alia, in the Dutch Constitution and the European Convention on Human Rights."<sup>23</sup>*

The Dutch government has thus upheld the right of Dutch citizens to support the BDS movement, while abstaining from direct financing of BDS activities in accordance with parliament's motion of June 2016. Nevertheless, Israel-advocacy groups and some political parties continue to push at the municipal level for anti-BDS motions similar to





the anti-Palestinian motions widely used in Germany. Such motions, which sweepingly condemn the BDS movement as antisemitic and call on local government to deny subsidies and public facilities to groups and activities perceived as supportive of BDS, were introduced, for example, in Rotterdam in June<sup>24</sup> and July 2019<sup>25</sup> by the local Leefbaar Rotterdam and the local chapter of the PVV (Party for Freedom). According to observers, the Palestine solidarity organisation DocP, an organisation promoting BDS, was directly targeted by one of these motions. .

When GroenLinks adopted at its annual congress in February 2019 a motion acknowledging BDS as a legitimate means to support the Palestinian struggle for justice, this was followed by an aggressive smear campaign from Dutch right-wing media and srael-advocacy groups.<sup>26</sup>

Actors representing the Dutch liberal and centrist political and cultural spectrum, including critics of Israel's international humanitarian law and human rights violations, remained silent and did not give any public support to GroenLinks and the position that BDS is protected by the fundamental right to freedom of expression.

Sustained over time, and too often unchallenged in the public domain, the inflammatory accusations of antisemitism and/or support of terrorism, whether by means of the IHRA-WDA, anti-BDS motions or otherwise, have had a chilling effect. They have also created an environment that is conducive to incidents which restrict public debate about the Palestinian people, Israel and engagement for Palestinian rights in the Netherlands. These incidents are discussed in the next section.





# Attacks on Palestinian Rights Advocacy: Tactics and Incidents 2015 – 2020

### 3. Attacks on Palestinian Rights Advocacy: Tactics and Incidents 2015 – 2020

Based on Incident Report Forms (see Appendix 2), that were complemented with interviews and desk research, the ELSC documented and analysed 76 incidents of suppression of critics of Israeli policies and supporters of Palestinian rights that took place in the Netherlands between 2015 and 2020. Allegations of antisemitism and/or support of terrorism that

lack credible evidence played a central role in all of these incidents.

When classified according to common patterns of tactics, the documented incidents fall into the nine categories below:





**Smear Campaigns**



**Defunding**



**Denial of Space**

### Smear Campaigns

The most common tactic employed in the past five years against supporters of Palestinian rights in the Netherlands is the mobilisation of *smear campaigns that publicly discredit an individual, group, organisation or institution*. The large majority of these campaigns were based on inflammatory and unfounded allegations of antisemitism or support of terrorism as defined and described in previous sections I and II of this Report. They were initiated primarily by means of hostile social media postings and articles published by Dutch media outlets, while political pressure on decision makers was frequently added by means of hostile parliamentary questions. Over half (54%, 41 cases) of all recorded incidents fall into this category. Some illustrative examples were already addressed in the previous section. Other examples are the smear campaigns against the Dutch politician Sigrid Kaag and the Dutch NGO The Rights Forum, which are presented in the Appendix as Case Studies #1 and #2.

### Defunding

The second most frequent tactic, with 16% (12 cases) of all recorded incidents, is *(attempted) defunding*. This refers to incidents where a civil society organisation supporting the Palestinian people is (at risk of) losing funding because pressure is applied on its Dutch donor/s (often the Dutch government) to withdraw financial support. The primary means of pressure on private and public donors is the claim that the targeted civil society organisation would use

donor funds to support a EU-proscribed Palestinian group. A prominent example of such defunding attacks in the Netherlands are attempts to coax the Dutch Development Cooperation into cutting-off aid funds from Palestinian NGO Al Mezan Center for Human Rights (Case Study #3).

### Denying the use of public/private space for activities

With 12% (9 cases) of all incidents, *(attempts at) denying the use of public/private space for activities* has been the third most common tactic. This includes incidents in which Israel-advocacy groups mobilise pressure on providers of event facilities or spaces to deny permission or cancel an existing contract for the use of their premises for a Palestine-related activity by claiming that the activity would be antisemitic or supporting terrorism. In all 9 documented cases, providers of venues gave in to the pressure from Israel-advocacy groups for fear that failure to do so could result in reputational or financial damage. Organisers of the targeted activity were either able to obtain alternative space or had to cancel the entire event. Case Study #4 describes the denial of public space that led to the cancellation of a kite festival in Vlissingen.

### Restricting academic freedom

*(Attempts at) restricting academic freedom* is a tactic that accounts for 7% of the recorded incidents (5 cases). It refers to actions that restrict the ability of students, scholars or faculty members to freely pursue research and





**Restricting Academic Freedom**



**Threats Of Lawsuit**



**Financial De-platforming**

disseminate ideas about Israel and the Palestinian people in academic institutions. In the five incidents documented in the Netherlands, this tactic consisted primarily of pressure exerted on university administrations through smear campaigns, with the aim of having universities ban from their premises student groups, student-led activities and academic conferences dedicated to issues of Palestinian rights and oppression by Israel. In three of these cases, the tactic was successful, forcing the organising student group to seek alternative premises off campus (see Case Study #5). In the two other cases, the university administration resisted the pressure and the events could be held as planned (see Case Study #6).

### **Lawsuits or administrative complaints**

*(Threats with) Lawsuits or administrative complaints* drain the emotional and financial resources of associations and groups working for Palestinian rights, especially when legal support is not readily available. Often, they also generate bad publicity. The small number of incidents reported suggests that this tactic has not (yet) been used widely in the Netherlands: only 4% (3 cases) of all documented incidents fall into this category. Moreover, in all three cases, although causing some distress, the burden inflicted was moderate, because legal support was available pro bono, and/or because lawsuits remained in the realm of threats that did not materialize. Finally, in one case, threats with legal action by an Israel-advocacy group turned into that group being fined by Dutch authorities, and into positive

publicity for the targeted Dutch organisation supporting the Palestinian (See Case Study #7, Israel Products Center vs. DocP).

### **Financial de-platforming**

*Financial de-platforming* is a global phenomenon, which refers to a set of actions that threatens, disrupts or completely ends the ability of civil society organisations to use financial platforms and services, including bank accounts, online payment accounts and crowdfunding platforms. For individuals and organisations supporting the Palestinian people, financial de-platforming is usually the result of accusations of support of terrorism brought directly to the financial service provider by Israel-advocacy groups, or of “de-risking”, which is the practice of financial service providers to avoid dealing with perceived ‘high risk’ clients, or a combination of both. De-risking is a response of financial service providers to increasingly restrictive global banking rules aimed at combating money laundering, terrorism and other international crimes. For de-risking and compliance purposes, financial service providers use databases that reproduce disinformation published online, including smear campaigns against individuals and organisations.

The two incidents of (attempted) financial de-platforming documented in the Netherlands (3% of all incidents) are illustrative of the practice of de-risking. In one case, the targeted Dutch association was able to prevent the closure of its account through



### **Violence, Surveillance, Cyber Attacks**

clarifications about their activities that convinced the provider that they are not a high risk client. In the other case (Case Study #8), the same service provider was unwilling to receive clarifying documentation from another Dutch association and closed the account on the ground that funds were transferred to a 'high risk country'.

#### **Violence, Surveillance, spying and cyber-attacks**

(Threats with) Violence and Surveillance, spying and cyber-attacks result in much emotional distress and/or material damage for those affected. Fortunately, only two cases of life-threatening violence (3% of all incidents), and one case of a systematic cyber-attack (1% of all incidents), were reported and documented in the Netherlands. These are described in the Case Studies #9, #10 and #11. Dutch police investigated all of these cases but could not identify the perpetrators.

#### **Denial of access to the OPT**

Denial of access to the OPT is a tactic used, without valid grounds, by Israeli authorities against foreigners, including Palestine solidarity activists, humanitarian and human rights workers and journalists, who seek an Israeli entry visa for work-related visits or stay in the OPT.<sup>i</sup> One case (1% of all incidents) was reported concerning citizens from the Netherlands. The case, which is described in Case Study #12, concerns two Dutch researchers, experts in the field of business and human rights, who were deported from



### **Denial of Access to the OPT**

Israel's Ben Gurion airport for alleged support of the BDS movement.

With regard to the quantitative findings presented above, it is important to point out that these findings are not fully indicative of the scope of incidents of suppression on public debate about Israel and the Palestinian people and engagement for Palestinian rights in the Netherlands. The actual number of incidents is higher for several reasons: first, because much information about the incidents has been lost as many of those targeted and affected did not keep a record of all incidents they have faced. Moreover, not all incidents were reported to the ELSC, among others because the ELSC started operating in 2019 and Incident Report Forms were not yet accessible online for most of 2020.

A crowd of people is gathered for a protest or demonstration. In the foreground, several individuals are holding up large, purple, metallic balloons that spell out the letters 'BDS'. The people are dressed in casual clothing, and some are looking towards the camera. The background shows a city skyline at sunset, with the sun low on the horizon and a few buildings visible, including a tall tower with a spherical top. The overall atmosphere is one of a public gathering or protest.

# **Targets, Negative Effects and Impact of The Incidents**



## 4. Targets, Negative Effects and Impact of the Incidents

The primary targets of the documented incidents on Palestinian rights advocacy in the Netherlands in 2015–2020 were 23 individuals, 6 groups and 53 organisations that took a stand for Palestinian rights and Israel's accountability to international humanitarian and human rights law.

**Individuals** were activists, academics, civil servants, staff of civil society organisations (CSOs/NGOs), politicians/diplomats, members of religious groups and writers/journalists who were attacked for defending Palestinian rights in their personal capacity. **Groups** included student societies and other, not formally registered collectives, while **organisations** were registered legal entities, including CSOs/NGOs, media outlets, political parties, unions and religious organisations.

The available data indicate that CSOs/NGOs were the predominant primary targets of acts of suppression, followed by political parties and individual politicians, and diplomats (see chart next page).

In many incidents, attacks were also directed at additional, secondary targets. Among these secondary targets are state/governmental bodies, including parliament, ministries and local councils (24 incidents), as well as university administrations (3 incidents) and business enterprises (3 incidents), which were subjected to pressure because of their instrumental role in enabling the attack on the primary target.

The analysis of all the documented incidents

shows the following most common and immediate negative effects of incidents on the targeted individuals, groups and organisations:

- + **Fear of the stigmatisation with antisemitism or terrorism**, the associated bad reputation and possible negative repercussions on the targets' work place and professional career;
- + **Distress and mental health problems** caused by smears on social media;
- + **Financial burden**;
- + **Inability to carry out activities as planned**;
- + **Drain of time and resources** for organising and implementing response strategies to the incidents.

In five cases, planned activities were cancelled entirely due to attacks. However, the most common and longer-term impact of all documented incidents is intimidation and self-censorship among the targeted individuals, groups and organisations that seek to avoid the above negative effects. For example, the workings of intimidation and self-censorship among university teachers in the Netherlands, which result from pressures exerted on academic freedom, were explained to the ELSC by a lecturer in international relations :



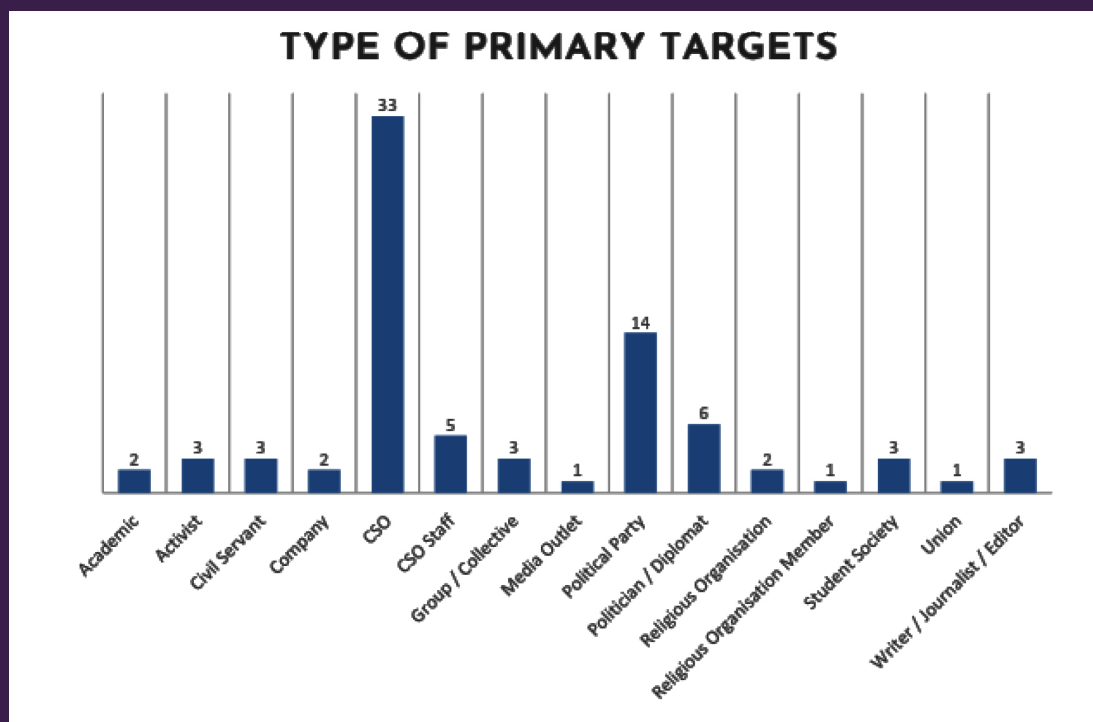
The right-wing groups involved in this intimidation deal primarily with the university administration instead of with us scholars directly. The way universities deal with these attacks is to look at media coverage and possible parliamentary questions and to base their strategy on that.

As scholars, we often find that our battle is not against the people doing the actual intimidation, but against the institution who is supposed to defend us but often does not. We rarely feel backed by the authorities, including our universities. If they need to throw you under the bus, they will do that as well.

What I want to convey is that this has led to self-censorship on a high level. This becomes even more problematic if one belongs to a minority group such as Muslims or migrants from an Arab country: "See those Muslims", they say, "they are against Israel, they are the new antisemites." If one's name is smeared, will you still be invited to a television show? And the Ministry of Foreign Affairs, will they still invite you to hear your opinion after you get slandered? So, in the end, you want to organize academic activities that don't attract too much controversy.<sup>28</sup>

Similar long terms impacts were observed among student activists who were smeared by bloggers. One of them testified:

They often cast activists as aggressors, suspects or as other types of outlaws. These depictions have on occasion impacted our ability to get employed or even keep our current position.





# Conclusion & Recommendations

## IV. Conclusion and Recommendations

Nearly every attack documented by the ELSC for this Report was directed against some form of speech or expressive activity: a media article, a tweet, a conference, an artistic event, a flyering action, a public campaign, a political resolution, legal research and advocacy supporting the work of the International Criminal Court (ICC), a fundraiser or similar efforts. Many of these activities explicitly promoted respect of human rights, international law and resolutions on Palestine/Israel, with some also supporting the BDS movement. Addressing a matter of public concern, such as the situation of Palestinians under Israel's discriminatory and oppressive rule, in a non-violent and non-coercive manner, these activities are protected by the right to freedom of expression and other fundamental rights as provided in the Dutch constitution and the European Convention on Human Rights (ECHR).

***Actions that censor, criminalise and otherwise burden such protected activities, such as the tactics discussed in this Report, therefore, interfere with the right to freedom of expression of the individuals, groups and organisations directly targeted and affected, including groups advocating for Palestinian rights as well as journalists, university teachers and politicians trying to do their job. This also interferes with the right to freedom of expression by hindering the right of the Dutch public to receive accurate information about Israel and the Palestinian people.***

Members of the Council of Europe and European Union, such as the Netherlands, moreover, recognise that their common values

of fundamental rights, democracy and the rule of law are interconnected and mutually reinforcing.

***Hence, the incidents discussed in this Report are not only an infringement of the right to freedom of expression and other related fundamental rights. Rather, they also foster in the Netherlands phenomena which are commonly considered to be characteristics of autocratic regimes, i.e., a climate of self-censorship and of shrinking space for civil society that has a chilling effect on the entire system of democracy, fundamental rights and the rule of law.***<sup>29</sup>

In autocratic systems, the chilling effect on democracy, fundamental rights and the rule of law is primarily created by policies and practices of public authorities, directly or through proxies. In the Netherlands, however, as demonstrated in this Report, government and national authorities are not the primary source. Moreover, the rather small number of Dutch Israel-advocacy groups, far-right and Christian political parties and media outlets that initiate and lead the suppression of advocacy for Palestinian rights cannot achieve such impact alone. Hence, the chilling effect of these attacks in the Netherlands is enabled primarily by those who collude with the agenda of the far-right when Israel and the Palestinians are concerned; who rely upon the disinformation spread by Israel's government and advocacy groups; or who remain silent in the face of suppression of informed public debate and engagement for Palestinian rights. These are the political parties that represent the centre of the political spectrum, their representatives in the national parliament,



The right to freedom of expression under the European Convention on Human Rights, which is protected by the Dutch constitution, is defined as the right to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers

***ECHR, Article 10 (1).***

The position of the Dutch government that support of the BDS movement is protected by the right to freedom of expression and assembly was confirmed in June 2020 by the European Court of Human Rights in *Baldassi v. France*. See an analysis of this decision [here](#).

government and municipal councils, Dutch mainstream liberal and conservative media outlets, university boards and administrators, and private financial service providers.

With regard to the role of public authorities, this Report shows that the Dutch government has upheld the fundamental rights to freedom of expression and assembly and the rule of law, by refraining from formally endorsing the controversial IHRA-WDA with its examples that falsely equate certain criticism of Israel with antisemitism, and by affirming the right of everyone in the Netherlands to support the Palestinian civil society-led BDS movement for Palestinian rights. However, the government has done so only through occasional statements, made primarily in response to parliamentary questions. According to the European Convention of Human Rights (ECHR), the Dutch government and public authorities and institutions (including universities) have a positive obligation to protect and promote fundamental rights, and to create a favourable environment for democracy, fundamental rights and the rule of law.<sup>30</sup> Therefore, the government should act more decisively and publicly against smear campaigns, threats and other incidents of suppression that discourage human rights activists, civil society organisations, university faculty members and students, journalists and politicians from taking a stand for respect of international law and Palestinian human rights, including where this is part of fulfilling their professional duties.

The ease with which so many Dutch political parties, MPs and journalists endorse and

replicate the defamatory and unfounded accusations of terrorism and antisemitism originating from the far-right Israeli government and aligned advocacy groups and media outlets can be explained to a large extent by the traditional Dutch pro-Israel stance. Dutch political and cultural institutions have yet to meet the challenges that lie in dealing with the particular Dutch legacy of the Nazi Holocaust on the one hand, and with the experiences and perspectives of non-European peoples, victims of colonial oppression, on the other.

***In the current situation of rapidly growing international consensus that Israel's rule over Palestinians has transformed into a system of apartheid,<sup>31</sup> the Netherlands' historical and present responsibilities toward its Jewish population must no longer lead to uncritical endorsement of the anti-Palestinian propaganda of right-wing Israeli and Dutch sources, the exclusion of Palestinian perspectives, or the de-legitimisation of the Palestinian experience of systemic, colonial violence and oppression.***

Journalists and media outlets have a professional duty to examine the facts and provide accurate information. An important milestone, ethically and politically, may have been set by more than 40 Dutch university departments and programs, museums and cultural centres with their recent statement of "solidarity with the Palestinian people who are rising up against seven decades of Israeli colonial violence".<sup>32</sup>

# Recommendations

## To individuals, groups and organisations supporting the Palestinian people in the Netherlands:

- Make use of free legal advice available from the ELSC or other sources both when strategising against attacks, and when planning campaigns in support of the Palestinian people.
- Maintain detailed documentation of all incidents faced.
- Preferably use the ELSC's Incident Report Form for this purpose and submit a confidential copy to ELSC. Exchange information about incidents faced and collectively strategise to address them; create regional/national platforms for this purpose.
- Respect the fact that support of BDS is protected by the freedom of expression and make sure to include BDS (student) activist groups in collaborative platforms.
- Protect yourselves against attacks; adopt a policy of zero tolerance of antisemitism or other racism and publish it on your websites and social media pages. If antisemitic or other racist comments are posted on your social media pages, remove them immediately. If you lack the capacity for daily control, disable the comment function on your social media.

## To public and private Dutch donors of organisations supporting the Palestinian people:

- Be aware of the wider delegitimisation campaign led by the Israeli government against Palestinian NGOs and reject unfounded terrorism and antisemitism allegations of Israel-advocacy groups, politicians or media at face value.
- When pressured to terminate funding on these grounds, engage with the accused NGO, seek for additional information when needed, disclose the evidence received and allow the NGO to be transparent and rebut to the allegations.
- Seek expert support to develop a strategy that will keep your organisation safe, protecting it from politically motivated lawsuits and reputational and financial damage. Do not adopt the IHRA Working definition of antisemitism (IHRA-WDA) and its attached examples as a tool for screening funding applications.
- Speak out against all initiatives promoting the use of the IHRA-WDA for this purpose.

# Recommendations

## To the Dutch political parties, members of parliament, government and authorities at the national and municipal level:

- Respect/comply with the positive obligations of States and public authorities under Article 10 ECHR to create a favourable environment for participation in public debate of all those concerned and protect civic space by opposing the smear campaigns. Abstain from all further endorsement/enforcement of the IHRA-WDA, and of motions that condemn the BDS movement as antisemitic.
- If you feel you must endorse a special definition of antisemitism, invite and hear scholars of Jewish history and the Holocaust, experts on anti-racism and Jewish activists who oppose the IHRA-WDA. You may want to adopt the “Jerusalem Declaration on Antisemitism” (JDA) which does not negate the right to freedom of expression on issues concerning Israel and the Palestinian people.
- Withhold all support from initiatives that seek to exert political pressure on the Dutch government to cease funding of civil society organisations by means of the conflation of criticism of the State of Israel with antisemitism and/or support of terrorism.
- For consultations with the Jewish community in the Netherlands - including by the recently appointed National Coordinator for the Combat of Antisemitism - set up inclusive mechanisms to ensure that diverse Jewish opinions on issues concerning antisemitism, Israel and the Palestinian people will be heard. Ensure the inclusion of individuals and organisations, such as the EAJG (Een Ander Joods Geluid/A Different Jewish Voice), whose views are guided by universal human rights and international law rather than the perceived political interests of the State of Israel.
- Deepen the knowledge and understanding of international law concerning Israel and the Palestinian people, including the findings on Israeli apartheid; invite legal scholars and Palestinian, Israeli and international human rights organisations, such as Al Haq, B'Tselem, Amnesty International and Human Rights Watch.

## To the Dutch government, in particular:

- In bilateral relations with Israel, condemn all attempts of interference in the freedom of expression in the Netherlands by Israeli officials, intelligence and advocacy groups.
- Suspend the visa waiver for Israeli citizens coming to the Netherlands when Israeli authorities arbitrarily deny entry into Israel and the OPT to Dutch citizens.



# Recommendations

## To journalists, bloggers and editors of Dutch media outlets:

- Meet the professional obligation of producing and disseminating accurate information, following the Netherlands Press Council guidelines; avoid self-censorship.
- End uncritical replication of unfounded anti-Palestinian allegations through fact checking with independent legal sources and through the inclusion of Palestinian perspectives and sources.
- If you are being smeared or otherwise attacked because of your work on Palestine-Israel, report the incident to a relevant media freedom organisation<sup>33</sup> and the ELSC.

## To administrators and faculty members of Dutch academic institutions:

- Reject any proposed use of the IHRA-WDA and its attached examples as a tool for screening student and academic activities related to Israel and the Palestinian people or for accepting complaints against them. .
- If you feel you must endorse a special definition of antisemitism, you may want to adopt the “Jerusalem Declaration on Antisemitism” (JDA) which does not negate the right to freedom of expression on issues concerning Israel and the Palestinian people.
- Develop a protocol/administrative procedure, for dealing with claims and complaints against students, faculty or activities on university premises that are motivated by (expected) criticism of the State of Israel and/or concerns about the safety of students or local communities. Consult independent experts on the freedom of expression and academic freedom for this purpose, to ensure that your policy/procedure is consistent with well-established standards against hate speech and in support of academic freedom.
- Invite student groups active for Palestinian rights to participate in consultations about respect of personal safety and dignity on campus, and solicit their input on issues, policies and decisions that affect academic freedom and the freedom of expression.

# Recommendations

## To financial service providers:

- Do not deny financial services or close accounts of clients based on the sole fact that they are associated or partnering with Palestinian civil society organisations. Conduct a transparent dialogue and thorough fact-finding with the affected client prior to decision making on whether or not to provide financial services.
- Ensure that the measures you take to avoid risk respect proportionality and do not disrupt or discourage legitimate CSO/NGO activities and respect the fundamental rights to freedom of association.
- Develop transparent policies that provide customers with notice, appeal and remedy when a decision to deny/discontinue financial services has been taken.<sup>34</sup>

# Appendix 1: Illustrative Case Studies



Case Study #4:  
*Denial of use of public space for  
a kite festival in Vlissingen*



### Case Study #1: Smear campaign against Minister Sigrid Kaag

Sigrid Kaag, current leader of D66 (liberal democrats) and former Minister of Foreign Affairs, has been the target of a smear campaign prior and after her nomination as Dutch Minister for Foreign Trade and Development Cooperation in October 2017.

Her previous work with UNWRA (1994-1997), the fact that she is a representative of D66 and mostly her marriage to the Palestinian politician Anis al-Qaq, have been used to undermine her credentials as Minister in charge of Dutch foreign aid to the Palestinian people, including NGOs.

The website GeenStijl smeared Kaag as a “Palestijnenpijper” (Palestinian fetishist), “Palestinian mole” and “trojan horse.”<sup>35</sup> Israel-advocacy groups like CIDI and Likoed Nederland, along with media such as De Telegraaf,<sup>36</sup> published hostile reports and false allegations about Kaag. Likoed presented in its press release seven reasons why Kaag would not qualify for the position of Minister in the new Dutch cabinet (also published in De Dagelijkse Standaard), accusing Kaag among others of raising her children “pro-terror”. A public petition against her nomination was also launched.

In an article headlined “*Holland’s new deputy foreign minister accused Netanyahu of racism*”, JTA editor Cnaan Liphshiz falsely attributed to Kaag a statement of Israeli peace activists that accused Israel’s prime minister of racism. The false news was replicated by Israeli media such as the Jerusalem Post, Times of Israel and Haaretz.

The smear campaign became increasingly personal when Geert Wilders, leader of the populist far right Party for Freedom (PVV), tweeted a photo that showed Kaag, her husband and four children posing – in his words – “with PLO-terrorist Yasser Arafat”.



Former Dutch Minister of Foreign Affairs, Sigrid Kaag.

Kaag was nevertheless appointed as Minister of Foreign Trade and Development in the Dutch cabinet in 2017, and, till recently, as acting Minister of Foreign Affairs in 2021. Since 2017, the smear campaign against her has focused on undermining her professional credentials and her ability to provide Dutch development aid to Palestinian NGOs.

## Case Study #2: Smear campaign targeting The Rights Forum

The Rights Forum, a Dutch NGO based in Amsterdam, was established in 2009 by former Prime Minister Dries van Agt as a network of former ministers and scholars of international law, who join forces to promote a just and durable solution to the Israel-Palestine conflict. On its website, the Forum has also repeatedly published about the intimidating smear campaigns of Israel-advocacy groups in the Netherlands.<sup>37</sup> As such, the Forum has been the target of frequent public smearing with allegations of antisemitism by actors seeking to harm its standing as a professional and authoritative source of information and policy advice on Palestine/Israel.

Smears have been directed at the Forum's founder and board members, for example by media outlets such as *De Dagelijkse Standaard*, which in 2017 accused Dries van Agt of being an antisemite and "*fervent Israel hater*" who founded the Forum as a means to spread his "dangerous ideas".

In May 2018, the CJO (Central Jewish Consultation) and CIDI's youth organisation (CiJO) took advantage of antisemitic comments made on the Forum's Facebook by individuals not affiliated with the Forum to file a complaint, and to accuse the Forum of antisemitism in a prominent radio show of the fundamentalist Evangelical Broadcasting (EO), which is part of the public broadcasting system.<sup>38</sup>

According to The Rights Forum, the NIW (New Israelite Weekly) has been one of the leading voices in smearing the Forum. In August 2018,



Gerard Jonkman (R) and Martijn de Rooi (L) of The Rights Forum at the office of the International Criminal Court (ICC) in the Hague, 10th December 2019. The Rights Forum.

for example, NIW editor Bart Schut tweeted about the "*Dries van Agts antisemietenforum*", called the Forum's journalism "*antisemitic dreck*", and suggested that the Forum was a BDS organisation that had been hiding behind a respectable mask but was now showing its real face. After the Forum had explained its position, it received from the NIW another, unpublished article, which – under the title "*The Rights Forum radicalises further*" – repeated the accusations of antisemitism, compared the Forum with Nazis, and called Jan Tervoort, whose oped's are regularly published on the Forum's website, a "*Jew Hater*". The Forum



prepared a rebuttal and Tervoort announced legal steps.

In July 2019 the Forum again faced similar smears. Jan Tervoort had tweeted from his personal account, calling on the PvdA (Dutch Labour party) to exclude from its ranks three pro-Israel advocates, including CIDI's former and present directors.<sup>39</sup> Affiliates with CIDI and the CJO, including the editor of the New York-based JTA and Likod Nederland, spread the false news that the Rights Forum's "lead author" had called on political parties to expel them because they were Jewish in what was a "repugnant and a clear example of antisemitism disguised as criticism of Israel".<sup>40</sup> Likod Nederland also accused The Rights Forum of not distancing itself from the alleged antisemitic hate speech. According to the Forum's director:

*" These smears have poisoned the debate and caused more polarisation. However, since the Ministry of Foreign Affairs, members of Parliament and many other NGOs have faced similar smears, informed actors know how to assess them. But these smears have made some others, who are less informed, hesitant to support or cooperate with The Rights Forum. On the other hand, they have made others, who are better informed, willing to intensify cooperation. "*

Besides smearing the Rights Forum for the personal tweet of Tervoort, unidentified people actively tried to damage Tervoort's tourist company by calling one of his regular clients and warning of Tervoort being an "antisemite". Shortly after, Tervoort also received to his home address free test products (including male diapers), got enlisted in a suicide hotline, and his contacts were communicated to divorce lawyers, the Dutch institution for psychiatric help and other institutions, all without his consent. Asked about the effects of this smear campaign, Tervoort said:

*" The impact of all this has been mostly anger and a drain on my time, because I refuse to back down."*



### Case Study #3: *Attempt at defunding Al Mezan Center for Human Rights*

Israel-advocacy groups attempted to end public Dutch funding for the Gaza-based Palestinian human rights organisation Al Mezan Center for Human Rights by alleging ties of the NGO with groups proscribed by the EU and the Netherlands.



Established in 1999, Al Mezan supports victims of violations of international humanitarian and human rights law through research, legal intervention, advocacy and awareness-raising. The organisation regularly shares documentation with many United Nations bodies. For instance, in 2014, Al Mezan provided the UN Independent Commission of Inquiry on the 2014 Gaza Conflict and the UN Office for the Coordination of Humanitarian Affairs (OCHA) with statistics of casualties inflicted by Israel's military attacks on the occupied Gaza Strip. Since 2015, it has submitted information to the

ICC for the investigation and prosecution of war crimes committed in the OPT. In August 2020, the NGO Monitor released a report about Al Mezan, claiming that the NGO lacked transparency in its financial reporting, and that employees were affiliated with both the Popular Front for the Liberation of Palestine (PFLP) and Hamas.<sup>41</sup> The NGO Monitor also included Al Mezan in its special website about what it calls the "PFLP NGO Network".

As soon as the NGO Monitor had released its report about Al Mezan, the Dutch media outlets Joods.nl and De Telegraaf published articles replicating the NGO Monitor's false claims. On 3 September, the nationalist, far-right PVV (Party for Freedom) submitted the same claims against Al Mezan in the form of parliamentary questions to both the Ministry of Foreign Affairs and the Ministry of Trade and Development Cooperation. Among others, PVV MPs asked the Ministers whether they were prepared to *"thoroughly screen all Palestinian organisations that have received Dutch aid money for links with terrorist groups"*, and to *"immediately close the Dutch representation in Ramallah, since they are unable to prevent the Dutch representation from being used/abused for terrorist financing"*. CIDI then publicised the PVV questions in a piece citing both De Telegraaf and the NGO Monitor.

On 8 October 2020, Ministers Blok and Kaag responded to the PVV's questions, rebutting unequivocally all claims against Al Mezan. Among others, the Ministers confirmed that, *"Al Mezan complies with all reporting requirements of the EU, the UN and bilateral*



donors and provides annual audit reports prepared by an international auditor." The Ministers also clarified that "the mere fact that people are attending a meeting or public event cannot, according to the government, be interpreted as support for any [participating] organisation".<sup>42</sup>

Whereas essential Dutch financial support of Al Mezan was protected in this incident,<sup>43</sup> the attempt to defund the Palestinian NGO by means of a smear and disinformation campaign continues: the NGO Monitor, CIDI and the NIW (New Israelite Weekly) have already challenged the Dutch position, accusing the Dutch government of knowingly funding terrorist activity and calling on it to immediately end all cooperation with Al Mezan.<sup>44</sup>

Issam Younis, Al Mezan's General Director stressed:

*"These attacks by the Israeli government and its associated actors aim to discredit and destabilize us, and ultimately shut us down. Still, while deflecting blatantly false allegations certainly distracts us from our primary human rights work, the attacks also expose a crucial element of Israel's entrenched regime of racial domination and oppression over the whole of the Palestinian people: a campaign to intimidate, silence and repress effective defenders of Palestinian human rights. But we are undeterred."*

## Case Study #4: *Denial of use of public space for a kite festival in Vlissingen*

When City Councillor Rens Reijnierse (50Plus) stood on the Vlissingen beach, visiting an art project in solidarity with Palestinians in the Israeli-occupied and besieged Gaza Strip, he could not foresee that his joyful tweet about the event would unleash an international smear campaign, leading to the cancellation of the event.<sup>45</sup>

In October 2018, the platform of local artists **ruimteCAESUUR** had organised a kite festival and invited 20 international artists to design kites as a means of awareness-raising and solidarity with the Palestinian children of Gaza.

CIDI was the first to respond to the City Councillor's tweet, slamming the event for its use of kites, which CIDI called "*weapons of Gazan terror*", and publishing a picture of a kite adorned with a swastika, although this kite was not related to the festival by any means. The swastika-kite CIDI depicted in its tweet had first been published by The Times of Israel in April 2018. The NIW and Jonet followed suit with similar stories about an "*action against the Jewish State displaying Nazi-symbolism*". Editor Cnaan Liphshiz then disseminated via the New York-based Jewish Telegraphic Agency the story of the "*kite featuring a swastika in green, the official color of Hamas*",<sup>46</sup> which was replicated, among others, by Haaretz and even The Times of Israel itself.

The political parties represented in the Vlissingen Council, foremost the SGP (Reformed Political Party) and the VVD, as well as the local Perspectief op Vlissingen (POV), denounced the festival as an "*antisemitic*



*project*" that causes damage to the image and interests of the Vlissingen Municipality. They also called for the prohibition of the festival on Vlissingen's public beach, referring to a provision of the General Local Regulations based on which events may be prohibited, if their content and appearance do not fit with the policy or damage the interests of the Municipality.<sup>47</sup>

Consequently, Councillor Reijnierse apologised and cancelled his supportive tweet. Faced with this backlash, as well as threats, Hans Overvliet, initiator of the festival, cancelled a second event that had been planned, explaining:

*"It does not make much sense for me to explain on the boulevard what the kites stand for, if the only people who come to watch it are those who think we should be shot in our legs, as I read on social media."*



### Case Study #5:

### *Restriction of academic freedom for expert debate on academic boycott of Israel*



In January 2015, Students for Justice in Palestine (SRP) was organising an expert debate about an academic boycott of Israel at the Vrije Universiteit in Amsterdam (Free University, VU) with Israeli activist Ronnie Barkan and former Dutch Senator Anja Meulenbelt. Although the event had been approved by the University Board, the latter cancelled it at the last-minute following a smear campaign.

Five days before the planned event, an antisemitic comment was posted on SRP's Facebook page by a fake account named "Muhammed Seher" that was subsequently cancelled. SRP deleted the antisemitic slur within 20 minutes. Nevertheless, a screenshot had been taken by an unknown person and shared with Israel-advocacy groups and affiliated media outlets.

Federatief Joods Nederland tweeted and addressed the University Board in a letter, labelling SRP a "discriminatory and antisemitic" group. CIDI and CiJO joined in, calling on their

sympathisers to write the University Board to not provide a platform to this "one sided" and "hateful" student committee. Media outlets such as NIW, De Telegraaf and GeenStijl contributed to the campaign.

Faced with pressure, the University's Board prohibited the event from going forward on VU premises. The Board prohibited SRP's expert debate only 24 hours before the scheduled date, citing "societal unrest" and "feelings of unrest and exclusion in the Jewish community", and claiming that it had been approached from "inside and outside the university", including even by a student who was "afraid" to return to the campus.

SRP was surprised by the last-minute cancellation but succeeded, nevertheless, to secure an alternative venue at the Nelson Mandela Center in Amsterdam. At the Center, the debate about an academic boycott of Israel with more than 200 attendees went ahead successfully, albeit not undisturbed.

## Case Study #6:

### Attempt at restricting an academic symposium on the Israeli security industry

Gate48, a Dutch NGO of a group of Israelis living in the Netherlands, was organising a symposium titled "Securitizing Worlds: A Critical Look at the Israeli Global Security Industry". The three-day conference hosting a range of expert speakers was to take place in the CREA, the cultural student centre of the University of Amsterdam (UvA), in September 2016. The announcement of the conference was immediately followed by an attempt to thwart the event, which ultimately failed.

CIDI called on the University Board to prevent the symposium from going forward, painting it as a threat to academic freedom, the University's academic standards, and the safety of University staff and students, especially those who are Jewish and/or Israeli. The SGP (Reformed Political Party) sought to up the pressure with a set of parliamentary questions to the Minister of Education, Culture and Science.

Responding on behalf of the government, the Minister, however, stood her ground in this instance, explaining among other:

*"I cannot draw any conclusions about a debate that has yet to take place. Therefore, I cannot prejudge whether any views raised in this academic debate could be a breeding ground for antisemitism. I think it is desirable that the academic debate can take place on a wide spectrum of themes."*<sup>48</sup>



The Minister also clarified that neither the University nor the government were involved in the organisation or financing of the symposium, and that she saw, therefore, no reason to intervene.

The symposium was carried out as planned. Gate48 also published on its website the statement "We will not be silenced", in which the group condemned the attempts to sabotage the symposium as a threat to academic freedom

## Case Study #7:

### *Threat with lawsuit, Israel Product Center vs DocP*



DocP is a Dutch foundation for research and services for Palestine that is part of the BDS movement. In response to a DocP initiative against the mislabeling of products originating from the illegal Israeli settlements, the Israel Product Center, a business importing and selling Israeli produce, and affiliated with Christians for Israel, threatened to take legal action against DocP.<sup>49</sup>

On 11 February 2020, DocP launched an online action calling upon the public to complain to Dutch authorities against the Israel Product Center (IPC) for violation of EU law and possible tax fraud by labelling wines from illegal Israeli settlements – contrary to the November 2019 ruling of the Court of Justice of the European Union (CJEU) – as wines originating from “an Israeli village in Judea and Samaria”. Within a week, DocP received a letter from a lawyer representing the IPC,<sup>50</sup> demanding that DocP stop the campaign and remove the call from its website, and threatening to sue the association for defamation.

DocP sought legal assistance from the ELSC that requested the advice of lawyer Elles ten Vergert from the Prakken d'Oliveira Law Firm.

With the help of the latter, DocP sent letters to the Fiscale Inlichtingen en OpsporingsDienst (Fiscal Intelligence and Investigation Service, FIOD) and the Nederlandse Voedsel- en Warenautoriteit (Food and Consumer Product Safety Authority, customs, NVWA), explaining the legal basis of its accusation of mislabelling, and clarifying that tax fraud was a suspicion, not a fact. The IPC's lawyer replied that his client was not satisfied with DocP's response and that they were “deliberating legal action”. However, the IPC took no further action.

Events turned positive, when the NVWA announced on 26 June that it would investigate the IPC, which triggered hostile parliamentary questions by the CU (Christian Union) and SGP (Reformed Political Party). Following the inspection of the IPC on 10 July, the NVWA informed the Center that it would be fined, unless it applied proper labelling. Despite attempts by right-wing parties to exert pressure on the government with more parliamentary questions,<sup>51</sup> the NVWA went ahead and imposed in April 2021, almost one year later, a fine of €2,100 on the Israel Products Center.



## **Case Study #8:**

### *Financial de-platforming of a Dutch NGO by Mollie Payments*

A small Dutch charity that raises funds for a school in the occupied Palestinian West Bank and had its account closed by its Dutch payment provider Mollie Payments.

According to the information provided to the ELSC by the organisation, it received in November 2019 an email from Mollie Payments, announcing the closure of its account within one month. Citing policy changes based on the Anti-Money Laundering and Anti-terrorism Financing Act (WWFT), Mollie claimed that the charity would no longer fit its portfolio. The charity objected with the help of a law firm. It also offered to provide all documents required by Mollie for the continuation of services.

Nevertheless, Mollie insisted on closing the account. The company also refused to provide more detailed information about the cited policy changes, stating only that countries that are not members of the Financial Action Task Force (FATF) pose a higher legal risk and are, hence, subjected to stricter controls by De Nederlandsche Bank (Central Bank of the Netherlands).

As a result, the charity was forced to open a new account with another payment provider, which led to a substantially higher overhead cost of financial transfers to the sponsored Palestinian school. In an interview with the ELSC, the charity explained:

*"When we established the NGO, we had no concern about bank accounts and payment providers. It didn't come to our minds that financial services could be terminated abruptly. Nowadays, we are actively following the issue of de-platforming, and we have started an inventory of possible alternatives in case our current bank and payment service provider will also tighten the screws."*

*"This incident has diverted a lot of time and resources away from our core activities."*

### Case Study #9:

### *Violence targeting staff of the Palestinian human rights organisation Al Haq*



Human rights lawyer Nada Kiswanson, a Swedish citizen working with the Palestinian human rights organisation Al Haq, received anonymous death threats and her digital devices were hacked while staying in the Netherlands and preparing documentation for the ICC's preliminary investigation into war crimes committed in the OPT.

In February 2016, Nada Kiswanson and members of her family received intimidating messages and death threats by email, and even with flower deliveries to Kiswanson's home. As reported by the Observatory for the Protection of Human Rights Defenders, a close family member was told by a person who identified himself by a false name that Kiswanson would be "eliminated" unless she stopped working. In March 2016, Amnesty International informed that it was forced to close its office in The Hague temporarily for security reasons, because an employee's personal email had been hacked and was used to send Kiswanson a death threat. As reported later by international media, when Kiswanson purchased a new pre-paid mobile phone number, she received on it a threat in Dutch, English and "broken Arabic" on the following day. Her computers and accounts were hacked, and in May, flyers were distributed in her

neighbourhood, revealing her private address and phone number, and describing her as working to improve the "structure of the Islamic base" and to collect clothing for refugees. She then received piles of clothing and food items, as well as phone calls from neighbours that feared "an influx of Muslims or mosques".

From April 2016 onward, Dutch authorities provided protection and investigated the threats but were unable to track down the attackers. The Dutch daily NRC first reported the case publicly in August 2016, noting that the techniques used seemed too sophisticated for an individual and rather pointed to a large organisation.<sup>52</sup> Three years later, in May 2019, the Dutch public prosecutor (OM) closed the case after all leads had fizzled out and no suspect had been found.

Dutch Israel-advocacy groups and media smeared the NRC for reporting Kiswanson's belief that Israel was behind the threats, and for pointing at its security agency Mossad. CIDI director Luden accused NRC journalist Leonie van Nierop of feeding conspiracy theories; GeenStijl and Opiniez claimed the Kiswanson case was made up, and the NIW repeated this claim, accusing NRC of a lack of objectivity.

## Case Study #10: *Attempted Violence against Ismail Ziada and his family*

### NOTICE OF LIABILITY

**Subject: Aerial bombardment of Ziada family apartment building in Al Bureij (Gaza) on 20 July 2014**

Dear sirs,

On behalf of our client **Mr. Ismail Ziada, born on 7 March 1975**, who has chosen domicile at the business address of the undersigned, his lawyers, on the Linnaeusstraat 2A in Amsterdam, the Netherlands (1092 CK), we are hereby sending you a notice of liability with regard to the following.

Our client is a surviving relative of Muftia Mohamed Ziada, Jamil Shaban Ziada, Yousef Shaban Ziada, Omar Shaban Ziada, Bayan Ziada and Shaban Jamil Ziada ('the Victims'). All six were killed as a result of a missile that struck the Ziada family apartment building in Al Bureij refugee camp in Gaza (Occupied Palestinian Territory; 'OPT') on 20 July 2014; a house guest was also killed and another house guest as well as a passerby were injured.

The case file shows that the attack on the apartment building was conducted in violation of international humanitarian law and constitutes an unlawful act un-

A Dutch-Palestinian family who took legal action against Israeli officers for the killing of family members in Gaza in 2014 faced life-threatening sabotage.

In March 2018, Ismail Ziada lodged a landmark lawsuit in the Netherlands against the then Israeli chief-of-staff Benny Gantz and airforce commander Amir Eshel for the killing of six of his family members during Israel's 2014 war on Gaza. The case attracted worldwide attention.<sup>53</sup>

In December 2018, Ziada discovered that the brake cable of his family car was cut while the car was parked in front of their home in The Hague. The case was investigated by the police and public prosecutor, but no leads were found. Although no family member was injured, the experience caused severe emotional distress, leaving the family with feelings of anxiety and powerlessness. As Ziada explained to the Court in September 2019:

*"We experienced this event as an additional form of security pressure directed at us to provide that last nudge to convince us to stop. I would like to emphasize that we experienced that, in this instance, the pressure was not just directed at me and my wife but also at our children."*

Despite the pressure, Ziada has persisted. When the District Court of The Hague dismissed the case in January 2020, declaring itself incompetent to hear the case. Ziada filed an appeal against the ruling and a hearing took place in the Appeals Court of the Hague on 23 September 2021. The Court will issue a verdict at the end of 2021.



## Case Study #11:

### Cyber-attack on a Dutch activist for Palestinian rights



In 2016, long-time anti-apartheid activist and advocate for Palestinian rights Sarah De Bruin<sup>54</sup> fell victim to a series of cyber-attacks whose source could not be identified by the Dutch police.

In June 2016, De Bruin received an email from a group that identified itself as Brigade Juive, an extremist right-wing group of Jews in France that purports to defend Israel and Jewish communities, and to “expose” alleged criminal activities of activists with the BDS movement. The email threatened to “scalp” BDS activists and contained malware as well as a link to a website of the Brigade Juive.

In the following two months, De Bruin’s email was hacked and hundreds of false mails were sent from her address. Then her Facebook and LinkedIn accounts were also hacked. De Bruin reported the attacks to the police and the public prosecutor. An investigation was opened, but the police lacked knowledge and resources for tracing the source. The public prosecutor eventually closed the case without being able to establish the identity of the attackers.

De Bruin explained to the ELSC:

*"The cyber-attack created feelings of insecurity and fear because they came right after receiving a death threat. I also feared that my contacts who received fake emails in my name could be harmed. I had to take security measures to restore my trust in digital devices and new technologies. It cost money and time. I followed the advice of a security expert who advised me to buy a new lap top, change my IP address and move my email account to a specialist provider."*

*Although the investigations by the police and the public prosecutor took time and were unsuccessful, they helped me feel that my case was taken seriously."*

## **Case Study #12:**

### *Dutch researchers denied entry into Israel and the OPT*

Two Dutch researchers working with the Amsterdam-based Centre for Research on Multinational Corporations (SOMO) were denied entry into Israel – and thereby effectively also into the OPT – by Israeli border police and banned for five years for alleged BDS activism.

On 20 July 2018, two of SOMO's researchers, landing at Israel's Ben Gurion Airport, were stopped by border police, interrogated, detained and denied entry. Both were denied access to the Dutch embassy or a lawyer, and expelled after being held for four hours and one night respectively. The reason stated by the Israeli authorities was their alleged "BDS activism" that violated Israeli anti-BDS legislation. The evidence consisted of a few social media posts of one of the two.

SOMO called on the Dutch government to condemn the treatment of its researchers and request a valid explanation from the Israeli authorities. After consultation with Israeli officials, the Dutch Ministry of Foreign Affairs notified SOMO in September 2018 that the researchers were likely to be banned by Israel until the end of 2023. Despite multiple requests by SOMO, the Israeli authorities refused to provide details on the exact legal grounds and underlying evidence for the entry ban. In response to parliamentary questions, Dutch Minister Stef Blok indicated that statements supportive of BDS made by the researchers in a personal capacity seem to have been the reason.

SOMO decided to challenge the entry ban: on 18 February 2020, Israeli law firm Michael Sfar

submitted a request for the re-examination of the ban to the Interior Ministry. In early 2021, the lawyer obtained documents originating from the Ministry of Strategic Affairs, which showed that the ban was partly due to the researchers' work for SOMO on corporate involvement in Israel's exploitation of Palestinian natural resources, as well as SOMO's advocacy for the release of the UN database of companies involved in business with illegal Israeli settlements.<sup>55</sup> The two researchers filed a legal appeal, which was rejected on procedural grounds.

Researcher Pauline Overeem declared:

*"Obstructing independent research into business and human rights issues in this way fits within a broader trend: civil society organisations are being more and more restricted and undermined by the Israeli authorities. For our Palestinian and Israeli partners this has been a daily reality since long."*

Researcher Lydia de Leeuw added:

*"We call on the Dutch government to take a firm stand on the freedom of expression and the importance of civic space in Israel and Palestine. To ensure that local and international civil society organisations like SOMO can continue their (research) work unhindered."*

## Appendix 2: Incident Report Form TEMPLATE

### ELSC Incident Report Form

The purpose of this form is to gather information for the first ELSC report on repression of advocacy for Palestinian rights in The Netherlands. The form is for communication with the ELSC only. Your name and contact details will be kept confidential. With your permission, we will contact you to complete and confirm information about the reported incident prior to publication.

Please fill this form, preferably in English (or in Italian, German, Dutch, French or Spanish, if necessary) and return it by email to: [info@elsc.support](mailto:info@elsc.support)

If you report more than one attempt or incident of repression, please fill this form separately for each incident.

### CONTACT

Name

Email

Phone number

\*\*In order to support you and your case if possible, may we contact you via the details you provided above to speak further on this matter?

☐ Yes

☐ No

### WHERE DID THE INCIDENT TAKE PLACE?

Country

Town

Location

## Appendix 2: Incident Report Form

**WHEN?** (please specify exact date and year between 2015-2020)

Date

Time / Hour

Additional info

**TYPE OF INCIDENT** (select as many boxes as applicable to the reported incident)

- ☐ False accusation of antisemitism and/or terrorism
- ☐ Adoption of a restrictive policy or piece of legislation, concerning for example the IHRA definition of antisemitism or prohibition on BDS (Boycott, Divestment and Sanctions) activities
- ☐ Threat of legal action or legal action
- ☐ (Attempted) Denial of use of the use of a public/private facility for a Palestine related activity or event
- ☐ Physical interference (such as disruption of an event) or attack by authorities or private persons
- ☐ Cyber attack
- ☐ Closure or threat of closure of bank account or obstruction of access to fundraising and/or money transfer tools
- ☐ Closure, threat of closure, or removal of content from a social media platform
- ☐ Cutting off funding from public or private donors, or attempts made to influence donors to do so.
- ☐ Other:

**WHAT HAPPENED?** (brief but detailed description of the incident)

### DOCUMENTATION

If available, please provide links to documents related to the incident which are published online (e.g., media articles, photographs, videos, testimonies of the affected one(s)/witnesses, documents submitted or received from authorities or courts, a copy of the restrictive bill, law or regulation). Where links are not available online, please attach them as documents to your email when returning this form.

Links



## Appendix 2: Incident Report Form

### WHO HAS BEEN AFFECTED?

Type of activity you were undertaking/planning to undertake

Name of your group/organisation (if applicable)

Number of people, nationality/ethnic origin and gender of persons affected by the incident (if known)

### WHO IS RESPONSIBLE FOR THE INCIDENT?

Provide – as much as you know – names, titles, department, organisation or other identification of those responsible for the specific incident (for example, who disrupted the event, who lodged the complaint, etc.)

Name(s), organisation

Address

Other information

**THANK YOU.**

# Endnotes





## Endnotes

1. “Allegations of antisemitism” refer to allegations that are unfounded because they conflate between legitimate criticism of the Israel State’s policies and of Zionism, with forms of hatred and discrimination against Jewish people. The US-based organisation Jewish Voice for Peace has identified 5 principles that should be followed to address anti-semitism and to deal with it in a comprehensive manner, as well as to combat discrimination across different contexts. Albeit the constant evolution of the phenomenon precludes to codify its meaning, it is still crucial to distinguish antisemitism (intended as a specific form of discrimination against Jewish People and Judaism) from anti-Zionism (meaning the opposition to an Israeli settler colonialism regime) and any other criticism of Israel’s oppressive and discriminatory policies. This Report shows that the notion of antisemitism is being instrumentalised to silence political opinions defending Palestinian rights, thus infringing upon the right to freedom of expression as protected under article 10 of the European Convention on Human Rights (ECHR). The European Court of Human Rights has recognised that political opinions hold a privileged status within the meaning of article 10 and that the right in question does not only protect information or ideas that are favourably received by public opinion, but also those that offend, shock or disturb the State or sectors of the population (*Handyside v. The United Kingdom*, § 49, 7 December 1976).

2. “Allegations of support of terrorism” directed against Palestinian civil society organisations (CSOs) and their partners and/or donors in the Netherlands, must be seen in the broader context of shrinking space for civil society in Palestine and Israel. Palestinian CSOs are aggressively targeted by Israeli authorities and Israel-advocacy groups that aim at disrupting CSOs’ humanitarian activity, by delegitimizing their work and depriving them of funds through accusations of supporting terrorism. The latter accusations are essentially based on unreliable sources, such as decisions of Israeli military courts taken in blatant violation of fundamental rights and unverified open source information. The allegations mentioned in this Report must be rejected as they lack any corroborative value since they are unverifiable, imprecise and non-consistent.

3. The term “lawfare group”, in the Israel-Palestine context, is most widely used to designate politically motivated actors that target selectively individuals, groups and organisations who oppose to the Israeli state policies in the OPT. Their primary goal is to delegitimise and disrupt CSOs’ advocacy or humanitarian work by depriving them of funding essential to their sustainability and by undermining their reputation through online and offline media campaigns.

4. Joods, De Redactie, Hoe denkt Thierry Baudet over Israel?, 22 March 2019, available at: <https://www.joods.nl/2019/03/hoe-denkt-thierry-baudet-over-israel/> and Tervoort, J., Het CIDI is mislukt als antisemitisme-waakhond, 2 December 2020, available at: <https://www.frontaalnaakt.nl/archives/het-cidi-is-mislukt-als-antisemitisme-waakhond.html> Among others, since 2017, several members of CIDI have sympathised with the right-wing

## Endnotes

political party Forum voor Democratie (Forum for Democracy; FvD). In 2019, two far-right Flemish activists participated in a CIDI trip through Israel. On the latter, see: The Rights Forum, “Extreemrechtse Vlamingen met CIDI naar Israël, gesubsidieerd met joodse gelden”, 12 July 2019, at: <https://rightsforum.org/nieuws/extreemrechtse-vlamingen-met-cidi-naar-israel-gesubsidieerd-met-joodse-gelden/> and NRC, Pas op als CIDI met definitie voor antisemitisme aankomt, 30 March 2018, available at: <https://www.nrc.nl/nieuws/2018/03/30/pas-op-als-cidi-met-definitie-voor-antisemitisme-aankomt-a1597757>

5. The campaign was then amplified by CIDI. See CIDI, “CIDI: Stel kwaliteitscriteria in voor schoolboeken”, 11 September 2015, available at <https://www.cidi.nl/cidi-stel-kwaliteitscriteria-in-voor-schoolboeken/>

6. For sources on Christian Zionism, see CORE, Stephen R. Sizer, “The promised land: a critical investigation of Evangelical Christian Zionism in Britain and the United Kingdom since 1800”, 17 August 2010, available at: <https://core.ac.uk/display/17301104> and Kairos Palestine, “Christian Zionism through Palestinian Eyes”, available at: <https://www.kairospalestine.ps/index.php/resources/around-the-web/christian-zionism-through-palestinian-eyes>.

7. The newspaper fulfilled a much-criticised role during the Second World War and towards the end of the war, it was led by Hakkie Holdert, who served as a Nazi SS-officer.

8. For detail, see the section “The Push for Anti-BDS Motions” in this Report.

9. On the traditional pro-Israel stance in Dutch foreign policy, see: Malcontent, P. (2018). *Nederland, Israël en Palestina: Een Open Zenuw*. Boom; Peeters, F. (2005). *Gezworen Vrienden: Het Geheime Bondgenootschap tussen Nederland en Israël*. Atlas Contact, p. 13.

10. For instance, Hanna Luden, CIDI director, is part of the Foreign Affairs Committee of the PvdA and was a board member of the PvdA- Amsterdam Oost.

11. Since the 1990s, support for Israel has been decreasing, but this did not mean increased support for Palestinian rights. Support for Palestinians became more present in the official Dutch discourse only in the last few years. On the traditional Dutch pro-Israel stance, see: Malcontent, P. (2018). *Nederland, Israël en Palestina: Een Open Zenuw*. Boom; Peeters, F. (2005). *Gezworen Vrienden: Het Geheime Bondgenootschap tussen Nederland en Israël*. Atlas Contact, p. 13.



## Endnotes

12. In this regard, leading German cultural institutions published in December 2020 a plea against euro-centrism and for “Weltoffenheit” (world-openness), in German and English, at: [https://www.humboldtforum.org/wp-content/uploads/2020/12/201210\\_PlaedoyerFuerWeltoffenheit.pdf](https://www.humboldtforum.org/wp-content/uploads/2020/12/201210_PlaedoyerFuerWeltoffenheit.pdf). Among others, the statement says:

*Today, a specific challenge lies in the responsibility to convey the particularities of the German past – which is characterized by the singular genocide of European Jews, on the one hand, and, by a late and relatively hesitant confrontation with Germany’s colonial history, on the other – to our cooperation partners around the world (...) This also entails an active commitment to heeding a diversity of Jewish positions and an openness toward non-European perspectives. It is unproductive, even detrimental to the democratic public sphere to exclude vital voices from critical dialogue (...). Germany’s historical responsibility should not lead to a general delegitimization of other historical experiences of violence and oppression, neither morally nor politically. A relevant statement of Dutch cultural institutions published in May 2021 is addressed in the conclusion section of this Report.*

13. SETA Stichting voor Politiek, Economisch en Sociaal Onderzoek, Leyla Yildirim, *Islamofobie in Nederland: Nationaal Verslag 2018*, April 2020, available at: <https://www.islamophobiaeurope.com/wp-content/uploads/2020/04/R157PL.pdf> ; Soetenhorst, B., *Integratie-expert: Nederland is in de greep van Islamofobie*, 20 September 2019, available at: <https://www.parool.nl/nieuws/integratie-expert-nederland-is-in-de-greep-van-islamofobie~b5400ac8/?referrer=https%3A%2F%2Fduckduckgo.com%2F>

14. Van Hofslot, G., *Allahu akbar! Verhitte pro-Palestinademonstratie op de Grote Markt in Groningen*, 16 May 2021, available at: <https://dvh.nl/groningen/Verhitte-pro-Palestinademo-op-de-Grote-Markt-26832751.html>; De Volkskrant *Het kán, Joden en moslims die samen praten en rouwen om Israël en Palestina*, 19 May 2021, available at: <https://www.volkskrant.nl/nieuws-achtergrond/het-kan-joden-en-moslims-die-samen-praten-en-rouwen-om-israel-en-palestina~b6a0175e/>

15. More than 200 scholars of Holocaust history, Jewish studies and Middle East have proposed the “Jerusalem Declaration on Antisemitism” (JDA) as an alternative to the IHRA-WDA: <https://jerusalemdeclaration.org/> See also: Database of the Foundation for Middle East Peace, “Challenging the IHRA Definition of Antisemitism”, 9 August 2021, available at: <https://fmep.org/wp/wp-content/uploads/Challenging-the-IHRA-Definition-of-Antisemitism.pdf>; On the role of Israel-advocacy groups as crafters and promoters of the IHRA-WDA, see: Jamie Stern-Weiner, *The Politics of a Definition*, April 2021, available at: <https://freespeechonisrael.org.uk/wp-content/uploads/2021/04/The-Politics-of-a-Definition.pdf>

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16. In a video statement (<https://www.youtube.com/watch?v=VLqj0JOnTWI>), DENK explained that the reasons for its opposition to the motion were: 1) the incorporation of the IHRA-WDA although “critique of Israeli policy should not be considered as antisemitism”; 2) CIDI’s close involvement in the implementation of the Accord; and, 3) the Accord’s claim of high levels of antisemitism among families with a migration background, which is an insult to the party’s constituency. BIJ1, a split-off from DENK, explained its opposition in this video statement: <https://www.bij1.org/articles/amsterdams-joods-akkoord>. Both parties were harshly attacked in Dutch media for their stand, for example by theatre maker Jelle Zijlstra and Volkskrant editor Elma Drayer. See, respectively: Zijlstra, J., De pijnlijke weigering van BIJ1 het Joods Akkoord te ondertekenen, 8 March 2018, available at: <https://joop.bnnvara.nl/opinies/de-pijnlijke-weigering-van-bij1-het-amsterdams-joods-akkoord-te-ondertekenen> and Drayer, E., Blind voor Jodenhaat, March 2018, available at: <https://www.volkskrant.nl/columns-opinie/blind-voor-jodenhaat~bb8cfc23/>).

17. Unofficial translation of the Letter from the Minister of Interior, 12 February 2019, p. 11. The original letter is available at: [https://www.tweedekamer.nl/kamerstukken/brieven\\_regering/detail?id=2019Z02653&did=2019D05804](https://www.tweedekamer.nl/kamerstukken/brieven_regering/detail?id=2019Z02653&did=2019D05804)

18. Unofficial translation of the Minister’s response to a parliamentary query, 28 August 2020. The responses to questions 1 – 3, in Dutch, are available at: <https://www.tweedekamer.nl/kamerstukken/kamervragen/detail?id=2020D32743&did=2020D32743>

19. Supra.

20. On the Israeli government-led campaign in Europe, see, for example: Baroud, R., Rubeo, R., Israel’s \$72m ‘war chest’ to fight BDS arrives in Europe, 14 November 2018, available at: <https://www.aljazeera.com/opinions/2018/11/14/israels-72m-war-chest-to-fight-bds-arrives-in-europe>

21. Motion 23 432, Nr. 430, 9 June 2016, available at: <https://www.tweedekamer.nl/kamerstukken/detail?id=2016Z11695&did=2016D24118>

22. Among the motions that were rejected by parliament, there is motion 23 432, Nr. 431, 9 June 2016, calling on government to examine the legality of the BDS movement.

23. Unofficial translation from Dutch to English of the Ministers’ letter, 7 July 2016. The original letter is available at: <https://zoek.officielebekendmakingen.nl/kst-23432-439.html>

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In November 2016, the Ministers further explained government's position expressed in the 7 July letter in their response to questions submitted by the parliamentary standing committee for foreign affairs. See: <https://zoek.officielebekendmakingen.nl/kst-23432-442.html>. Among others, the Ministers clarified that, "*The fact that organisations **support the movement** calling for Boycott, Divestment and Sanctions (BDS movement) **is not a criterion for the Cabinet to reject funding**, since statements made by or meetings of the movement are protected by the freedom of expression and freedom of assembly*", and that, "*The Cabinet is of the opinion that **curbing financial aid to organisations on the grounds that their views do not fully match the Cabinet policy**, while being subject to the freedom of expression and in conformity with legal frameworks, **does not fit a democratic constitutional state***". In response to the question "Doesn't the BDS movement take a discriminatory stance against the State of Israel?", the Ministers stated: "*The question assumes that discrimination can go so far that even states can become the victim of it and therefore should be protected. This interpretation goes far outside the law.*"

**24.** Motion by PVV and Leefbaar Rotterdam in the Rotterdam Municipal Council, discussed and rejected on 27 June 2019, in Dutch, available at: <https://rotterdam.raadsinformatie.nl/document/7833509/1/19bb18482>

**25.** Motion by PVV and Leefbaar Rotterdam in the Rotterdam Municipal Council, discussed and rejected on 11 July 2019, in Dutch, available at: <https://rotterdam.raadsinformatie.nl/modules/6/moties/527271>.

**26.** The party was inundated with false accusations: NIW journalist Hans Knoop claimed GroenLinks had "*started its downslide into fascism*"; *De Telegraaf* columnist Leon de Winter accused the party of reiterating Nazi era "*kauft nicht bei Juden*" propaganda. CIDI published three articles in February, March and July; more smears were published by Christenen voor Israël and Likoed Nederland. Members of Christians for Israel gathered at the party's head office to protest the party's "*support for the destruction of the Jewish State.*"

**27.** Israel's deportation of Human Right Watch staff Omar Shakir is an example of this tactic that has drawn international condemnation: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25265&LangID=E>. On Israel's law banning entry and stay in Israel and the OPT for alleged support of BDS, see Adalah, "Israel releases 'BDS blacklist' banning 20 NGOs from entering country", January 2018, available at: <https://www.adalah.org/en/content/view/9347>

**28.** Excerpt from an interview conducted by the ELSC on 20 March 2020 with a university professor who asked to remain anonymous.

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**29.** On shrinking civil society space in undemocratic/autocratic regimes, see: Amnesty International, *Laws Designed to Silence: The Global Crackdown on Civil Society Organizations*, 2019, available at: <https://www.amnestyusa.org/reports/laws-designed-to-silence-the-global-crackdown-on-civil-society-organizations/> See also: Open Society Foundation European Policy Institute, *The Concept of Chilling Effect*, March 2021, available at: <https://www.opensocietyfoundations.org/publications/the-concept-of-chilling-effect>

**30.** *Özgür Gündem v. Turkey*, no. 23144/93, § 43, 16 March 2000; *Dink v. Turkey*, nos. 2668/07, 6102/08, 30079/08, 7072/09 and 7124/09, § 137, 14 September 2010; *Khadija Ismayilova v. Azerbaijan*, nos. 65286/13 and 57270/14, § 158, 10 January 2019.

**31.** See, for example, B'Tselem, *A Jewish Supremacy from the Jordan River to the Mediterranean Sea: This is Apartheid*, 12 January 2021, available at: [https://www.btselem.org/publications/fulltext/202101\\_this\\_is\\_apartheid](https://www.btselem.org/publications/fulltext/202101_this_is_apartheid); Human Rights Watch, *A Threshold Crossed. Israeli Authorities and the Crimes of Apartheid and Persecution*, 27 April 2021, available at: <https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution>; Dugard, J., Reynolds, J. (2013). *Apartheid, International Law, and the Occupied Palestinian Territory*, *European Journal of International Law (EJIL)*, available at: <http://www.ejil.org/pdfs/24/3/2421.pdf>. For more resources on Israeli apartheid, see: <https://aardi.org/reports/> and <https://bdsmovement.net/resources>.

**32.** See Palestine Solidarity Statement, 14 May 2021, at: <https://netherlands2palestine.wordpress.com/>. See also the [pledge](#) of nearly 600 Dutch academics to support Palestinian civil society's call for the boycott of complicit Israeli universities.

**33.** See: Reporters Without Borders, <https://rsf.org/en>; Free Press Unlimited, <https://www.freepressunlimited.org/en>; Mapping Media Freedom, <https://www.mappingmediafreedom.org/methodology/>

**34.** To learn more about De-Risking and financial inclusion of civil society, see the Human Security Collective webpage, available at: <https://www.hscollective.org/our-work/projects/de-risking-and-financial-inclusion/>; NYU Paris EU Public Interest Clinic, *Bank De-Risking of Non-Profit Clients-A Business and Human Rights Perspective*, June 2021, available at: [https://www.hscollective.org/assets/Uploads/NYU-HSC-Report\\_FINAL.pdf](https://www.hscollective.org/assets/Uploads/NYU-HSC-Report_FINAL.pdf)



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35. See Zentgraaf, *Sigrid Kaag: stiekem Hillary/shape shifting lizard?*, 31 October 2017, available at: <https://www.geenstijl.nl/5139175/sigrid-kaag-stiekem-hillary-shape-shifting-lizard/> and Rossem, V., *Nieuwe MinBuZa (D66) draagt een hoofddoek*, 20 October 2017, available at: <https://www.geenstijl.nl/5139049/nieuwe-minbuza-d66-draagt-een-hoofddoek/>

36. See De Winter, L., *Man van minister Kaag doet ertoe*, 31 October 2017, available at: <https://www.telegraaf.nl/watuzegt/1000366/man-van-minister-kaag-doet-ertoe> and Onze Parlementaire Redactie, *CIDI: minister Kaag heft schijn tegen*, 25 October 2017, available at: <https://www.telegraaf.nl/nieuws/929021/cidi-minister-kaag-heeft-schijn-tegen>

37. See, for example, The Rights Forum, *"Karaktermoord is het standard wapen van de Israël-lobby"*, 3 October 2019, available at: <https://rightsforum.org/geen-categorie/karaktermoord-is-het-standaard-wapen-van-de-israel-lobby/> and The Rights Forum, *"Bemoeit Israël zich met Nederlandse burgers?"*, 7 November 2017, available at: <https://rightsforum.org/nieuws/bemoeit-israel-zich-nederlandse-burgers/>

38. The EO interviewed CJO and CiJO members in the prominent radio show *Dit is de Dag* and then published on its website an article entitled *"Jewish organisations report Antisemitic statement"*: <https://www.nporadio1.nl/fragmenten/dit-is-de-dag/f94c5387-a303-4044-8629-d0279a7261d6/2018-05-10-joodse-organisaties-doen-aangifte-na-antisemitische-uitingen>

39. Unofficial translation of the tweet from Dutch: *"If I were the @PvdA @LodewijkA, @groenlinks @jesseklaiver @D66 @robjetten @SPnl @MarijnissenL I would be very mindful of what's happening to Labour in England. I would expel figures such as @HannaLuden @RonnyNaftaniel (PvdA) @bartlvink (D'66) and others from the party as a precaution #labour"*

40. See: <https://twitter.com/paulvdbas/status/1149662097162346496>; <https://twitter.com/RonnyNaftaniel/status/1150287202422796288>; and Liphshiz, C., *Amsterdam celebrity tour guide advises left-wing parties to kick out some Jews*, 17 July 2019, available at: <https://www.jta.org/quick-reads/amsterdam-celebrity-tour-guide-advises-left-wing-parties-to-kick-out-some-jews>

41. See NGO Monitor, *Al Mezan Center for Human Rights' Ties to the PFLP Terror Group*, 31 August 2020, available at: <https://www.ngo-monitor.org/reports/al-mezan-center-for-human-rights-ties-to-the-pflp-terror-group/> and Al Mezan's joint submissions to the UN

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Special Rapporteur on Freedom of Expression, 15 February 2021, paras. 29-30, available at: <http://mezan.org/en/uploads/files/16148816961255.pdf>

42. White, B., *Israel's disinformation campaign suffers a setback in the Netherlands*, 6 November 2020, available at: <https://www.middleeasteye.net/opinion/israels-disinformation-campaign-suffers-setback-netherlands>

43. Al Mezan's letter welcoming the official Dutch position is available at: <http://mezan.org/en/post/23836>

44. See NGO Monitor, "NGO Monitor Letter to H.E. Stef Blok, Dutch Minister of Foreign Affairs, and H.E. Sigrid Kaag, Dutch Minister for Foreign Trade and Development Cooperation", 21 October 2020, available at: <https://www.ngo-monitor.org/ngo-monitor-letter-to-dutch-mfa-regarding-al-mezaans-ties-to-terror/> and <https://twitter.com/NGOMonitor/status/1321070977258786817>. See also Schut, B., *Blok en Kaag hebben niets geleerd*, 30 October 2020, available at: <https://niw.nl/blok-en-kaag-hebben-niets-geleerd/> and CIDI, "Blok en Kaag betwisten beschuldigingen aan Al-Mezan", 8 October 2020, available at <https://www.cidi.nl/blok-en-kaag-betwisten-beschuldigingen-aan-al-mezan/>

45. For additional information about this case, see The Rights Forum, "Israël-lobby drukt 'antisemitisch' kunstproject in Vlissingen de kop in", 29 October 2018, available at: <https://rightsforum.org/nieuws/israel-lobby-drukt-antisemitisch-kunstproject-vlissingen-kop/>

46. See Jewish Telegraphic Agency, *Dutch politician praises pro-Palestinian kite show featuring Nazi symbols*, 26 October 2018, available at: <https://www.jta.org/2018/10/26/global/dutch-politician-praises-pro-palestinian-kite-show-featuring-nazi-symbols>. See also The Rights Forum, "Leugens over vliegerproject belanden via ex-medewerker CIDI in Israëlische pers", 1 November 2018, available at: <https://rightsforum.org/nieuws/leugens-vliegerproject-belanden-ex-medewerker-cidi-israelische-pers/>

47. See: [https://twitter.com/cidi\\_nieuws/status/1055017171573768195](https://twitter.com/cidi_nieuws/status/1055017171573768195); [https://twitter.com/CIDI\\_nieuws/status/1054738720748961797](https://twitter.com/CIDI_nieuws/status/1054738720748961797); and Omroep Zeeland, 'Enorme imagoschade door verwerpelijke Palestina-tweet van Vlissingse wethouder', 23 October 2018, available at: <https://www.omroepzeeland.nl/nieuws/108953/Enorme-imagoschade-door-verwerpelijke-Palestina-tweet-van-Vlissingse-wethouder>

48. Unofficial translation from Dutch

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49. See more on this Case Study on the ELSC website at: <https://elsc.support/cases/dutch-activists-threatened-with-lawsuit-for-palestinian-advocacy/> and <https://elsc.support/news/israeli-product-centre-fined-for-the-mislabelling-of-products-from-the-occupied-territories/>

50. Lawyer Ronnie Eisenmann, who is also the chairman of CIDI

51. In their parliamentary questions, the CU and SGP implied, among others, that there was “selectivity” and anti-Israel politics under the guise of consumer information, available at: <https://www.tweedekamer.nl/kamerstukken/kamervragen/detail?id=2020Z14061&did=2020D29885>. The PVV asked government why it allowed the NVWA to act as an “errand boy” for the BDS movement. See question five at: <https://www.tweedekamer.nl/kamerstukken/kamervragen/detail?id=2020Z14082&did=2020D29937>

52. NRC, *Ze dacht dat Nederland veilig was*, 10 August 2016, available at: <https://www.nrc.nl/nieuws/2016/08/10/ze-dacht-dat-nederland-veilig-was-3652144-a1515668> and NRC, *Mensenrechtenjurist in Nederland ernstig bedreigd*, 10 August 2016, available at: <https://www.nrc.nl/nieuws/2016/08/10/mensenrechtenjurist-in-nederland-ernstig-bedreigd-3652110-a1515667>

53. See Nuhanovic Foundation, “Ziada Case”, available at: <http://www.nuhanovicfoundation.org/en/ziada-case/>. See also Nieuwhof, A., *Dutch court hears war crimes accusations against Israel’s Benny Gantz*, 18 September 2019, available at <https://electronicintifada.net/blogs/adri-nieuwhof/dutch-court-hears-war-crimes-accusations-against-israels-benny-gantz> and Zeveloff, N., *Is Israel’s Benny Gantz Guilty of War Crimes?*, 5 April 2019, available at: <https://www.thenation.com/article/archive/israel-elections-benny-gantz-war-crimes-gaza-holocaust/>

54. For confidentiality matters, the name was changed.

55. UN Database, 12 February 2020, available at: [https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session43/Documents/A\\_HRC\\_43\\_71.docx](https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session43/Documents/A_HRC_43_71.docx)



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