European governments earmarked funds for anti-Israel lawfare at ICC

December 24, 2019

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The Jerusalem Post

<https://www.jpost.com/Israel-News/European-governments-earmarked-funds-for-anti-Israel-lawfare-at-ICC-611975>

Several European governments donated funds to organizations specifically for the purpose of fighting Israel in international legal forums, including the International Criminal Court, which announced last week that it will investigate of alleged war crimes committed by Israel and Palestinians.

Among the governments funding lawfare against Israel via Palestinians and Israeli organizations are Switzerland, the Netherlands, Sweden, Denmark, Norway, France and the EU, the think tank NGO Monitor found.

The contract between the Swiss government and Al-Dameer Association for Human Rights, based in Gaza, specifies under the category of “lobbying, advocacy and networking” that the NGO plans to “provide and reports to the ICC on human rights violations committed by IOF,” which stands for “Israel Occupation Forces.”

Switzerland’s contract with the Gaza-based Palestinian Center for Human Rights lists among its planned activities “conducting communications with the office of the General Prosecutor of the ICC and other international litigation mechanisms,” “sending communications to international litigation mechanisms,” with the ICC mentioned specifically,” and “enabling victims and witnesses to appear before int'l litigation mechanisms.”

PCHR’s stated measures of success include the number of meetings it has with the General Prosecutor of the ICC, the amount of communication it has with international litigation mechanisms and the number of witnesses it sends to them.

Both of the aforementioned organizations have ties with the Popular Front for the Liberation of Palestine (PFLP), which is a designated terrorist group in the EU, US, Canada and Israel. They have held joint events in recent years, and the deputy chairman of the PCHR’s board is the former lead of the PFLP’s military arm.

The organization Al Mezan, received 450,000 Euros from the EU in 2017-2020 and about 200,000 Euros from the Netherlands in 2018. The NGO listed "contribution to the enforcement of the international human rights mechanisms" as one of its goals in its contract with the Netherlands. The organization petitions international legal bodies to seek arrest warrants against Israeli officials, among other lawfare campaigns.

From 2014 to 2017, the governments of Sweden, Switzerland Denmark and the Netherlands funded the “Human Rights and International Humanitarian Law Secretariat,” meant to support “current and future documentation and investigation efforts by CSOs [civil society organizations] for the purposes of assisting and supporting national and international mechanisms.”

The aforementioned organizations all received funding from this consortium, as did several Israeli NGOs, including B’Tselem, which “acts primarily to change Israeli policy in the Occupied Territories and ensure that its government…protects the human rights of residents there and complies with its obligations under international law.”

B’Tselem has received funding from the Netherlands Representative Office in Ramallah, as well as a Swedish church organization called Diakonia, funded by Sweden, the Netherlands, France, Switzerland, and the EU, earmarked specifically to examine Israeli Supreme Court rulings.

Diakonia earmarked funds 176,000 Euros in 2018 and NIS 87,12 in 2019 for “examining rulings by the courts” about Palestinian human rights and house demolitions, respectively.

Dutch funding went to a “report on the role of the Israeli Supreme Court,” one of several by B’Tselem in recent years, and its documents note that “B’Tselem regularly refers to the Supreme Court as one of the main mechanisms that permits the ongoing occupation and human rights violations by granting judicial legitimacy to Israel’s policies.”

The Netherlands has also funded Yesh Din to the tune of 160,930 Euros in 2018. Yesh Din alleges that Israeli courts are unable to investigate allegations of wrongdoing by the Israeli military or government and pushes for war crimes investigations against Israeli officials by the ICC.

This is of particular relevance for the ICC investigation, because one of the arguments Jerusalem has made against the Hague court’s authority to probe Israel is that it has a legitimate, independent judiciary and the ICC is meant to prosecute governments in countries where that is not the case. The ICC plans to examine that assertion.

Another Palestinian organization deeply involved in fighting against Israel in international legal bodies is Al-Haq, funded by the EU, France, Ireland, Italy, Norway and Spain.

Al-Haq Director Shawan Jabarin was convicted for recruiting and training for the PFLP in 1985, and as recently as 2009, the Israeli Supreme Court found that he is still involved in their activities.

The organization, together with the Palestinian Center for Human Rights, met with the Prosecutor of the ICC in 2013 to accuse Israel of “widespread and systematic commission of international crimes and violations of international law,” and has continued communications with that office in the subsequent years, repeatedly accusing Israel of war crimes in the West Bank, Jerusalem and Gaza.

Meanwhile, some Israeli NGOs said they made attempts to present Israel’s case before the ICC, but were ignored.

The organization "My Truth," representing IDF reservists, posted on its Facebook page on Sunday that it sent the ICC a complaint with extensive documentation of the "horrors perpetuated by terrorist organizations for many years and the war crimes and their use of civilians as human shields," but never received a response.

International Jewish Lawyers Association President Meir Linzen told Channel 13 this week that the ICC's Chief Prosecutor refused a meeting with him, in which he intended to "expose the war crimes committed by the Palestinians."