



# Shrinking space for civil society in Israel and the occupied Palestinian territory

Part I: Timeline of measures taken by Israel

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### **About the Diakonia International Humanitarian Law Centre**

The Diakonia International Humanitarian Law Centre promotes respect for the laws of war through independent research, advice, and advocacy. Since its establishment in 2004, the Centre's Jerusalem Desk has been a source of legal expertise supporting humanitarian and human rights action in the Israeli-Palestinian context.

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## About this timeline

This document constitutes the first of a series of timelines illustrating the clampdown on civil society in Israel-Palestine that the Diakonia International Humanitarian Law Centre Jerusalem will develop in the coming months. This timeline focuses exclusively on measures taken by Israel as opposed to the Palestinian Authority and the *de facto* authorities in Gaza. As such, it is not comprehensive but rather seeks to provide examples of measures taken by the Israeli authorities that are illustrative of larger patterns of behaviour restricting civil and political rights, in particular freedom of expression, association and peaceful assembly, and the right to public participation. Since the timeline is focused on official measures, it also does not expand on the contribution of non-governmental organisations and bodies to the phenomenon of shrinking civic space by means of delegitimization campaigns targeting civil society actors – at times with governmental endorsement. Finally, the events appearing in colour do not constitute an exhaustive history of Israel-Palestine but rather have been selected as historical “inflection points” that have particular significance in the context of shrinking civic space.

“If freedom of expression is the grievance system of democracies, the right to protest and peaceful assembly is democracy’s megaphone. It is the tool of the poor and the marginalized – those who do not have ready access to the levers of power and influence, those who need to take to the streets to make their voices heard.”

— International Network of Civil Liberties Organizations, [“The Global Suppression of Protest”](#), October 2013

## Legend

Black text: legislative and other measures that result in shrinking space for civil society

Green highlighted text: historical inflection points against the backdrop of which these measures may be understood

## 1945

[John Valentine Wistar Shaw](#), the Acting High Commissioner administering the British League of Nations Mandate for Palestine, [signs into law](#) the [Defence \(Emergency\) Regulations, 1945](#) against the backdrop of civil strife, pursuant to the “powers vested in [him] by Article 6 of the Palestine (Defence) Order in Council, 1937”.

The Regulations provide for [sweeping measures](#) including the establishment of military courts to try terrorism-related offences, the prohibition of associations declared as “unlawful” and criminal prosecution of persons associated with them, censorship of the press, deportations, requisitioning of property, house demolitions, and movement restrictions.

## 1948

On 14 May 1948, David-Ben Gurion, Chairman of the Jewish Agency for Palestine, proclaims the State of Israel. In the context of the war that follows, Israel declares a “[State of Emergency](#)” that lasts to the present day. Palestinians refer to Israel’s establishment and the associated experiences of mass displacement and loss of their historic homeland as the “Nakba” (“catastrophe” in Arabic).

In the days leading up to the expiration of the Mandate for Palestine on 15 May 1948, the British authorities [revoke](#) certain legislative measures, including the Palestine (Defence) Order in Council, 1937 upon which the Regulations are based, by means of the [Palestine \(Revocations\) Order in Council, 1948](#).

It is [disputed](#) whether the Revocations Order ever entered into effect – and thus whether the Emergency Regulations were in force in the occupied Palestinian territory (oPt) at the time of Israel’s occupation – as the Order was not published in the *Official Gazette* of the Government of Palestine. According to the Israeli authorities, the Emergency Regulations were [transposed](#) into Israeli domestic law by means of the [Law and Administration Ordinance of 1948](#).

The Israeli authorities also enact the [Prevention of Terrorism Ordinance of 1948](#), which becomes a legal basis for the “terrorist” designation of [“\[a\]lmost all Palestinian political parties” in the oPt](#).

## 1948 – 1966

Palestinian citizens of Israel are subjected to [military rule](#) and tried before military courts. The Emergency Regulations are one of the “[enforcement mechanisms](#)” used by the military government to curtail civil liberties and impose severe restrictions on citizens’ daily life.

## 1951

Menachem Begin, at the time leader of the Revisionist Herut party (a precursor to the Likud) and later Prime Minister of Israel (1977–1983), [cautions](#) that retaining the Emergency Regulations might amount to the “long-term presence of tyrannical, fascistic laws”. The Israeli Knesset contemplates [repealing](#) the Regulations but does not do so.

## 1964

Defence Minister Levi Eshkol [designates](#) the Palestinian Al-Ard party as an “unlawful association” pursuant to the Emergency Regulations, and Israel’s Central Elections Committee bans it from contesting the national elections. The Supreme Court of Israel upholds the ban in [Yeredor v. Chairman of the Central Elections Committee](#).

## 1967

Following Israel’s conquest of the West Bank, including East Jerusalem, and Gaza in June 1967, the military commander in the occupied West Bank promulgates an order [confirming](#) the applicability of the Emergency Regulations in the oPt, including trial before military courts. Israel annexes East Jerusalem and extends the application of its domestic law to the area.

On 27 August, [Military Order 101](#) for the occupied West Bank is issued, which prohibits *inter alia* any “procession, assembly or vigil” (defined, in essence, as [any gathering of ten or more persons](#)), the holding, waving, displaying or affixing of flags or political symbols, and the publication of materials deemed to have “political significance”, without prior permission or license from the military commander.

Persons who publish “praise, sympathy or support for a hostile organization” – defined in terms similar to that of an “unlawful association” under the Emergency Regulations – may be [liable](#) to ten years’ imprisonment. Military Order 101 also specifically endows the military commander with the powers of censorship articulated in the Emergency Regulations.

## 1970 – 1979

Throughout the 1970s, Palestinian groups perpetrate a series of airplane hijackings and attacks against Israeli civilians, including at the [1972 Summer Olympics](#) in Munich, Germany.

Following the [1973 war](#), Israel and Egypt reach a [peace agreement](#) pursuant to which Israel withdraws from the Sinai Peninsula occupied in 1967.

## 1982

Israeli forces intervene in the Lebanese civil war (1975–1990) to expel the Palestine Liberation Organization (PLO) and other Palestinian groups from Lebanon. The military takes control of Beirut’s surroundings and does not prevent combatants of its allied Phalange militia from entering the Sabra and Shatila refugee camps, where they kill at least [800 civilians](#).

## 1986

The PLO, Fatah, and the Popular Front for the Liberation of Palestine (PFLP) are designated “terrorist organisations” pursuant to the [Prevention of Terrorism Ordinance of 1948](#). Officially, the PLO remains unlawful under Israeli law despite being a party to the Oslo Accords of the 1990s, having been recognised by Israel as the “representative of the Palestinian people” in the [Letters of Mutual Recognition](#) of 9 September 1993.

## 1987 – 1993

The First Intifada, a popular uprising against the military occupation, takes place in the oPt and in Israel. Like previous instances of political mobilisation, demonstrations are met with violent [repression](#), Israeli soldiers having been [instructed](#) by Defence Minister Yitzhak Rabin to “break the arms and legs” of protesters. According to [estimates](#), the Israeli authorities arrest and detain around 100,000 Palestinians during the course of the uprising.

In 1991, Israel [derogates](#) from Article 9 of the [International Covenant on Civil and Political Rights](#) (ICCPR) relating to arbitrary arrest and detention, on the basis of the “State of Emergency ... proclaimed in May 1948” – in the context of the 1948 war – that has “remained in force ever since”.

## 1993 – 1996

The First Intifada comes to an end with the signing of the [Oslo Declaration of Principles](#) (DOP) between Israel and the PLO on 13 September 1993, marking the beginning of the Oslo peace process. Israeli Prime Minister Yitzhak Rabin and PLO Chairman Yasser Arafat shake hands on the White House lawn.

The DOP was a framework agreement prescribing a series of negotiations and interim accords between Israel and the PLO that would culminate in a “permanent status agreement” covering the most protracted issues, namely “Jerusalem, refugees, settlements, security arrangements, borders, [and] relations and cooperation with other neighbours”.

On 4 May 1994, Israel and the PLO conclude the first interim accord, the [Gaza-Jericho Agreement](#), pursuant to which the Palestinian Authority (PA) is created as an interim body to oversee limited Palestinian self-government, and the Israeli military partially withdraws from the Gaza Strip and the city of Jericho in the West Bank. The five-year transitional period envisaged in the DOP for the conclusion of a permanent status agreement commences.

On 28 September 1995, the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip (the “[Oslo II Accord](#)”) is signed, which divides the West Bank into [Areas A, B and C](#). The PA is to exert civilian and security powers over Area A – the major Palestinian population centres – while Israel retains security control over Area B and full control over [Area C](#). Albeit envisaged as a temporary arrangement, the division into Areas A, B and C persists to this day, and with it the multitude of checkpoints and permit requirements that restrict Palestinians’ freedom of movement.

On 4 November 1995, Israeli Prime Minister Rabin is [assassinated](#) by an Israeli extremist at a peace rally in Tel Aviv. In 1996, Benjamin Netanyahu (Likud), who has risen to prominence as leader of the opposition to the Oslo Accords, becomes Prime Minister of Israel. During Netanyahu’s first term in office, which lasts until 1999, the [peace process stalls](#); the transitional period expires without a permanent status agreement.

## 2000 – 2005

The Oslo process collapses following the unsuccessful Camp David II summit between Israeli Prime Minister Ehud Barak and PLO Chairman Yasser Arafat. Against the backdrop of “[shattered dreams of peace](#)”, the visit of Likud politician Ariel Sharon – “[father of the settler movement](#)” and former Defence Minister deemed [indirectly responsible](#) for the 1982 massacre of Palestinian civilians in the Sabra and Shatila camps outside Beirut – to the Temple Mount/Haram al-Sharif in September 2000 triggers the Second Intifada.

The second Palestinian uprising is characterised by greater violence than the first, including terrorist attacks in major Israeli cities, and at its height sees the Israeli army reoccupying parts of the West Bank that it had withdrawn from pursuant to the Oslo Accords. Over 3,000 Palestinians are [killed](#) and thousands more [arrested](#). Israeli authorities also erect a “separation barrier” between Israel and the occupied West Bank, which in part deviates from Israel’s internationally recognised pre-1967 borders (the “Green Line”) and infringes upon the [right to self-determination](#) of Palestinians living in the occupied West Bank. The Intifada comes to an end with the February 2005 Sharm El Sheikh summit between Israeli Prime Minister Ariel Sharon and Palestinian Authority President Mahmoud Abbas.

Israel unilaterally withdraws its ground troops from the Gaza Strip in summer 2005; existing Israeli settlements are dismantled. Pursuant to the Israeli government’s “[Disengagement Plan](#)”, Israel nonetheless continues to “guard and monitor the external land perimeter of the Gaza Strip”, to “maintain exclusive authority in Gaza air space”, and to “exercise security activity in the sea off the coast of the Gaza Strip”.

## 2006

Shawan Jabarin, the General Director of prominent Palestinian human rights organisation Al-Haq, is subjected to a [punitive travel ban](#), rendering him unable to leave the occupied West Bank. Over the years, the Israeli authorities impose such movement restrictions on a [number](#) of Palestinian [human rights defenders](#), impeding their efforts to document rights violations and the pursuit of accountability.

## 2007

[Hamas](#), an offshoot of the Muslim Brotherhood with an armed wing and rival to Fatah, [takes control](#) of the Gaza Strip. In response, Israel [imposes a land, sea and air blockade](#).

## 2008 – 2009

Between December 2008 and January 2009, Israel carries out a [large military offensive](#) in the Gaza Strip, which kills an estimated 1,383 Palestinians, including over 300 children.

In its aftermath, the Human Rights Council creates the [United Nations Fact-Finding Mission on the Gaza conflict](#) for purposes of [investigating](#) “all violations of international human rights law and international humanitarian law by the occupying Power, Israel, against the Palestinian people throughout the Occupied Palestinian Territory”. While the mission is able to visit Gaza via the Egyptian-controlled Rafah crossing, it is [refused access to Israel and the West Bank](#).

The Fact-Finding Mission, led by Judge Richard Goldstone, publishes a 400-page report (the "[Goldstone Report](#)") concluding that Israel and the *de facto* authorities in Gaza committed war crimes, and most notably that the Israeli military campaign amounts to a "[deliberately disproportionate attack designed to punish, humiliate and terrorize a civilian population](#)". There are attempts to discredit the report's findings while the panel members, particularly Judge Goldstone, and elements of civil society supportive of accountability efforts are subjected to a vitriolic [campaign of vilification](#).

## 2010

On 2 May, [Military Order 1651](#) (dated 1 November 2009) enters into effect, which [substitutes](#) and consolidates prior military orders dated 1967, 1968, 1969, 1970, 1972, 1980, 1996 and 2005.

Military Order 1651 provides for the jurisdiction of military courts over "any offense defined in security legislation and law". Section 251 of the Order [criminalises](#), amongst other acts, attempts to "influence public opinion ... in a manner which may harm public peace or public order" as well as "identification with a hostile organization ... by flying a flag, displaying a symbol or slogan or playing an anthem or voicing a slogan". Section 285 authorises the military to hold persons in [administrative detention](#) for up to six months.

On 31 May, the [Israeli navy storms](#) the Turkish passenger ship *Mavi Marmara* – part of the "Gaza Freedom Flotilla" purporting to deliver aid to Gaza in circumvention of the naval blockade – in international waters. Nine passengers are [killed](#) in the resulting altercation, drawing international condemnation.

## 2011

The Israeli Knesset adopts [Amendment No. 40](#) to the Budget Foundations Law of 1985. The Amendment allows the Minister of Finance to "[reduce state funding or support](#)" earmarked for public institutions, local authorities, as well as government and municipal companies if they have "made an expenditure" (i.e., allocated funding) for purposes that imply a rejection of the State of Israel's "existence ... as a Jewish and democratic state", a commemoration of Israel's "Independence Day ... as a day of mourning", and acts of "vandalism or physical desecration" dishonouring the State's flag or symbol, amongst others.

The Amendment is nicknamed the "[Nakba Law](#)" as critics fear it purports to stifle freedom of expression, and in particular discourse about the suffering of Palestinians in the wake of Israel's establishment in May 1948. A [previous version](#) of the Law had envisaged a prison sentence for persons commemorating the Nakba.

Furthermore, the Knesset passes the [Law for Prevention of Damage to the State of Israel through Boycott](#) (the “Boycott Law”). Under the Law, “knowingly publish[ing] a public call for a boycott against the State of Israel” – in circumstances of “reasonable probability that the call will lead to a boycott” – constitutes a civil wrong.

The Law authorises courts, having determined that such a civil wrong has been committed, to order the payment of damages “that are independent of the actual damage caused”. The Boycott Law further gives the Minister of Finance, acting in consultation with the Minister of Justice, discretion to withdraw a series of financial benefits established by other legislation, including the Budget Foundations Law of 1985.

## 2012

United Nations (UN) General Assembly Resolution [67/19](#) accords the State of Palestine non-member observer State status at the UN. The date – 29 November 2012 – marks exactly 65 years since General Assembly Resolution [181 \(II\)](#) first approved the partition plan for the territory of Mandatory Palestine.

## 2015

In [Avneri v. Knesset](#), the Supreme Court of Israel invalidates Section 2(c) of the “Boycott Law” of 2011, which had given courts discretion to award punitive damages for violations of the law irrespective of the actual damage caused – but otherwise [upholds](#) the Law.

Relying on the Emergency Regulations, Defence Minister Moshe Ya’alon [declares](#) the Northern Branch of the Islamic Movement in Israel an “unlawful association”. Israeli authorities close the group’s offices and seize some of its property.

The Minister of Defence also [declares](#) the “Euromed Observer for Human Rights” (now the Euro-Mediterranean Human Rights Monitor) an “unlawful association” pursuant to the Emergency Regulations.

## 2016

The Knesset adopts the “[NGO Transparency Law](#)”, which requires non-governmental organisations that receive a majority of their funding from abroad to [disclose](#) the sources of their financing in publications and other official documents. The Bill, which [in practice](#) primarily affects human rights organisations, [includes](#) a hefty fine for organisations that do not comply with this requirement.

The Knesset also enacts a controversial new [Counter-Terrorism Law](#), purportedly to “[replace antiquated and draconian provisions](#)” in force, including those of the Emergency Regulations. The Law authorises the Minister of Defence to designate entities as “terrorist organisations”, including on the basis of “confidential information”, and criminalises [various forms of association](#) with such organisations. [Rights groups](#) and [critics](#) lament that the Law grants far-reaching discretionary powers to the authorities while failing to uphold fundamental due process guarantees.

## 2017

The Knesset passes [Amendment No. 28 to the Entry into Israel Law](#), which stipulates that no visa or residence permit be given to non-Israeli citizens or persons with an Israeli residence permit if they, or the organisation they work for, publicly called for a boycott of the State of Israel as defined in the “Boycott Law” of 2011.

## 2018

The Knesset enacts the [Nation-State Law](#) (“Basic Law: Israel – The Nation State of the Jewish People”), which defines the State of Israel as the “national state of the Jewish people” and stipulates that “[e]xercising the right to national self-determination in the State of Israel is unique to the Jewish people”. The Basic Law, which due to Israel’s lack of a formal constitution forms part of the highest law of the land, also [downgrades](#) Arabic from official language to language with “special status” and elevates the “development of Jewish settlement” to “national value”.

Minister of Culture and Sports Miri Regev proposes a “[loyalty in culture](#)” law that would tie public funding for cultural projects to perceived loyalty to the State. The draft bill is later [withdrawn](#).

The Knesset approves the [State Education Law \(Prevention of Activity in an Educational Institution of External Bodies Acting Against the IDF or the Goals of Education\)](#), which allows the Minister of Education to establish guidelines banning the entry into schools of organisations whose activities allegedly contravene the objectives of public education, including preparation for national military service. [In practice](#), the law appears to be directed at “Breaking the Silence”, an NGO founded by Israeli army veterans critical of the military.

Throughout 2018 and 2019, Palestinians in Gaza take part in a series of popular protests near the Israeli border – the so-called “[Great March of Return](#)” – against Israel’s closure policy and in favour of Palestinians’ right of return. Demonstrators are met with considerable force on the part of the Israeli authorities; [over 200 are killed and thousands injured](#).

## 2019

The Israeli government [decides](#) not to renew the mandate of the Temporary International Presence in Hebron (TIPH), which had monitored residents' safety in the city since the 1994 [Ibrahimi Mosque massacre](#).

Israel's Ministry of Strategic Affairs and Public Diplomacy [releases](#) a report titled "Terrorists in Suits: The Ties Between NGOs promoting BDS and Terrorist Organizations", which claims that " Hamas and PFLP operatives have infiltrated and adopted seemingly benign NGOs in the Palestinian Authority, Europe, North America and South Africa" and led especially European public authorities to believe that they constitute "legitimate civil society actors".

Israeli authorities [raid](#) the Ramallah office of the Palestinian NGO Addameer Prisoner Support and Human Rights Association, seizing part of its property.

Human Rights Watch country director for Israel-Palestine, Omar Shakir, is [expelled](#) for having allegedly promoted a boycott of Israel, in contravention of the amended Entry into Israel Law of 2017.

## 2020

The Israeli Ministry of Foreign Affairs [stops renewing the work visas](#) of international staff members working for the UN Office of the High Commissioner for Human Rights (OHCHR) in the oPt. Israel has also long [denied](#) the [Special Rapporteur on the situation of human rights in the Palestinian Territory occupied since 1967](#) access to the oPt.

## 2021

Following the publication of a [report](#) describing the Israeli "regime of Jewish supremacy from the Jordan River to the Mediterranean Sea" as "apartheid", the Israeli Education Minister [bans](#) prominent human rights group B'Tselem and other organisations that "call Israel an apartheid state" from appearing in public schools, pursuant to an order under the State Education Law of 2018.

On 3 March, the Prosecutor of the [International Criminal Court](#) (ICC) [announces](#) that her Office has initiated an investigation with regards to the Situation in Palestine, the State of Palestine having become party to the ICC in 2015. As part of a [larger pattern](#) of refusal to cooperate with international oversight mechanisms relating to human rights and compliance

with international law, the Israeli authorities [declare that they will not cooperate with the Court](#).

In the context of [resurging violence in May](#), Palestinians take to the streets across Israel and the occupied Palestinian territory, in a [show of unity “unprecedented” in recent years](#). Israeli authorities arrest an [estimated 3,100 Palestinians](#). For background information on one of the root causes of resurging violence – displacement and dispossession in Jerusalem’s Sheikh Jarrah neighbourhood – see the IHL Centre’s [timeline](#).

In July, Israeli authorities raid the offices of [Defense for Children International-Palestine](#) (DCI-Palestine) and the [Union of Agricultural Work Committees](#) (UAWC).

On 22 October, the Ministry of Defence announces that it has [designated](#) six Palestinian civil society organisations as “terrorist organisations” pursuant to Section 2(a)(2) of the Counter-Terrorism Law of 2016, alleging that they support the activities and constitute a branch of the PFLP.

The organisations concerned are:

- Al-Haq;
- Defense for Children International-Palestine;
- the Union of Agricultural Work Committees;
- Addameer Prisoner Support and Human Rights Organisation;
- the Bisan Center for Research and Development; and
- the Union of Palestinian Women’s Committees.

On 7 November, the military announces that it has issued orders under the Emergency Regulations [declaring](#) five of the six organisations “unlawful associations” in the West Bank, the UAWC having already been [outlawed previously](#).

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