



11 November 2021

Marcus Pleyer, President, Financial Action Task Force
David Lewis, Executive Secretary, Financial Action Task Force
By Email

Dear Mr Pleyer and Mr Lewis,

We are writing as Co-Chairs for the Global NPO Coalition on FATF to alert you to the misuse of FATF Recommendation 8 as part of the Israeli government's effort to justify its 22 October terrorism designations of six Palestinian human rights and humanitarian organizations for alleged links to the Popular Front for the Liberation of Palestine (PFLP).

We are concerned that, by tying implementation of FATF standards to these designations, the Israel government is politicizing the FATF process. This will weaken support for FATF's recommendations and implementation of the risk-based approach in line with international human rights, humanitarian and refugee law.

On 1 November Ambassador Gilhad Erdan, Permanent Representative of Israel to the United Nations, wrote a letter to the President of the UN Security Council that describes the designations of the Palestinian groups, making broad accusations without providing detail of nor access to the evidence it refers to as justification for the decision. Amb. Erdan only claims that Israel conducted a thorough investigation, but specifics are limited to the history of attacks by the PFLP. The letter fails to provide concrete evidence of links between these PFLP attacks and the designated groups in order to require such drastic measures

Instead, it cites and extensively quotes FATF Recommendation 8 and its Interpretive Note, and jumps, without factual foundation, to imply that designation of these groups is necessary to meet international requirements, including FATF standards.

The case of the six designations is based on secret evidence and alleged links that misapply the core principles of the risk-based and proportionate approach and R8 itself. The designations are disrupting legitimate activities of the six groups affected.

In his letter Amb. Erdan seeks to use the UN system to pressure member states that provide support to these six organizations to defund them. As a coalition of civil society organizations, we object to this attempt to politicize FATF standards. We urge FATF to clarify publicly that Israel's action was not necessary to meet the standards in R8. Instead, this action is an



example of disproportionate action that contravenes the basic notion that R8 be applied in a manner consistent with international law. That requires respect for the rights of association, assembly and expression.

The Israeli Government's Closure of Civil Society Space and Reliance on Disinformation

It is notable that the letter was signed by Ambassador Erdan, who is a former head of Israel's Ministry of Strategic Affairs (MSA, now folded into the Foreign Ministry). At the MSA his agenda was focused on cutting funding to civil society organizations that criticized Israel's occupation, settlement expansion or that defended human rights for Palestinians.[1]

The MSA also funded faux think tanks such as NGO Monitor and the Middle East Forum to carry out disinformation campaigns against civil society groups, both in and outside of Palestine, that were critical of Israel's actions and human rights record.[2]

On 25 October seven UN Special Rapporteurs on topics ranging from promotion and protection of human rights while countering terrorism to the right to peaceful assembly and association, joined the heads of two UN Working Groups in a public statement condemning the designations as "a frontal attack on the Palestinian human rights movement, and human rights everywhere." They noted that Israel's decision to designate at least one of the organizations may have been "reprisal for cooperation with UN entities." [3]

A recent report by the Charity & Security Network (authored by a signatory to this letter) documents the close relationships between the Israeli government and the disinformation and lawfare attack groups it relies on to spread accusations of terrorism against groups critical of Israeli policy and Palestinian human rights defenders. This relationship, and its political agenda, is openly acknowledged by the Israeli government.[4]

In conclusion, we urge FATF to disavow Israel's attempts to justify its actions by claiming they somehow are necessary to implement R8.

We appreciate the ongoing and constructive engagement between FATF and nonprofit and civil society organizations and its focus on factual, risk-based measures consistent with international law. Please let us know if you require any further information.

Yours truly,

Lia van Broekhoven and Kay Guinane
Co-chairs of the Global NPO Coalition on the FATF



[1] Baruch, Eliran. "Likud Minister: We Are Going on the Offensive." *Arutz Sheva* 7. February 6, 2018. <https://www.israelnationalnews.com/News/News.aspx/241593>

[2] Jaffe-Hoffman, Maayan. "Strategic Affairs Ministry to Form Anti-BDS Legal Network." *Jerusalem Post*. December 20, 2018. <https://www.jpost.com/arab-israeli-conflict/ministry-of-strategic-affairs-to-create-international-anti-bds-legal-team-574946>, Kampeas, Ron. "Strategic Affairs Ministry Announces Aid for Pro-Israel Groups as Funding Dives." *The Times of Israel*. October 3, 2020. <https://www.timesofisrael.com/strategic-affairs-ministry-announces-aid-for-pro-israel-groups-as-funding-dives/>

[3] "UN experts condemn Israel's designation of Palestinian human rights defenders as terrorist organizations" OHCHR, 25 October 2021, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27708&LangID=E>

[4] Kay Guinane, "The Alarming Rise of Lawfare to Suppress Civil Society: The Case of Palestine and Israel" Charity & Security Network, September 2021, <https://charityandsecurity.org/csn-reports/the-alarming-rise-of-lawfare-to-suppress-civil-society-the-case-of-palestine-and-israel/>