

The President of the Security Council presents his compliments to the members of the Council and has the honour to transmit herewith, for their information, a copy of an **identical letter dated 1 November 2021 from the Permanent Representative of Israel to the United Nations** addressed to the President of the Security Council.

This letter will be issued as a document of the Security Council under the symbol S/2021/915.

1 November 2021



H.E. Mr. Juan Ramón de la Fuente
President of the Security Council
United Nations
New York

1 November 2021

I would like to draw the attention of the Security Council to the fact that on October 22, in accordance with the Israeli Counter-Terrorism Law of 2016, Israel designated six Palestinian institutions which are an integral part and arm of the "Popular Front for the Liberation of Palestine – PFLP", a designated terror organization in Israel, the United States, the European Union, Australia, Canada and Japan.

The PFLP, a murderous terror organization, is responsible for countless terrorist attacks against Israelis and other nationals since its creation. Having pioneered armed aircraft hijackings in the 1960's and 1970's, the PFLP has been responsible or associated with acts of terrorism throughout the years that have claimed many lives. Such acts have included suicide bombings, hostage taking, murder and assassination, for example: the massacre of the Fogel family as they slept in their home in 2011 (including three siblings, aged 11, 4 and 3 months old); the attack on worshippers in a Jerusalem synagogue in 2014, killing 5, including 3 US nationals, and injuring 12; the recent murder in 2019 of 17 year old Rina Shnerb ז"ל; and indiscriminate rocket fire on civilian communities from Gaza, including in the recent round of Gaza violence in May 2021. Many more planned terrorist attacks by the PFLP would have resulted in the murder or maiming of innocent civilians had they not been thwarted by Israeli security services. The PFLP has been consistently opposed to any peace or reconciliation with Israel, and to the agreements signed between Israel and the PLO. Instead, it actively promotes the continuation of the "armed struggle," and aspires to the establishment of a Palestinian state which will replace the State of Israel.

A detailed investigation conducted by Israeli authorities revealed extensive information as to how the PFLP raised funds through a network of institutions, acting under the guise of human rights organizations including through the six entities designated:

The Union of Agricultural Work Committees (UAWC), Addameer, the Bisan Center, Al-Haq, Defense for Children International - Palestine (DCI-P), and the Union of Palestinian Women's Committees (UPWC).

This designation is the product of a robust and thorough investigative process by the relevant authorities, in accordance with Israel's Counter-Terrorism Law of 2016. The designation is based on compelling, extensive and detailed evidence that was thoroughly reviewed and approved by high ranking government officials and senior legal advisors. Pursuant to the law, the designation is subject to appeal, and may be reviewed by a committee headed by a retired Supreme or District Court judge, as well as subjected to judicial review by Israel's High Court of Justice.



The PFLP operates an organizational and military apparatus, including a network of purported civilian institutions, which include these six abovementioned institutions. The aim of this network is to raise, obtain and funnel donations from abroad in order to fund PFLP activities at all levels, including its acts of terror. In order to do so successfully, this network of PFLP institutions operated under the guise of humanitarian aid and human right activity receiving funding, in exceptional amounts of millions of euros, stemming primarily from governments of Member States of the United Nations.

These institutions serve as PFLP's financial lifeline, and were deeply involved in money laundering and terrorist financing. They have all engaged in forgery of documents and fraudulent activities, knowingly transferring funds allocated by their foreign donors for the purpose of supporting Palestinian civil society, into the hands of a murderous terror organization.

In addition, the PFLP used its full control over these institutions to further embed its position in the Palestinian population, and advance its capabilities to execute terror attacks by recruiting new agents, creating commitments among the beneficiaries and recipients of their services, as well as disseminating PFLP propaganda. In many of their events, these institutions used PFLP flags, slogans and signs, thus publicly acknowledging the fact they are part of the PFLP platforms of activity, and supporting the terror organization.

Moreover, these institutions employed known, sometimes self-declared, PFLP operatives, allowing them the benefits of regular salaries, and the ability to use their facilities as safe haven for PFLP activities. Several of these operatives, who were employed in senior positions in these institutions, themselves participated actively in plotting and executing terrorist attacks against Israeli citizens.

The misuse of civil society organizations by terrorist groups is not unprecedented. The FATF (Financial Action Task Force), the inter-governmental body that sets international standards ("the FATF Recommendations") to prevent and confront money laundering and terrorist financing has adopted specific recommendations to address this challenge. Recommendation 8 sets requirements regarding Non Profit Organizations (NPOs), with the objective to ensure that NPOs are not misused by terrorist organizations: (i) to pose as legitimate entities; (ii) to exploit legitimate entities as conduits for terrorist financing, including for the purpose of escaping asset freezing measures; or (iii) to conceal or obscure the clandestine diversion of funds intended for legitimate purposes, but diverted for terrorist purposes. This recommendation is also echoed in UNSC resolution 2462 (2019).

The Interpretive Note for Recommendation 8 states that: *"[...] terrorists and terrorist organisations exploit some NPOs in the sector to raise and move funds, provide logistical support, encourage terrorist recruitment, or otherwise support terrorist organisations and operations. As well, there have been cases where terrorists create sham charities or engage in fraudulent fundraising for these purposes. This misuse not only facilitates terrorist activity, but also undermines donor confidence and jeopardises the very integrity of NPOs. Therefore, protecting NPOs from terrorist financing abuse is both a critical component of the global fight against terrorism and a necessary step to preserve the integrity of NPOs and the donor*



community." The Interpretive Note goes on to state that: ***"Countries are required to identify and take effective and proportionate action against NPOs that either are exploited by, or knowingly supporting, terrorists or terrorist organisations taking into account the specifics of the case. Countries should aim to prevent and prosecute, as appropriate, terrorist financing and other forms of terrorist support. Where NPOs suspected of, or implicated in, terrorist financing or other forms of terrorist support are identified, the first priority of countries must be to investigate and halt such terrorist financing or support".***^[1]

The international requirement to criminalize and prosecute terror funding is also emphasized in UN Security Council Resolution 2129 (2013), which states: ***"all States shall [...] ensure that their domestic laws and regulations establish serious criminal offenses sufficient to provide the ability to prosecute and to penalize in a manner duly reflecting the seriousness of the offense the willful provision or collection of funds, financial assets or economic resources or financial or other related services, directly or indirectly, with the intention that the funds should be used, or in the knowledge that they are to be used for the benefit of terrorist organizations"***.

The abuse of civil society and humanitarian activities by these designated institutions for terror purposes endangers the work of Palestinian civil society organizations that are genuinely dedicated to the promotion of civilian projects and humanitarian assistance. By designating these institutions, Israel is safe vouching that donations made for humanitarian and civilian purposes on the Palestinian side, actually fulfill their intended objective.

Simply put, "Human Rights NGOs", which raise, launder and funnel funds to terrorist organizations, and which employ, support and provide cover for terrorists are themselves, in fact, terrorist organizations abusing their self-proclaimed title and undermining genuine civil society organizations.

Israel's commitment to combat terrorism in line with the international conventions to which it is party, operate alongside its commitment to human rights and the other accepted standards applicable in this field, as provided by international law. Therefore, while Israel attaches value to the work of Palestinian civil society organizations, it cannot allow the financing of terrorism under the pretense of humanitarian and civil assistance. With these recent designations, Israel does not seek to curtail freedom of expression nor limit any humanitarian activity. Israel acts against terror, and its channels of funding, in order to protect its citizens and society, as it is obligated to do.

Israel expects the international community to condemn this dangerous abuse of civil society organizations, and calls upon all United Nations Member States, in accordance with their obligations to prevent terrorism, money laundering and terrorist financing, to immediately halt any further transfers of funds and any other support to these designated institutions.

^[1] FATF (2012-2021), International Standards on Combating Money Laundering and the Financing of Terrorism & Proliferation, FATF, Paris, France, www.fatf-gafi.org/recommendations.html
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Lastly, I also would like to express my serious concern with respect to the public campaign conducted by the Palestinian Authority over the past few days, in support of these six designated institutions. The efforts expended by the Palestinian Authority in support of these institutions would have been better spent by it on behalf of the Palestinian population and the international donor community working to ensure that these funds were properly invested, and not delivered into the hands of terrorists.

I would be grateful if this letter could be distributed as an official document of the Security Council. I would also like to inform you that an identical letter has been sent to H.E. Mr. António Guterres, Secretary-General of the United Nations.

Please accept, Excellency, the assurances of my highest consideration.

Sincerely,

A handwritten signature in brown ink, appearing to be 'G. Erdan'.

Gilad Erdan
Ambassador of Israel to the United States and the United Nations