

She thought she was safe in The Netherlands

Intimidation

This lawyer helps the International Criminal Court with an examination into alleged war crimes in Palestine by Israel. Now she is facing death threats.

Leonie van Nierop 10 Augustus 2016 at 21:09



Nada Kiswanson (31) hesitated for a while about media attention, afraid that it would exacerbate the threats or attract harrassment. Photo David van Dam

The personal harassment begins in February with a strange phone call. A lady from the Dutch Ministry of Health claims she is investigating the Zika virus. She asks Nada Kiswanson if she recently suffered from the flu. No, replies Kiswanson. The lady says she will still send her some information. Sure, says Kiswanson, eager to be done with the call.

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When the woman thanks her for sharing her address and hangs up after stating, "This is a matter of life or death," Kiswanson becomes afraid. To her knowledge, Zika is non-fatal. She lets her husband call the ministry, which claims it has not conducted any telephone surveys.

Kiswanson knows she is not loved by everyone. The 31-year-old lawyer submits information on behalf of several Palestinian human rights organizations to the International Criminal Court to prove that Israel is responsible for war crimes and crimes against humanity.

Her colleagues in the Occupied Palestinian Territories are regularly hindered in their work. But Kiswanson, who graduated from the University of Leiden and holds both Jordanian and Swedish citizenships, feels secure in her office in The Hague, the so-called capital of international law—just as she does in her home, near The Hague, where she lives with her Dutch husband and two-year-old daughter.

That illusion unravels completely one week after the strange call from the 'Ministry of Health.' A close relative of Kiswanson's in Sweden is contacted by someone calling himself Rami. He claims to be Palestinian. According to the family member, however, the caller speaks Arabic in a foreign accent. The family member must stop Nada, says Rami. "If she does not stop her work we will wipe her off the face of the earth." Nada Kiswanson files a report with the police.

A week later Kiswanson receives a call at home, on a landline that has never before been used. The caller identifies himself as Abu Rami, claiming to be an employee of the Palestinian secret service. "Honey," says Abu Rami with disdain, "You are in grave danger. You have to stop what you're doing." "Do not call me 'honey'", Kiswanson yells back before slamming down the receiver and calling '112.' As she asks for help, she begins to hyperventilate. She calms down only after the police arrive. They advise her to leave her home temporarily. She leaves the country.

Trenches

Kiswanson does not look like a frightened woman. When she talks, she is thoughtful. When she speaks about human rights, she appears fierce. She dresses diplomatically—trousers, beige tights, flat shoes. She does not complain about fear. She tries to prevent the threats from influencing her family life.

Kiswanson knows that risks are inherent in her job. Her employer Al Haq was the target of a defamation campaign last autumn. Foreign donors received anonymous e-mails and phone calls describing Al Haq as corrupt. But the smear campaign failed, as auditors stated they never found evidence of corruption.

Al Haq also enjoys an outstanding reputation. The organization was awarded the Dutch ‘Geuzen Medal’ in 2009 by the mayor of The Hague, Jozias van Aartsen, in part due to its reliable approach. Al Haq documents and lobbies on alleged human rights violations in Palestine by both Israeli and by Palestinian authorities.

And Israel fires back. Human rights activists are regularly arrested and humiliated. Their freedom of movement is restricted and their offices ransacked. The Israeli Justice Minister requests that his foreign colleagues stop subsidizing organizations like Al Haq—the Dutch government has been subsidizing Al Haq for years now.

‘Absurd’

When the police indicate to Kiswanson that they cannot trace the call from the Public Health Ministry – which is rare, according to the police – Kiswanson’s worst suspicions are confirmed: Israel is behind the call. "Who else has an interest in me giving up my work? And who can make a number disappear from Dutch telephone logs? "

The police find this conclusion quite plausible, Kiswanson is told by several different officers. The threats seem too advanced for an individual. A large organization must be behind them.

The Israeli Mossad is known as a highly advanced secret service, held responsible for numerous sophisticated espionage campaigns and assassinations, including on European soil. In 2010, Israeli security forces set up a special unit that gathers information about organizations that may, according to Israel, harm the country’s reputation.

Speaking to the NRC, a spokesperson for the Israeli Foreign Ministry called Kiswanson’s allegations "absurd." The Israeli authorities do not want to comment any further.

Bouquet

After Kiswanson camps out elsewhere with her family for a few days, she returns home. But she remains on guard. While she does not think she will be eliminated, she does not rule out the possibility that she or her loved ones may be harmed.

Precisely because that is the implication. Although the threats clearly relate to her work, they almost exclusively focus on Kiswanson’s home and family life. In the playground she is stared at by a man in a suit for twenty minutes. Leaving him behind, she returns home to find flowers at her front door. A pink bouquet. With a printed letter, in Dutch, from Abu Rami. "Dear Nada, we appreciate your work and we’ll take good care of you."

Kiswanson meanwhile tries to make the police understand the gravity of the threats. This fails—at least that is how it feels. She always gets connected to different officers from different police stations who do not understand her job. She receives no advice on safety precautions.

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That's why she hires a lawyer from the famous firm Prakken d'Oliveira, hoping that the move will jolt the Dutch authorities into action. It is now mid-March.

A colleague from Amnesty International also begins trying to help Kiswanson with the Dutch authorities. Then his email gets hacked. From the Swedish town where Kiswanson's family resides. That cannot be a coincidence. It seems to be a threat. Panicked, Amnesty and three other organizations working on ICC issues close their offices in The Hague.

“Unacceptable”

Only then the Dutch intelligence agencies become alarmed, says Kiswanson. She is called to the police station to tell the whole story again. A special investigative team is set up and sends out requests for international assistance. Two weeks later Kiswanson is told that she will be put under protective surveillance. It is April by then.

In the meantime the Dutch security, justice and foreign affairs departments get involved—concerned as they are. As far as it is known, this is the very first time that a human rights lawyer working on International Criminal Court issues has been threatened on Dutch territory. This is harmful to the country's reputation as the host of many international organisations. According to the Host State Agreement it has signed with the ICC, the Netherlands is obliged to protect staff members from human rights organisations cooperating with the Court.

In a letter responding to FIDH, an international human rights organisation, Minister Bert Koenders (Foreign Affairs, Labour Party) calls the threats a “serious matter” and “unacceptable.” Such cases are “taken seriously,” he guarantees, also on behalf of the minister of security and justice. The intelligence services are “closely monitoring the situation.”

Later on the Ministry of Foreign Affairs holds several meetings with the Court, human rights organisations, the Public Prosecution Office, law enforcement as well as with the National Coordinator for Counter-terrorism and Security to discuss the issue.

Clothes

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But the threats don't stop. The phone calls continue. Kiswanson does not answer them. The calls come from secret numbers, but also from Argentina. Her email account starts to send messages to itself—in Spanish. Her software programmes are running wild, going off and on. Her passwords are failing.

Whenever Kiswanson buys a new prepaid simcard to use, Abu Rami is on the phone the next day. When Kiswanson stays with family in Jordan, 'a friend of Abu Rami' calls a close relative's mobile phone, welcoming Kiswanson in poor Arabic. The most recent threats are the most sophisticated. At the end of May, glossy brochures appear in residential mailboxes around the area where Kiswanson lives, including her name, address, secret phone number, and a message in poor Dutch that Kiswanson is involved in 'reinforcing the Islamic base structure' and collecting clothes for refugees. As a consequence, she finds piles of clothes on her doorstep, but she also gets many phone calls from worried neighbors who don't want 'any muslims' or 'any mosques' in the neighborhood.

On 11 July Al Haq receives an anonymous donation from Austria through a new online payment facility that has not yet been launched. The donation is an expression of gratitude to Kiswanson for her support to refugees.

Thursday last week Kiswanson receives a text message on her new mobile phone, which is equipped with an encryption application to conceal her communications from the attackers. The text message, which is in broken Arabic and sent from a Swiss number, reads: "Nada, honey, I am so delighted to notice that you try to stay safe by using this encryption app. We are never safe and let's hope it will stay this way. Your friend, Abu Rami."

Yet, Kiswanson does not consider stopping her work. She is the liaison between Palestinian human rights organisations and the International Criminal Court. Her contacts with the Court's Office of the Prosecutor are positive and personal. Kiswanson has over five years of experience with this work. And she fears that nobody will be willing to pick it up if she quits.

She hesitated for a while about media attention, afraid that it would exacerbate the threats or attract harassment. But she believes the criminal investigation will not bring justice. And she will not be silenced. Kiswanson avers, "They should know that a human rights lawyer is being threatened on Dutch soil. That's a fact. Whether the Dutch authorities can guarantee our safety is another question."

The name Rami is a pseudonym provided due to the ongoing criminal investigation into the threats. To protect members of Nada Kiswanson's family, names and addresses have been omitted at her request.

THE INTERNATIONAL CRIMINAL COURT 'EXAMINES' FOR POSSIBLE WAR CRIMES BY ISRAEL IN PALESTINE

Palestine has been an observer state at the United Nations since 2012. This makes it possible for Palestine to ratify the Rome Statute, the founding treaty of the International Criminal Court in The Hague. 124 countries have ratified the Statute to date. Israel has not.

The Court has been examining the situation in the Occupied Palestinian Territories since January 2015. It has opened a 'preliminary examination'—to see if they should open a criminal investigation into possible war crimes on Palestinian territory. The temporal scope of the examination dates back to June 2014. The last Gaza conflict may thus be included in the examination along with the construction of Israeli settlements, which could be regarded as a war crime.

The Court may itself carry out any fact-finding at this stage but relies on 'available information.' The Palestinian human rights organization Al Haq, which provides this information among other assistance, receives funding from the Netherlands. Al Haq along with other Palestinian organizations have until now transmitted two rounds of information—on 23 November last year and on February 9 this year—about crimes allegedly committed by Israel during the last Gaza war. The materials include death certificates, eyewitness reports and legal analyses.

Israel does not formally participate in the examination. After the Court had announced the preliminary examination, Israeli Prime Minister Netanyahu stated, "This decision is the height of hypocrisy and the opposite of justice. We will fight in every way possible and we will also recruit others, as is already happening, to combat this absurdity."