



PERSECUTION OF PALESTINIAN CIVIL SOCIETY

EPISTEMIC VIOLENCE, SILENCING, AND THE APARTHEID
FRAMEWORK

RANIA MUHAREB, ELIZABETH RGHEBI, DR. SUSAN POWER, AND PEARCE CLANCY

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COVER PHOTO

Gaza, Palestine. November 11th, 2021. Palestinians hold placards during a protest against the Israeli decision to declare six Palestinian human rights organizations "terrorist organizations" in Gaza City. The placards read: "terrorism = the occupation" and "where should I go if the Union of Palestinian Women's Committees is shut down?"

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ABOUT THE AUTHORS

Rania Muhareb is an Irish Research Council and Hardiman PhD scholar at the Irish Centre for Human Rights in the School of Law at the University of Galway. She is a policy member of Al-Shabaka and a former legal researcher and advocacy officer with Al-Haq. She holds an LLM in international human rights and humanitarian law from the European University Viadrina Frankfurt (Oder) and an undergraduate degree from Sciences Po Paris, Campus de Menton.

Elizabeth Rghebi is the Levant researcher at the Cairo Institute for Human Rights Studies, based in Tunis. She received her MA in Middle Eastern studies from Columbia University in the City of New York and her BA in Government from Georgetown University.

Dr. Susan Power is head of legal research and advocacy at Al-Haq. She previously lectured for seven years and was acting program director at Griffith College Dublin and has been a member of the Irish Red Cross Corn Adomnáin Committee on International Humanitarian Law. Susan holds a PhD in international law from Trinity College Dublin. She is coeditor along with Nada Kiswanson of the forthcoming book: *Prolonged Occupation and International Law* (Brill 2022).

Pearce Clancy is an Irish Research Council PhD scholar at the Irish Centre for Human Rights in the School of Law at the University of Galway. He is a former legal researcher at Al-Haq. Pearce received his LLM in peace operations, humanitarian law, and conflict from the Irish Centre for Human Rights.

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INTRODUCTION

PALESTINIAN CIVIL SOCIETY is currently facing existential threats, following the raid and closure by the Israeli occupying authorities of seven leading Palestinian human rights and civil society organizations on August 18, 2022.¹ In a rapid escalation, several of the targeted organizations' directors have since been threatened with arbitrary detention by the Israeli Security Service (Shabak) should they continue their legitimate human rights work.² The latest escalation of attacks against Palestinian civil society forms part of a systematic policy to silence and delegitimize all forms of Palestinian resistance to Israeli oppression, including efforts to seek justice under international law.

Previously, on October 19, 2021, the Israeli defense minister had designated six of the organizations as “terror organizations” under Israel’s 2016 so-called Counter-Terrorism Law.³ The targeted organizations include award-winning Palestinian human rights organization Al-Haq, the renowned Palestinian prisoners’ rights group Addameer, and the only organization dedicated to defending Palestinian children’s rights, Defense for Children International–Palestine. Similarly targeted are the Union of Agricultural Work Committees, working to empower Palestinian farmers, the Union of Palestinian Women’s Committees, a Palestinian feminist community organization, and Bisan Center for Research and Development, which works to promote economic and social rights in Palestine. The seventh, the Health Work Committees, had been declared “unlawful” in January 2020.⁴

The Israeli occupying authorities’ attempts to silence Palestinian human rights and civil society organizations serves to obscure Palestinian oppression on the ground, to undermine efforts to seek international justice and accountability, and to discredit Palestinians’ critical documentation of Israel’s widespread and systematic human rights violations. The authors of this monograph argue that the Israeli attacks on Palestinian civil society must be understood in epistemic terms, as measures to undermine Palestinian knowledge production, particularly efforts to expose Israel’s regime of apartheid and settler colonialism over the Palestinian people.

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1. Al Jazeera, “‘Not going anywhere’: The Palestinian NGOs shut down by Israel,” August 19, 2022, <https://www.aljazeera.com/news/2022/8/19/what-are-the-palestinian-ngos-shut-down-by-israel/>; see also Al-Haq, “Alert: Israeli Occupying Forces Raid, Damage and Close Offices of Al-Haq and other Designated Organisations, International Community Must Intervene,” August 18, 2022, <https://www.alhaq.org/advocacy/20442.html>; Al-Haq, “Urgent Action Needed: General Director of Al-Haq Receives a Threatening Phone Call from Israeli Intelligence, the Shabak,” August 21, 2022, <https://www.alhaq.org/advocacy/20459.html>.
 2. See Al-Haq, “Urgent Action Needed: General Director of Al-Haq Receives a Threatening Phone Call.” The Palestine Chronicle, “Israeli Occupation Forces Detain NGO’s General Director, Keep him in Custody,” August 21, 2022, <https://www.palestinechronicle.com/israeli-occupation-forces-detain-ngos-general-director-keep-him-in-custody/>. See also Oren Ziv, “‘You will pay the price’: Shin Bet threatens Palestinian NGO directors,” *+972 Magazine*, August 22, 2022, <https://www.972mag.com/palestinian-ngo-directors-shin-bet/>.
 3. See Al-Haq, “PNGO and PHROC: Israel’s Sinister Designation of 6 Leading Palestinian Organizations As ‘Terror Organizations’ Is an Attempt to Silence and Control Palestinians,” October 23, 2021, <https://www.alhaq.org/advocacy/19006.html>.
 4. Adalah, “Israeli military raids, vandalizes, and seals offices of seven Palestinian human rights and civil society organizations in occupied West Bank,” August 18, 2022, <https://www.adalah.org/en/content/view/10679>.

The arguments presented here draw on Article 2(f) of the International Convention on the Suppression and Punishment of the Crime of Apartheid (Apartheid Convention) adopted by the United Nations (UN) General Assembly on November 30, 1973. This provision recognizes as an inhuman act of apartheid the “persecution of organizations and persons, by depriving them of fundamental rights and freedoms, because they oppose apartheid.”⁵ As argued by John Dugard and John Reynolds in 2013, Article 2(f) “unlike the other provisions detailing acts of apartheid, does not require that the act be committed against a member or members of the subjugated racial group, but relates to persecution against *any* persons or organizations who oppose the apartheid system in question.”⁶ Thus, the authors argue here that persecution, as an inhuman act of apartheid, helps us make sense of the prolonged, systematic targeting and delegitimization of Palestinian human rights advocacy and Palestine solidarity by the Israeli government and affiliated groups, whether in Palestine or abroad.⁷

Overall, this monograph discusses the institutionalized silencing and delegitimization of Palestinian human rights advocacy and activism as epistemic violence and as tools to entrench Israeli apartheid over the Palestinian people as a whole. Ultimately, the monograph reflects on avenues for international justice and accountability for the Palestinian people and concludes as to the importance of addressing the root causes in Palestine. In doing so, the authors highlight the need to amplify the critiques and knowledge production by Palestinians who are directly affected by Israeli apartheid.

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5. Article 2(f), *International Convention on the Suppression and Punishment of the Crime of Apartheid*, adopted November 30, 1973, entry into force July 18, 1976.
 6. Emphasis in the original. John Dugard and John Reynolds, “Apartheid, International Law, and the Occupied Palestinian Territory,” *European Journal of International Law* 24, no. 3 (2013): 867, 902.
 7. See, for example, Ben White, “Delegitimizing Solidarity: Israel Smears Palestine Advocacy as Anti-Semitic,” *Journal of Palestine Studies* 49, no. 2 (2020): 65.

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PALESTINIAN SCHOLARS, ACTIVISTS, AND CIVIL SOCIETY have for decades discussed,¹ diagnosed,² and critiqued³ Israeli apartheid in the face of what Rafeef Ziadah has termed “an orchestrated silencing campaign, which attempts to foreclose debate before it even begins.”⁴ That there is growing recognition of Israeli apartheid and settler colonialism is a testament to the longstanding work of Palestinians on the ground and their defiance in face of physical,⁵ structural,⁶ and epistemic⁷ violence.

Epistemic Violence and the Erasure of the Palestinian People

In the words of Edward Said, Palestinians have long been denied the right to “narrate” their lived experiences under Zionist settler colonialism.⁸ Thus, it is unsurprising that Palestinian advocates and their allies who have played a leading role in challenging Israeli apartheid have also been subjected to systematic attacks and smear campaigns for speaking out. The silencing of Palestinian critiques and the failure to center Palestinian narration exemplify Lori Allen’s assessment that “[n]ot only the exclusion of Palestinians’ experiences but also the obliteration of their own analyses of the causes of those experiences have reflected and enabled their material and political dispossession for over a century.”⁹

As Manar Makhoul recently observed, the experience of the 1948 Nakba (catastrophe) and 1967 Naksa (setback) impressed on Palestinians that “Israel and Zionism are capable of physically erasing Palestine ... as well as (if not more

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1. Fayeze Sayegh, *Zionist Colonialism in Palestine* (Beirut: PLO Research Center, 1965); Abdul-Wahab Kayyali, “Zionism and Imperialism: The Historical Origins,” *Journal of Palestine Studies* 6, no. 3 (1977): 98; Fayeze Sayegh, “Zionism: A Form of Racism and Racial Discrimination,” in *Zionism, Imperialism and Racism*, ed. Abdul Wahhab Al Kayyali (Kent, UK: Croom Helm Ltd., 1979), 51.
 2. Noura Erakat and John Reynolds, “We Charge Apartheid? Palestine and the International Criminal Court,” *Third World Approaches to International Law Review* 33 (2021).
 3. See Lana Tatour, “Why Calling Israel an Apartheid State Is Not Enough,” *Middle East Eye*, January 18, 2021, <https://www.middleeasteye.net/opinion/why-calling-israel-apartheid-state-not-enough>.
 4. Rafeef Ziadah, “Israel Has Been Described as an ‘Apartheid Regime’ – This Will Not Come as News to Ordinary Palestinians,” *Independent*, January 23, 2021, <https://www.independent.co.uk/voices/israel-palestine-apartheid-netanyahu-b1786178.html>.
 5. See, for example, DCI-Palestine, “2021 Is Deadliest Year for Palestinian Children since 2014,” December 10, 2021, https://www.dci-palestine.org/2021_is_deadliest_year_for_palestinian_children_since_2014.
 6. See, for example, David Mills, Bram Wispelwey, Rania Muhareb, and Mads Gilbert, “Structural Violence in the Era of a New Pandemic: The Case of the Gaza Strip,” *The Lancet* (March 27, 2020), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7194595/>.
 7. Nada Elia, “Epistemic Violence, Smear Campaigns, and Hit Lists: Disappearing the Palestinians,” in *Cultural Shaping of Violence: Victimization, Escalation, Response*, ed. Myrdene Anderson (West Lafayette, IN: Purdue University Press, 2004), 187.
 8. Edward Said, “Permission to Narrate,” *London Review of Books*, February 16, 1984, <https://www.lrb.co.uk/the-paper/v06/n03/edward-said/permission-to-narrate>.
 9. Lori Allen, “Subaltern Critique and the History of Palestine,” in *A Time for Critique*, eds. Didier Fassin and Bernard E. Harcourt (New York: Columbia University Press, 2019), 153, 155.

importantly) its history.”¹⁰ This, Makhoul suggests, has given way to a Palestinian discourse that affirms “epistemic presence through the assertion of history and ownership.”¹¹ The frameworks of apartheid and settler colonialism have allowed Palestinians to affirm ownership and agency over the discourse relating to their oppression. Examining attacks on Palestinian civil society in epistemic terms allows us therefore to reflect not only on the material violence inflicted on Palestinian human rights defenders and organizations but to further understand these as constituting attacks on Palestinian knowledge production.¹²

Epistemic violence is the violence inherent in a particular mode of knowledge production, notably knowledge produced by the colonizer about the colonized, which is embedded in systems of domination and the dispossession of Indigenous peoples.¹³ The concept of epistemic violence was developed by Gayatri Chakravorty Spivak in her 1988 essay “Can the Subaltern Speak?” and refers to the violence arising at the level of knowledge production.¹⁴ Discussing this concept, Kristie Dotson has reflected on the difficulties in addressing the “epistemic side of colonialism ... where local or provincial knowledge is dismissed due to privileging alternative, often Western, epistemic practices.”¹⁵ *The Postcolonial Studies Dictionary* explains the concept of epistemic violence as follows:

Knowledge-making, or epistemology, was intimately connected to the violence of colonial conquest, domination and dispossession of the native subjects. The native subjects were produced as objects of knowledge to be inquired into, categorized and pronounced upon (as the Other of the West) by the West, and their own native knowledge-systems were rejected as irrational and irrelevant.¹⁶

In 2004, Nada Elia critiqued the epistemic violence in operation in the United States (US) through which Palestinians as a people have been “disappeared” in public discourse.¹⁷ She highlighted how, in the mainstream media and in the

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10. Manar H. Makhoul, “Dispossession and Discontinuity: The Impact of the 1967 War on Palestinian Thought,” *Critical Inquiry* 48, no. 3 (2022): 549, 551.
 11. Makhoul, “Dispossession and Discontinuity.”
 12. Makhoul, “Dispossession and Discontinuity,” 556. For a discussion on Palestinian knowledge production through the antiapartheid movement, see Rafeef Ziadah and Adam Hanieh, “Collective Approaches to Activist Knowledge: Experiences of the New Anti-Apartheid Movement in Toronto,” in *Learning from the Ground Up: Global Perspectives on Social Movements and Knowledge Production*, eds. Aziz Choudry and Dip Kapoor (London: Palgrave Macmillan, 2010), 85.
 13. Pramod K. Nayar, *The Postcolonial Studies Dictionary* (Hoboken, NJ: John Wiley and Sons, Ltd., 2015), 65–66; Kristie Dotson, “Tracking Epistemic Violence, Tracking Practices of Silencing,” *Hypatia: A Journal of Feminist Philosophy* 26, no. 2 (2011): 236, 238–39. Dotson defines epistemic violence in testimony as “a refusal, intentional or unintentional, of an audience to communicatively reciprocate a linguistic exchange owing to pernicious ignorance. Pernicious ignorance should be understood to refer to any reliable ignorance that, in a given context, harms another person (or set of persons). Reliable ignorance is ignorance that is consistent or follows from a predictable epistemic gap in cognitive resources.” This, the author notes, “requires an analysis of power relations and other contextual factors that make the ignorance identified in that particular circumstance or set of circumstances harmful.”
 14. Gayatri Chakravorty Spivak, “Can the Subaltern Speak?” in *Marxism and the Interpretation of Culture*, eds. Cary Nelson and Lawrence Grossberg (London: Macmillan Education, 1988), 271. See also Jennifer Lynn Kelly, “Subjection and Performance: Tourism, Witnessing, and Acts of Refusal in Palestine,” *Feminist Formations* 32, no. 2 (2020): 79, 82.
 15. Dotson, “Tracking Epistemic Violence,” 236.
 16. Nayar, *The Postcolonial Studies Dictionary*, 65.
 17. Elia, “Epistemic Violence,” 187.

academy, Palestinians are “subjected to vicious smear campaigns ranging from character assassination to scholarly delegitimization.”¹⁸ The same dynamics persist today in the Western media’s decontextualized reporting on Palestine and their refusal to “tell the truth” about Israeli crimes.¹⁹ Elia concluded at the time that, “[a]s victims of epistemic violence, we [Palestinians] have no ready venue to articulate and inscribe our oppression. Language betrays us, perniciously pushing us not to the margins, but off the page, outside the text.”²⁰

“The dynamics in the growing movement against Israeli apartheid reveal the epistemic violence and erasure of Palestinians and their decades-long knowledge production on the nature of the Israeli regime.”

In her work on solidarity tours in Palestine, Jennifer Lynn Kelly highlights the epistemic violence structuring the encounter between tourists and Palestinian organizers on the ground. “Palestinians are presumed to be unable to accurately diagnose their own condition,” Kelly writes.²¹ This forms part of “a much larger historical context in which Palestinians have not been cast as truth-telling subjects or reliable narrators of their own histories.”²² More broadly, Palestinian historian Nur Masalha has shown how “[e]rasing Palestine and appropriating its material and cultural heritage has been fundamental to Zionist colonial practices before, during and since the Nakba” of 1948.²³

Epistemic Violence and Palestinians’ Mobilization against Apartheid

Growing antiapartheid discourse and mobilization in Palestine have brought to the fore the epistemic violence and erasure of Palestinian analyses and critiques of their own experiences. On January 12, 2021, the Israeli human rights organization B’Tselem published a position paper titled “A Regime of Jewish Supremacy from the Jordan River to the Mediterranean Sea: This Is Apartheid.”²⁴ B’Tselem’s paper received considerable public attention, even though it laid out what Palestinians had been critiquing for decades.²⁵ The paper admitted that Israel’s “regime has

18. Elia, “Epistemic Violence,” 190.

19. Mohammed El-Kurd, “How the Western Media Missed the Story of Shireen Abu Akleh’s Death,” *The Nation*, May 25, 2022, <https://www.thenation.com/article/society/shireen-abu-akleh-media-bias/>.

20. El-Kurd, “How the Western Media Missed the Story.”

21. Kelly, “Subjection and Performance,” 79, 86.

22. Kelly, “Subjection and Performance,” 79, 86.

23. Nur Masalha, “Decolonizing Methodology, Reclaiming Memory: Palestinian Oral Histories and Memories of the Nakba,” in *An Oral History of the Palestinian Nakba*, eds. Nahla Abdo and Nur Masalha (London: Zed Books, 2018), 6–7.

24. B’Tselem, “A Regime of Jewish Supremacy from the Jordan River to the Mediterranean Sea: This Is Apartheid,” January 12, 2021, https://www.btselem.org/publications/fulltext/202101_this_is_apartheid.

25. Sayegh, *Zionist Colonialism*; Abdul-Wahab Kayyali, “Zionism and Imperialism”; Sayegh, “Zionism: A Form of Racism,” 51.

developed over many years” and that B’Tselem needed to change its approach to human rights in Palestine by addressing the treatment of Palestinians not only in the occupied Palestinian territory but also inside the Green Line.²⁶ Thus, B’Tselem took a step forward in heeding Palestinians’ calls to counter the fragmentation of the Palestinian people across domains of Israeli control.²⁷

Yet even in doing so B’Tselem failed to address the experience of millions of Palestinian refugees whose denial of the right of return has been integral to the maintenance of Israeli apartheid,²⁸ nor did it address the structural drivers of Israeli apartheid, notably the context of Zionist settler colonialism and the role of Zionist racial ideology in establishing and maintaining the oppression of Palestinians.²⁹ As Lana Tatour explained:

[B’Tselem’s] report received widespread international media attention and was described as a “watershed” moment. But it was only a watershed moment for B’Tselem, which was using the term “apartheid” for the first time in its three-decade history, and for an international community that is so infatuated with Israeli voices. For Palestinians, none of this is new.³⁰

Together with the detailed reports published by Human Rights Watch in April 2021³¹ and by Amnesty International in February 2022,³² B’Tselem’s paper is frequently cited in isolation from the decades of Palestinian scholarship and mobilization against Israeli apartheid. This has begged several questions, including: “Why are the well-documented and reported experiences of Palestinians themselves not enough? Why are the words of Palestinian rights groups like Al-Haq, Addameer, the Palestinian Centre for Human [R]ights, and many others, not enough?”³³

The dynamics in the growing movement against Israeli apartheid reveal the epistemic violence and erasure of Palestinians and their decades-long knowledge production on the nature of the Israeli regime. As Yara Hawari has explained, “Epistemic violence can ... be replicated through the silencing or marginalizing of certain voices,” and in the case of Palestine, it “translates into very real material

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26. Sayegh, *Zionist Colonialism*; Abdul-Wahab Kayyali, “Zionism and Imperialism”; Sayegh, “Zionism: A Form of Racism.”
 27. See, for example, Rinad Abdulla, “Colonialism and Apartheid against Fragmented Palestinians: Putting the Pieces Back Together,” *State Crime Journal* 5 (2016): 51.
 28. Hazem Jamjoum, “Refugees: Israeli Apartheid’s Unseen Dimension,” *Al-Shabaka*, June 20, 2012, <https://al-shabaka.org/commentaries/refugees-israeli-apartheids-unseen-dimension/>.
 29. Emphasis in the original. Sayegh, *Zionist Colonialism*; Abdul-Wahab Kayyali, “Zionism and Imperialism,” 98, 105. See also Joseph Schechla, “The Consequences of Conflating Religion, Race, Nationality and Citizenship,” *al-Majdal* 43 (2010): 10, https://www.badil.org/phocadownload/Badil_docs/publications/al-majdal-43.pdf; Al-Haq et al., *Joint Parallel Report to the United Nations Committee on the Elimination of Racial Discrimination on Israel’s Seventeenth to Nineteenth Periodic Reports*, November 10, 2019, <https://www.alhaq.org/advocacy/16183.html>.
 30. Tatour, “Why Calling Israel.”
 31. Human Rights Watch, *A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution*, April 27, 2021, <https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution>.
 32. Amnesty International, *Israel’s Apartheid against Palestinians: Cruel System of Domination and Crime against Humanity*, February 1, 2022, 33, <https://www.amnesty.org/en/documents/mde15/5141/2022/en/>.
 33. Asa Winstanley, “Israel Has Lost the Apartheid Propaganda War,” *Middle East Monitor*, February 5, 2022, <https://www.middleeastmonitor.com/20220205-israel-has-lost-the-apartheid-propaganda-war/>.
 34. Yara Hawari, “The Academic Boycott and Beyond: Towards an Epistemological Strategy of Liberation and Decolonization,” in *Enforcing Silence: Academic Freedom, Palestine and the Criticism of Israel*, eds. David Landy, Ronit Lentini, and Conor McCarthy (London: Zed Books 2020), 183, 191.

consequences.”³⁴ Reflecting on the marginalization of Palestinian contributions to the antiapartheid discourse, Tareq Baconi observed in March 2022 that Israeli and international human rights reports on apartheid “received more attention than two decades of Palestinian advocacy around this issue.” He continued:

This is, rightly, a disappointment and a painful reminder of the hierarchy of narratives globally—which narratives are deemed worthy of attention and which are dismissed... Yet it is not a surprise; if Palestinians were not dehumanized on the world stage, we would not still be fighting for survival. This erasure is, after all, precisely the reality we are working to change.³⁵

In one instance at least, the rhetoric adopted vis-à-vis Palestinian knowledge production in the antiapartheid movement has even been discrediting and harmful. Notably, in July 2020, the Israeli human rights organization Yesh Din published a legal opinion concluding that Israeli authorities are committing the crime of apartheid in the occupied West Bank.³⁶ Besides the fragmented nature of examining apartheid in the West Bank in isolation from the experiences of the Palestinian people in the rest of the occupied Palestinian territory, inside the Green Line, and in exile, Yesh Din’s legal opinion referred in the following terms to the evolution of the apartheid framework in Palestine:

For years, the discourse around apartheid in the Israeli context was the purview of relatively marginal, and extremely radical circles in international civil society and in Palestinian society. This discourse rarely included legal analyses that looked at the suitability of the phrase, as defined in international law, to the nature of the Israeli regime, but relied on intuitive analogies to Apartheid South Africa and remained in the political-public realm. In recent years, apartheid discourse has expanded beyond these boundaries... [A]nd the question of apartheid in Israel has become the subject of growing legal research.³⁷

In this way, Yesh Din dismisses decades of critical antiapartheid analysis by Palestinians and their allies, both legal and nonlegal, as “relatively marginal, and extremely radical.” At the same time, the publication further discredits nonlegal analyses of Israeli apartheid, despite their importance in filling the gaps left in the legal definition of the crime of apartheid³⁸ and their relevance in drawing lessons learnt from the South African and Namibian antiapartheid struggle. Such discrediting and marginalization of decades of Palestinian analysis on the nature of the Israeli regime exemplify the epistemic violence and erasure of Palestinian knowledge production on apartheid.

35. Tareq Baconi, “Critique as Movement Building: The Apartheid Reports on Palestine,” *Mada Masr*, March 29, 2022, <https://www.madamasr.com/en/2022/03/29/opinion/u/critique-as-movement-building-the-apartheid-reports-on-palestine/>.

36. Michael Sfar, “The Israeli Occupation of the West Bank and the Crime of Apartheid: Legal Opinion,” *Yesh Din*, July 2020, 26, <https://www.yesh-din.org/en/the-occupation-of-the-west-bank-and-the-crime-of-apartheid-legal-opinion/>.

37. Sfar, “The Israeli Occupation,” 5.

38. See, for example, Haidar Eid and Andy Clarno, “Rethinking Our Definition of Apartheid: Not Just a Political Regime,” *Al-Shabaka*, August 27, 2017, <https://al-shabaka.org/briefs/rethinking-definition-apartheid-not-just-political-regime/>.

Because epistemic erasure works hand in hand with the eliminatory logic of Zionist settler colonialism,³⁹ Rafeef Ziadah and Adam Hanieh have explained that the Palestine “solidarity movement has to work twice as hard to bring out [Palestinians’] experience. This means making sure that Palestinians are allowed to speak for themselves and that their voice is constantly heard.”⁴⁰ This requires engagement with core aspects of Palestinians’ antiapartheid mobilization, notably the effort to counter the fragmentation of the Palestinian people,⁴¹ the need to center the ongoing Nakba and the Palestinian right to self-determination, and the importance of understanding apartheid as a tool of Zionist settler colonialism rather than isolated from this context.⁴²

[T]he struggle against Israeli apartheid must seek to elevate Palestinians’ analyses and critiques, to counter epistemic violence, and to challenge the institutionalized silencing of Palestinians, including the work of civil society.

The failure to meaningfully engage with Palestinians’ Indigenous critiques in the evolution of the apartheid framework in Palestine, which has come to the fore in recent years, is reminiscent of the development of the field of settler colonial studies in the late 1990s and early 2000s. Although Indigenous scholarship, including by Palestinian scholars, had critiqued settler colonial invasion and occupation for decades,⁴³ the field of settler colonial studies was more rapidly institutionalized in the academy. Meanwhile, Indigenous studies journals “struggled to receive institutional support and funding.”⁴⁴ J Kēhaulani Kauanui illustrated the epistemic violence at play in this context through the following example:

[Patrick] Wolfe’s essay “Settler Colonialism and the Elimination of the Native” is often cited as the principal work representing the concept and theory of the settler colonial analytic. And although Wolfe insisted on making it clear time and again that he did not create the field of settler

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39. Patrick Wolfe, “Settler Colonialism and the Elimination of the Native,” *Journal of Genocide Research* 8 no. 4 (2006): 387. See also Wolfe, *Settler Colonialism and the Transformation of Anthropology: The Politics and Poetics of an Ethnographic Event* (London: Cassell, 1999), 1.
 40. Ziadah and Hanieh, “Collective Approaches,” 85, 91–92.
 41. Rinad Abdulla, “Colonialism and Apartheid”; Richard Falk and Virginia Tilley, “Israeli Practices towards the Palestinian People and the Question of Apartheid Palestine and the Israeli Occupation,” 2017, 37.
 42. Rania Muhareb and Pearce Clancy, “Palestine and the Meaning of Domination in Settler Colonialism and Apartheid,” *República y Derecho* 6, no. 6 (2021). <http://revistaryd.derecho.uncu.edu.ar/index.php/revista/articulo/view/217/112>; Noura Erakat, “Beyond Discrimination: Apartheid Is a Colonial Project and Zionism Is a Form of Racism,” *EJIL: Talk!* (blog), July 5, 2021, <https://www.ejiltalk.org/beyond-discrimination-apartheid-is-a-colonial-project-and-zionism-is-a-form-of-racism/>.
 43. See Ahmad Amara and Yara Hawari, “Using Indigeneity in the Struggle for Palestinian Liberation,” *Al-Shabaka*, August 8, 2019, <https://al-shabaka.org/commentaries/using-indigeneity-in-the-struggle-for-palestinian-liberation/>.
 44. Corey Snelgrove, Rita Kaur Dhamoon, and Jeff Cornassel, “Unsettling Settler Colonialism: The Discourse and Politics of Settlers, and Solidarity with Indigenous Nations,” *Decolonization: Indigeneity, Education and Society* 3, no. 2 (2014): 1, 7–9.

colonial studies—that Native scholars did—within the field of American Studies (as just one example), he tends to be most frequently cited as if he had.⁴⁵

To reverse epistemic violence, Corey Snelgrove et al. have argued in favor of centering Indigenous peoples' analyses and avoiding replicating “settler colonial, as well as other, modes of domination.”⁴⁶ In this context, the struggle against Israeli apartheid must seek to elevate Palestinians' analyses and critiques, to counter epistemic violence, and to challenge the institutionalized silencing of Palestinians, including the work of civil society. As the following sections show, epistemic violence through Israel's weaponization of “terrorism” smears against Palestinian human rights defenders and organizations serves at once to delegitimize Palestinian human rights work; to enable the epistemic, structural, and material violence against Palestinians; and to justify Palestinian oppression.

Silencing Palestinian Human Rights Defenders and Organizations

For decades, Israeli authorities have systematically targeted and silenced Palestinian human rights defenders and organizations. At the same time, Israel has denied access to and frustrated the work of independent UN human rights experts, commissions of inquiry, and fact-finding missions mandated to investigate serious violations of international human rights law and grave breaches of international humanitarian law in the occupied Palestinian territory.⁴⁷

Since the start of the Nakba in 1948, Israel has deployed a range of measures to curtail the civil, cultural, political, social, and economic rights of Palestinians, including of human rights defenders, activists, organizers, political leaders, journalists, and others working to expose Israeli violations and crimes.⁴⁸ Over the years, Palestinian human rights defenders have been subjected to arbitrary detention on both sides of the Green Line,⁴⁹ house and office raids,⁵⁰ travel bans

45. J Kéhaulani Kauanui, “‘A Structure, Not an Event’: Settler Colonialism and Enduring Indigeneity,” *Lateral* 5, no. 1 (2016).

46. Snelgrove, Dhmoon, and Cornassel, “Unsettling Settler Colonialism,” 1, 4.

47. Human Rights Council, *Report of the Independent International Commission of Inquiry on the Protests in the Occupied Palestinian Territory*, February 25, 2019.

48. See, for example, discussion in John Quigley, “Apartheid outside Africa: The Case of Israel,” *Indiana International and Comparative Law Review* 2 (1991): 221. See also Zena Al Tahhan, “Shireen Abu Akleh: Al Jazeera Reporter Killed by Israeli Forces,” *Al Jazeera*, May 12, 2022, <https://www.aljazeera.com/news/2022/5/11/shireen-abu-akleh-israeli-forces-kill-al-jazeera-journalist>.

49. UN News, “Arrests of Palestinian Rights Defenders Part of ‘Wider Crackdown,’” August 11, 2021, <https://news.un.org/en/story/2021/08/1097602>; Al-Haq, “Israel’s Policy of Arbitrary Arrest of Human Rights Defenders Continues,” July 24, 2008, <http://www.alhaq.org/advocacy/7256.html>; Al-Haq, “Israeli Attacks on Human Rights Defenders Must End,” February 16, 2010, <http://www.alhaq.org/advocacy/7161.html>.

50. Front Line Defenders, “Fayza and Imad Abu Shamsiyya’s House Raided and Vandalised,” March 3, 2020, <https://www.frontlinedefenders.org/en/case/fayza-and-imad-abu-shamsiyyas-house-raided-and-vandalised>; Addameer, “Israeli Occupation Forces Raid Addameer’s Office and Steal Its Belongings,” September 19, 2019, <https://www.addameer.org/news/israeli-occupation-forces-raid-addameers-office-and-steal-its-belongings>; Al-Haq, “Al-Haq Condemns Israeli Raids against Palestinian Organisations in Ramallah,” December 11, 2012, <https://www.alhaq.org/advocacy/6806.html>; Addameer, Al-Haq, and Al Mezan, “Joint Submission to the United Nations Special Rapporteur on the Promotion and Protection of Freedom of Opinion and Expression, Ms. Irene Khan, in Response to a Call for Input on Disinformation and Freedom of Opinion and Expression,” February 15, 2021, 12–13 <https://www.alhaq.org/advocacy/17958.html>.

and movement restrictions,⁵¹ the targeting of organizations' financial assets,⁵² institutionalized smear campaigns,⁵³ harassment and intimidation,⁵⁴ surveillance,⁵⁵ death threats,⁵⁶ and extrajudicial executions.⁵⁷ These attacks exemplify the eliminatory logic of Zionist settler colonialism and must be understood within the framework of Israeli apartheid over the Palestinian people as a whole.⁵⁸

Article 2(f) of the Apartheid Convention refers explicitly to the targeting of those who oppose apartheid, drawing on the experience of the antiapartheid struggle in South Africa and occupied Namibia.⁵⁹ As Dugard and Reynolds explained in 2013:

Article 2(f) of the Apartheid Convention relates to the persecution of organizations and persons who oppose a prevailing system of apartheid. Persecution in this context entails the deprivation of fundamental rights and freedoms. [...] Cases of extra-judicial killings, torture, and mass imprisonment of Palestinians coming under the rubric of Article 2(a) of the [Apartheid] Convention fall into the latter category, as do restrictions of freedom of expression and association within the meaning of Article 2(c). The systematic targeting of Palestinian political leaders, community activists, and human rights defenders can be understood as persecution for opposition to Israel's regime of domination ...⁶⁰

Additionally, Article 7(2)(h) of the Rome Statute of the International Criminal Court (Rome Statute) defines the crime against humanity of apartheid as “inhumane acts ... committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the *intention of maintaining* that regime.”⁶¹

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51. Al-Haq, “Human Rights Organisations Call on Israel to Lift Travel Ban on Shawan Jabarin,” November 29, 2011, <https://www.alhaq.org/advocacy/6959.html>; Al-Haq, “PHROC Condemns Israeli Imposed Movement Restrictions and Travel Ban against Amnesty International Staff Laith Abu Zeyad,” November 6, 2019, <https://www.alhaq.org/advocacy/16170.html>.
 52. SOMO, “Smear Campaign against Al-Haq,” November 26, 2017, <https://www.somo.nl/smear-campaign-al-haq/>.
 53. See, for example, Al-Haq, “Al-Haq Submits a Joint Urgent Appeal to the United Nations Special Procedures on the Ongoing Israeli Smear Campaign against Al-Haq,” August 24, 2019, <https://www.alhaq.org/advocacy/14857.html>.
 54. Human Rights Council, *Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied since 1967*, May 30, 2019; OHCHR, “Stop Unacceptable Harassment of Human Rights Defenders in Occupied Palestinian Territory – UN experts,” December 18, 2015, <https://www.ohchr.org/en/press-releases/2015/12/stop-unacceptable-harassment-human-rights-defenders-occupied-palestinian>.
 55. Al-Haq, “Spyware Surveillance of Palestinian Human Rights Defenders,” November 8, 2021, <https://www.alhaq.org/advocacy/19188.html>.
 56. See the Observatory for the Protection of Human Rights Defenders, *Target Locked: The Unrelenting Israeli Smear Campaigns to Discredit Human Rights Groups in Israel, Palestine, and the Syrian Golan*, April 2021, https://target-locked-obs-defenders.org/IMG/pdf/obs_palestine2021ang-1.pdf; Al-Haq, “Al-Haq Under Attack – Staff Member’s Life Threatened,” March 3, 2016, <https://www.alhaq.org/advocacy/6432.html>; Al Mezan, “Al Mezan Condemns Continued Death Threats to Staff Members and Calls on the International Community to Intervene,” August 11, 2016, <https://www.mezan.org/en/post/21475/>.
 57. See, for example, the killing of Palestinian human rights defender Ibrahim Abu Thuraya by the Israeli occupying forces during the Great March of Return demonstrations in the Gaza Strip on December 15, 2017. Al-Haq, “Five Palestinians Killed during Protests across the OPT since 7 December 2017,” December 19, 2017, <https://www.alhaq.org/advocacy/6297.html>.
 58. Al-Haq et al., “Joint Submission to the UN Secretary-General on Intimidation and Reprisals for Cooperation with the UN,” April 15, 2021, paras 8 and 25, <https://www.alhaq.org/advocacy/18208.html>.
 59. Dugard and Reynolds, “Apartheid,” 902.
 60. Dugard and Reynolds, “Apartheid,” 901.
 61. Emphasis added. Rome Statute of the International Criminal Court, Article 7(2)(h), adopted July 17, 1998, entry into force July 1, 2002.

Palestinian, regional, and international human rights organizations have highlighted the persecution of Palestinian civil society and human rights defenders as part of Israel’s apartheid regime, committed with the intention of maintaining and preventing opposition to the regime.⁶² In 2019, a Palestinian-led coalition of eight human rights organizations submitted a joint parallel report to the UN Committee on the Elimination of Racial Discrimination (CERD), highlighting the silencing of opposition as a method through which Israel maintains apartheid over Palestinians. The coalition report noted:

The Israeli Government, through Israel’s Ministry of Strategic Affairs and affiliated groups, has carried out ongoing, systemic, and organised attacks amounting to a concerted smear campaign against human rights defenders and organisations advocating for the rights of the Palestinian people through incitement to racial hatred and violence, character assassinations, defamation, seeking to brand Palestinian human rights defenders as “terrorists,” and exerting direct attacks on human rights organisations’ ... funding in order to undermine their human rights and accountability work.⁶³

It is within this context that we understand the Israeli occupying authorities’ designation of leading Palestinian human rights and civil society organizations as “terror organizations” under Israel’s 2016 Counter-Terrorism Law. We examine these designations and the ongoing Israeli attacks, through the latest raids and closures of the organizations’ offices and threatening of their directors,⁶⁴ as amounting to persecution of Palestinian “organizations and persons, by depriving them of fundamental rights and freedoms, because they oppose apartheid” under Article 2(f) of the Apartheid Convention.

The Targeting of Palestinian Human Rights and Civil Society Organizations

On October 19, 2021, the Israeli occupying authorities elevated their attacks against Palestinian civil society through arbitrary and unsubstantiated designations issued by the Israeli defense minister, Benny Gantz, designating six leading Palestinian human rights and civil society organizations in the occupied West Bank as “terror organizations” under Israel’s Counter-Terrorism Law of 2016. The organizations listed are Addameer Prisoner Support and Human Rights Association (Addameer); Al-Haq, Law in the Service of Man (Al-Haq); Bisan Center for Research and Development (Bisan); Defense for Children International-Palestine (DCI-Palestine); the Union of Agricultural Work Committees; and the Union of Palestinian Women’s Committees.

62. Al-Haq et al., *Joint Parallel Report*, para 122.

63. Al-Haq et al., *Joint Parallel Report*, para 144.

64. Al-Haq, “Urgent Action Needed: General Director of Al-Haq Receives a Threatening Phone Call.”

The arbitrary designations were widely condemned and rejected, including by UN special procedures,⁶⁵ the UN High Commissioner for Human Rights,⁶⁶ and third states, including nine member states of the European Union (EU) in July 2022.⁶⁷ UN human rights experts called the designations “a frontal attack on the Palestinian human rights movement, and on human rights everywhere.”⁶⁸ Yet, in the absence of political action and effective measures by third states to hold Israeli perpetrators to account, impunity persists and the attacks have continued.

The October 2021 designations effectively criminalize the six Palestinian organizations under Israeli law in an effort to eliminate opposition to Israel’s settler colonial apartheid regime. They have implications for the organizations’ ability to operate in a context of prolonged Israeli occupation and bear severe repercussions for the directors and staff of the organizations as well as Palestinian communities at large, including Palestinian children, women, farmers, and prisoners.⁶⁹ In this section, we detail the designations issued against the six organizations and briefly highlight the organizations’ mandates and critical contributions to Palestinian society.

Designation Order No. 373 of the Israeli defense minister targets Al-Haq, an award-winning Palestinian human rights organization founded in 1979 to promote and protect human rights and the rule of law in the occupied Palestinian territory.⁷⁰ Through international advocacy, Al-Haq works to hold perpetrators, “irrespective of [their] identity,” accountable.⁷¹ The designation smears Al-Haq as a “terror organization,” alleging that the organization promotes “steps against Israel in the international arena,” with reference to Al-Haq’s human rights advocacy with UN bodies and its pursuit of international justice and accountability at the International Criminal Court (ICC).⁷² For over four decades, Al-Haq has monitored and documented Israeli human rights violations in the occupied Palestinian territory.

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65. OHCHR, “UN Experts Condemn Israel’s Designation of Palestinian Human Rights Defenders as Terrorist Organisations,” October 25, 2021, <https://www.ohchr.org/en/press-releases/2021/10/un-experts-condemn-israels-designation-palestinian-human-rights-defenders>.
 66. United Nations, “UN High Commissioner for Human Rights Bachelet Calls Israel’s ‘Terrorism’ Designation an Unjustified Attack on Palestinian Civil Society,” October 26, 2021, <https://www.un.org/unispal/document/un-high-commissioner-for-human-rights-bachelet-calls-israels-terrorism-designation-an-unjustified-attack-on-palestinian-civil-society-press-release/>.
 67. German Federal Foreign Office, “Joint Statement by the Foreign Ministries of Belgium, Denmark, France, Germany, Ireland, Italy, the Netherlands, Spain and Sweden on the Designation of Palestinian Civil Society Organisations as Terrorist Organisations,” July 12, 2022, <https://www.auswaertiges-amt.de/en/newsroom/news/-/2542052>.
 68. OHCHR, “UN Experts Condemn.”
 69. Adalah, “Adalah’s Expert Opinion: Israel’s 2016 Counter-Terrorism Law and 1945 Emergency Regulations Regarding the Outlawing of Six Palestinian Human Rights and Civil Society Groups,” November 23, 2021, 6, https://www.adalah.org/uploads/uploads/Adalah_Expert_Opinion_Palestinian6_Nov2021.pdf.
 70. See most recently, Al-Haq, “Press Release: Al-Haq Awarded the Bruno Kreisky Prize for Human Rights 2022,” June 23, 2022, <https://www.alhaq.org/advocacy/20191.html>; see also Business and Human Rights Resource Centre, “Palestinian NGO Al-Haq Wins Business & Human Rights Award: A Signal for Corporations to Step Up,” November 26, 2019, <https://www.business-humanrights.org/en/latest-news/palestinian-ngo-al-haq-wins-business-human-rights-award-a-signal-for-corporations-to-step-up/>; Al-Haq, “Human Rights groups Al-Haq and B’Tselem to receive the French Republic 2018 Human Rights Award,” December 4, 2018, <https://www.alhaq.org/advocacy/6128.html>.
 71. “Designation Order No. 373 of the Minister of Defense in Accordance with the Anti-Terrorism Law,” 2016, https://nbctf.mod.gov.il/he/Announcements/Documents/Designation%20No.%20373-%20Al-Haq_22.10.21.pdf; Al-Haq, “About Al-Haq,” October 16, 2010, <https://www.alhaq.org/about-alhaq/7136.html>.
 72. “Designation Order No. 373.

“Since the start of the Nakba in 1948, Israel has deployed a range of measures to curtail the civil, cultural, political, social, and economic rights of Palestinians, including of human rights defenders, activists, organizers, political leaders, journalists, and others working to expose Israeli violations and crimes.”

The organization remains at the forefront of advancing the apartheid framework in Palestine and has been vocal against Israel’s settler colonial apartheid regime since the early 2000s.⁷³

Addameer is another leading Palestinian human rights organization, established in 1991 to support Palestinian political prisoners in Israeli and Palestinian jails. Addameer “offers free legal aid to political prisoners, advocates their rights at the national and international level, and works to end torture and other violations of prisoners’ rights through monitoring, legal procedures and solidarity campaigns.”⁷⁴ Under Designation Order No. 375, the defense minister targets Addameer’s branch in the Gaza Strip for allegedly “assisting prisoners

convicted of security offences and terror activity against Israel.”⁷⁵ The designation alleges that Addameer is engaged in “forgery and deceit” to obtain international financing, while providing no evidence of such.⁷⁶ Addameer has worked for over three decades to promote the rights of Palestinian prisoners, detainees, and their families, offering them free legal advice, and has campaigned for an end to arbitrary detention and torture and ill-treatment in Israeli prisons.⁷⁷ Together with Al-Haq and other partners, Addameer has been active in international advocacy to end Israel’s apartheid regime and to seek accountability.⁷⁸

DCI-Palestine is the only Palestinian human rights organization specifically promoting the rights of Palestinian children.⁷⁹ DCI-Palestine has since 1991 “investigated, documented, and exposed grave human rights violations against children; provided legal services to children in urgent need; held Israeli and Palestinian authorities accountable to universal human rights principles; and

73. WCAR, “NGO Forum Declaration,” September 3, 2021, 98–99, <https://www.hurights.or.jp/wcar/E/ngofinaldc.htm>; Al-Haq, “South African Study Finds That Israel Is Practicing Colonialism and Apartheid in the Occupied Palestinian Territory,” June 4, 2009, <https://www.alhaq.org/advocacy/7207.html>; Al-Haq et al., *Joint Parallel Report*.

74. Addameer, “Our Work,” <https://www.addameer.org/index.php/about/our-work>; Addameer, “The Systematic Use of Torture and Ill-Treatment at Israeli Interrogation Centers ... Cases of Torture Committed at Al-Mascobiyya Interrogation Center,” January 23, 2020, <https://www.addameer.org/publications/systematic-use-torture-and-ill-treatment-israeli-interrogation-centers-cases-torture>.

75. “Designation Order No. 375 of the Minister of Defense in Accordance with the Anti-Terrorism Law,” 2016.

76. “Designation Order No. 375.”

77. Addameer, “Our Work.”

78. See, for example, Al-Haq, “Al-Haq, Addameer, and Habitat Send a Joint Submission on Apartheid to the UN Special Rapporteur on the Situation of Human Rights in the Palestinian Territory,” January 19, 2022, <https://www.alhaq.org/advocacy/19415.html>.

79. DCI-Palestine, “Who We Are,” https://www.dci-palestine.org/who_we_are.

advocated at the international and national levels to advance access to justice and protection for children.”⁸⁰ Designation Order No. 372 of the Israeli defense minister smears DCI-Palestine as a “terror organization” and alleges that it promotes “the armed struggle destruction of Israel” while “[declaring] an activity for furthering the protection of children’s rights.”⁸¹ For over three decades DCI-Palestine has monitored and documented violations of Palestinian children’s rights and defended Palestinian children under Israeli detention before Israeli military courts.⁸² Speaking against the latest designations, the general director of DCI-Palestine, Khaled Quzmar, stated on October 25, 2021: “We demand that the international community use all available means to hold Israeli authorities accountable for targeted attacks and repression of Palestinian civil society organizations and act to end complicity and support to the Israeli apartheid regime.”⁸³

Bisan is a Palestinian civil society organization that has worked since 1989 to promote economic and social rights in Palestine. Bisan works to support the struggle of “the poor and marginalized in the Palestinian society ... advancing their socio-economic rights in the context of national liberation, through the production and application of critical development knowledge and the building of partnerships with progressive bodies and entities.”⁸⁴ Bisan was criminalized under Designation No. 374 of the Israeli defense minister for alleged engagement in “the distribution of seemingly academic contents” to further the “messages and ideology” of the Popular Front for the Liberation of Palestine (PFLP).⁸⁵ Similar to Addameer, the designation accuses Bisan of “forgery and deceit vis-à-vis many European countries and international organizations to obtain financing.”⁸⁶

Founded in 1980, the Union of Palestinian Women’s Committees defines itself as a “progressive feminist community organization” that pursues gender equality, calls for an end to the Israeli occupation, and “struggles to build a progressive, democratic Palestinian civil society free of all forms of discrimination in pursuit of justice.”⁸⁷ Designation Order No. 376 of the Israeli defense minister alleges that the union organizes the activity of PFLP “women in the terror organization’s leadership,” also accusing the organization of acting in “forgery and deceit” of European and international donors.⁸⁸ The union rejected the designation as a tool of Israel’s “colonial oppressing occupation” and an effort to prevent Palestinian women “from demanding their national, social, cultural and legal rights.”⁸⁹

Finally, the Union of Agricultural Work Committees (UAWC) is a leading

80. DCI-Palestine, “Who We Are.”

81. “Designation Order No. 372 of the Minister of Defense in Accordance with the Anti-Terrorism Law,” 2016.

82. DCI-Palestine, “Who We Are.”

83. DCI-Palestine, “Defence for Children International Statement on Israeli Authorities’ Designation of DCI-Palestine as a ‘Terrorist Organization,’” October 25, 2021, <https://defenceforchildren.org/defence-for-children-international-statement-on-israeli-authorities-designation-of-dci-palestine-as-a-terrorist-organization/>.

84. Bisan, “About,” <https://www.bisan.org/about/>.

85. “Designation Order No. 374 of the Minister of Defense in Accordance with the Anti-Terrorism Law,” 2016.

86. “Designation Order No. 374.”

87. Union of Palestinian Women’s Committees, “Who Are We?” <http://upwc.org.ps/how-are-we/>.

88. “Designation Order No. 376 of the Minister of Defense in Accordance with the Anti-Terrorism Law,” 2016.

89. Union of Palestinian Women’s Committees, “#STANDWITHTHE6,” press release, October 22, 2021, <http://upwc.org.ps/press-release/>.

Palestinian agricultural development organization. Founded by Palestinian agronomists in 1986, the union works to empower Palestinian farmers' steadfastness and livelihoods, their ability to adapt to climate change, and their right to sovereignty over natural resources "within a sustainable community-based liberational developmental framework."⁹⁰ Designation Order No. 371 of the Israeli defense minister targets the union's funding and alleges that while "[a]ccording to its declaration, the Union is engaged in assistance to Palestinian farmers and furthering agricultural research and development projects. In practice, it promotes activity that serves the 'Popular Front' objectives."⁹¹ On January 5, 2022, following the designation, the Dutch government suspended its funding to UAWC even while an external investigation by the Netherlands found "no indications of financial flows and no organizational unity between UAWC and the PFLP," concluding that there are "no indications that the PFLP directs UAWC."⁹² As the union stated on October 26, 2021, "It is telling that the Israeli government refuses to release any 'evidence' to substantiate its allegations."⁹³

Since the designations were issued, the Israeli occupying authorities have prevented Bisan's executive director, Ubai al-Aboudi, and Addameer's director, Sahar Francis, from traveling in April 2022 to the World Social Forum in Mexico, where they "were supposed to take part in a workshop ... [about] the attacks against civil society from Palestine."⁹⁴ In June 2022, al-Aboudi was further prevented from traveling to Jordan for a UN meeting on "the destructive effects of the Israeli occupation on the Palestinian economy,"⁹⁵ a move Bisan said "cannot be interpreted as anything other than a politically motivated attack on Palestinian activists and human rights defenders who dare to speak out against Israel's regime of occupation, domination, and oppression with clear apartheid characteristics."⁹⁶

In the months leading up to the October 2021 designations, the Israeli occupying authorities had already taken several steps to escalate attacks against Palestinian civil society. On June 9, 2021, at around 5 a.m., the Israeli occupying forces raided the Health Work Committees' headquarters in al-Bireh in the occupied West Bank for the fourth time, placing a metal plate on the door and

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90. Union of Agricultural Work Committees, "Union of Agricultural Work Committees," <https://www.uawc-pal.org/UAWCAbout.php>; Union of Agricultural Work Committees, "Our Strategic Objectives," <https://www.uawc-pal.org/UAWCObjectives.php>.
 91. "Designation No. 371 of the Minister of Defense in Accordance with the Anti-Terrorism Law," 2016, https://nbctf.mod.gov.il/he/Announcements/Documents/Designation%20No.%20371-%20Union%20O%20Agricultural%20Work%20Committees%20_22.10.21.pdf.
 92. OMCT, "Organisations Urge the Dutch Government to Resume Funding for Palestinian Organisation," January 26, 2022, <https://www.omct.org/en/resources/statements/organisations-urge-the-dutch-government-to-resume-funding-for-palestinian-organisation>.
 93. Union of Agricultural Work Committees, "UAWC rejects and condemns Israeli designations of six Palestinian NGOs," October 26, 2021, <https://uawc-pal.org/pdf/UAWC26OCT.pdf>.
 94. Akram al-Waara, "Palestinian Human Rights Advocates Refused Entry to U.S., Blocked from Leaving Palestine," *Middle East Eye*, May 5, 2022, <https://www.middleeasteye.net/news/israel-palestinian-campaigners-us-refused-entry>; "Palestinian Rights Activists Blocked from Attending UN Civil Society Forum," May 5, 2022, *Middle East Monitor*, <https://www.middleeastmonitor.com/20220505-palestinian-rights-activists-blocked-from-attending-un-civil-society-forum/>.
 95. Bisan, "Director of Palestinian Center Outlawed by Israeli Authorities Banned from Traveling to a UN Meeting," June 1, 2022, <http://www.bisan.org/director-of-palestinian-center-outlawed-by-israeli-authorities-banned-from-traveling-to-a-un-meeting/>.
 96. Bisan, "Director of Palestinian Center Outlawed."

As the movement against Israeli apartheid continues to grow, including the influence and reach of the BDS movement and efforts to bring Israeli perpetrators to justice at the ICC, Israeli repression of Palestinian civil society has intensified.

issuing a military order directing the organization to close its offices for six months, allegedly for “its assistance to the terrorist organization, the Popular Front for the Liberation of Palestine.”⁹⁷ During the raid, Israeli occupying forces confiscated computer memory drives, a Palestinian map, and the Palestinian flag.⁹⁸

The Health Work Committees, a leading Palestinian health and development organization, provide crucial primary and secondary health services to Palestinian communities through twelve centers and clinics in isolated areas of the West Bank. In addition to advocating for Palestinians’

right to health, the Health Work Committees have been at the forefront of the COVID-19 response in the occupied Palestinian territory.⁹⁹ The closure order against the Health Work Committees was followed on July 7, 2021, by an Israeli military raid on the home of Palestinian nurse and human rights defender Shatha Odeh, the director of the Health Work Committees. Odeh was arbitrarily arrested and detained in Israeli prisons for eleven months until her release on June 3, 2022. During the initial days of her detention, Odeh was denied access to vital medication and fresh clothing.¹⁰⁰ The Health Work Committees were declared an “unlawful association” under Regulation 84(1)(b) of the 1945 Defense (Emergency) Regulations on January 22, 2020, but staff members and the organization’s management were not aware of this fact and only found out over a year later when their headquarters were raided and an employee was detained in March 2021.¹⁰¹ The designations against the six Palestinian human rights and civil society organizations followed these attacks on the Health Work Committees.

As of August 2022, the attacks against Palestinian civil society have further escalated. During the early morning hours of August 18, 2022, the Israeli occupying forces raided the offices of the six designated organizations as well as the offices of the Health Work Committees, confiscated computers, laptops, and files, and sealed the organizations’ doors shut with metal plates, and hung up military

97. Al-Haq, “Israel’s Attack on the Palestinian Health Work Committees Is Part of Its Systematic Targeting of Palestinian Civil Society,” June 19, 2021, <https://www.alhaq.org/advocacy/18527.html>.

98. Al-Haq, “Israel’s Attack on the Palestinian Health Work Committees.”

99. Amnesty International, “Israeli Army Shutdown of Health Organization Will Have Catastrophic Consequences for Palestinian Healthcare,” June 9, 2021, <https://www.amnesty.org/en/latest/news/2021/06/israeli-army-shutdown-of-health-organization-will-have-catastrophic-consequences-for-palestinian-healthcare/>; Al-Haq, “Israel’s Attack on the Palestinian Health Work Committees.”

100. Al-Haq, “Al-Haq Sends an Urgent Appeal on the Arbitrary Detention and ‘Severe Suffering’ of Human Rights Defender Ms. Shatha Odeh Abu Fannouneh, General Director of the Health Work Committee,” July 24, 2021, <https://www.alhaq.org/advocacy/18644.html>; Addameer, “Israeli Occupation Release Mrs. Shatha Odeh after Nearly a Year,” June 3, 2022, <https://www.addameer.org/news/4807>.

101. Adalah, “Adalah’s Expert Opinion,” 5–6.

closure orders designating the organizations as “unlawful.”¹⁰² Three days later, on August 21, 2022, Shawan Jabarin and Khaled Quzmar, the directors of Al-Haq and DCI-Palestine respectively received threatening phone calls from someone claiming to be from the Israeli Security Service (Shabak) summoning them for interrogation at the Ofer military base in the occupied West Bank. Both Jabarin and Quzmar as well as the directors of the designated organizations and their staff members now face the risk of imminent arbitrary detention, prosecution on secret evidence, and appropriation of their assets for carrying out their work.¹⁰³

A Broader Policy to “Eliminate” Palestinian Civil Society

The designations targeting Palestinian civil society form part of a policy by the Israeli occupying authorities to “eliminate” Palestinian civil society. This policy is consistent with the epistemic violence against Palestinians and the eliminatory logic of Zionist settler colonialism premised on Palestinian dispossession and removal from the land. Before turning to the implications of Israel’s 2016 Counter-Terrorism Law, we first outline the context within which the Israeli defense minister’s designations fall. A July 2020 position paper by the Palestinian digital rights organization 7amleh explained this context as follows:

For decades Palestinian human rights defenders, activists and organizations have been under attack from the Israeli government who has worked to systematically silence and delegitimize them in an effort to dominate the discourse about human rights and Palestine as a way to achieve their illegal political aims... One of the key narratives that Israel uses to distort the reality on the ground is to smear Palestinian human rights defenders, activists and organizations as “terrorists” or terrorist-supporting organizations in order to delegitimize their core human rights work.¹⁰⁴

Palestinian civil society has called for an end to Israel’s regime of occupation, settler colonialism, and apartheid over the Palestinian people for over two decades, while Palestinian scholars have, since at least 1965, understood racism as inherent to rather than accidental to Zionist settler colonization.¹⁰⁵ Among other efforts, Palestinians’ antiapartheid mobilization has included: the consensus within Palestinian civil society since 2005 for Boycott, Divestment and Sanctions (BDS) to end Israeli occupation, colonialism, and apartheid;¹⁰⁶ the contributions of Al-Haq

102. Al-Haq, “Alert: Israeli Occupying Forces Raid, Damage and Close Offices.” DCI-Palestine, “Israeli forces raid and seal shut DCIP office, leaving official notice declaring organization unlawful,” August 18, 2022, https://www.dci-palestine.org/israeli_forces_raid_and_seal_shut_dcip_office_leaving_official_notice_declaring_organization_unlawful.

103. Al-Haq, “Al-Haq’s Urgent Appeal to UN Special Procedures; Protect Human Rights Directors, Mr. Shawan Jabarin and Mr. Khaled Quzmar, Threatened with Arrest and Imprisonment,” August 21, 2022, <https://www.alhaq.org/advocacy/20471.html>.

104. 7amleh, “Online Smear Campaigns and Deplatforming: The Silencing and Delegitimization of Palestinian Human Rights Defenders, Activists and Organizations,” July 2, 2020, <https://7amleh.org/2020/07/02/online-smear-campaigns-and-deplatforming-the-silencing-and-delegitimization-of-palestinian-human-rights-defenders-activists-and-organizations>.

105. Sayegh, *Zionist Colonialism*, 21, 27.

106. BDS, “Palestinian Civil Society Calls for Boycott, Divestment and Sanctions against Israel Until It Complies with International Law and Universal Principles of Human Rights,” July 9, 2005, <https://bdsmovement.net/call; BDS, “What Is BDS?” https://bdsmovement.net/what-is-bds>.



A welded steel barrier placed by Israeli occupying forces blocks the door to Al-Haq's offices. The barrier was installed there after Israeli occupying forces blasted the front doors off and ransacked Al-Haq's offices at around 3:30 a.m. on August 18th, 2022.

Photo © Al-Haq, 2022.

and Adalah to the detailed 2009 South African Human Sciences Research Council study, which concluded that the frameworks of occupation, colonialism, and apartheid apply simultaneously to the occupied Palestinian territory;¹⁰⁷ endorsement of the NGO Forum Declaration adopted at the Durban World Conference against Racism in 2001, which recognized “Israel’s brand of apartheid and other racist crimes against humanity”;¹⁰⁸ as well as engagement with UN bodies and experts on Israeli apartheid, including the 2019 Palestinian coalition report submitted to CERD.¹⁰⁹

As the movement against Israeli apartheid continues to grow, including the influence and reach of the BDS movement and efforts to bring Israeli perpetrators to justice at the ICC,¹¹⁰ Israeli repression of Palestinian civil society has intensified.¹¹¹ In 2015, Benjamin Netanyahu, then the prime minister, appointed Gilad Erdan to head Israel’s Ministry of Strategic Affairs, which was tasked “to act against the delegitimization and boycott campaigns against the state of Israel.”¹¹² From the start, the ministry maintained close coordination with nonstate affiliated groups, the rationale for which Erdan explained in 2017 as follows:

One of the principles for success is keeping our methods of action secret... Since most of the ministry’s actions are not of the ministry, but through bodies around the world who do not want to expose their connection with the state, we must protect the information whose exposure could harm the battle.¹¹³

The Israeli government has worked closely with groups such as NGO Monitor and UN Watch, which have been described as “GONGOS” (government-operated NGOs),¹¹⁴ propagating the government’s defamatory materials and smearing Palestinian human rights defenders, organizations, and their allies around the world.¹¹⁵ In January 2022, a letter smearing the candidates shortlisted for the position of the UN Special Rapporteur on Palestine was coordinated between NGO Monitor and the Israeli Ministry of Defense and sent to the president of the UN Human Rights Council,¹¹⁶ demonstrating the ties between the Israeli government

107. Virginia Tilley, ed., *Occupation, Colonialism, Apartheid?: A Re-assessment of Israel’s Practices in the Occupied Palestinian Territories under International Law* (Capetown, South Africa: Human Sciences Research Council, 2009), <http://www.hsrb.ac.za/en/research-data/view/4634>. See also Al-Haq, “South African Study Finds that Israel Is Practicing Colonialism and Apartheid in the Occupied Palestinian Territory,” June 4, 2009, <https://www.alhaq.org/advocacy/7207.html>.

108. WCAR, “NGO Forum Declaration,” 98.

109. Al-Haq et al., *Joint Parallel Report*.

110. Gil Stern Hoffman, “Israel’s Answer to the BDS Movement – Gilad Erdan,” *Jerusalem Post*, May 25, 2015, <https://www.jpost.com/Israel-News/Politics-And-Diplomacy/Israels-answer-to-the-BDS-movement-Gilad-Erdan-404038>; Ben White, “Delegitimizing Solidarity,” 65, 69.

111. Mairav Zonszein, “In Israel, BDS Is winning,” *+972 Magazine*, March 28, 2016, <https://www.972mag.com/in-israel-bds-is-winning/>.

112. Hoffman, “Israel’s Answer”; Knesset News, “Bill Calling to Keep Strategic Affairs Ministry’s Efforts to Combat Delegitimization Secret Passes First Reading,” July 18, 2017, https://m.knesset.gov.il/en/news/pressreleases/pages/pr13526_pg.aspx. See also 7amleh, “Online Smear Campaigns.”

113. Knesset News, “Bill Calling.”

114. 7amleh, “Online Smear Campaigns”; Ben White, “Delegitimizing Solidarity,” 65, 71–72.

115. Al-Haq et al., “Joint Submission.”

116. The letter can be found at Al-Haq (@alhaq_org), Twitter, January 23, 2022, 5:08 a.m., https://twitter.com/alhaq_org/status/1485207865228939264/photo/1.

and affiliated groups. In October 2020, Hawari discussed how “accusations made by NGO Monitor are unfounded, backed by little and tenuous research, and slanderous.” Nevertheless, she added:

rather surprisingly, many in the international community are now heeding this organization’s accusations, which has had a chilling effect on Palestinian civil society. Indeed, the climate created by this growing campaign of defamation has led to funds being tightened, and, in some cases, cut and even altogether withdrawn.¹¹⁷

In March 2016, an Israeli policy for the systematic dismantling of Palestinian civil society had become evident, with intelligence minister Yisrael Katz calling for the “targeted civil eliminations” of Palestinian human rights defenders advocating for BDS.¹¹⁸ In this context, the Ministry of Strategic Affairs identified the BDS movement, including its civil society work on apartheid,¹¹⁹ and efforts to pursue international justice at the ICC as core strategic threats to Israel.¹²⁰ To counter these, the Israeli government adopted a three-pronged approach to delegitimize, defame, and defund human rights organizations and target human rights defenders working to advance Palestinian rights.¹²¹ In a series of defamatory publications, the government addressed the BDS National Committee’s work on apartheid¹²² and smeared the work of the BDS movement as “antisemitic” for “trying to isolate Israel and to defame it as an alleged apartheid state.”¹²³

In addition, Israeli government officials and affiliated groups have repeatedly lobbied donors to defund Palestinian civil society.¹²⁴ In September 2015, fraudulent letters claiming to be from the consulting firm Ernst and Young were disseminated to European donors of Al-Haq, citing allegations of “financial irregularities, corruption, fraud and misuse of donations and funds” by the Palestinian Authority. Both the Palestinian Authority and Ernst and Young strenuously refuted being the source of these false letters.¹²⁵ In June 2019, the Ministry of Strategic Affairs announced that it had convinced banks in Europe and the US to close thirty

117. Yara Hawari, “Destroying Palestinian Jerusalem, One Institution at a Time,” *Al-Shabaka* (policy brief), October 29, 2020, <https://al-shabaka.org/briefs/destroying-palestinian-jerusalem-one-institution-at-a-time/>.

118. Michael Schaeffer Omer-Man, “Senior Israeli Minister: Make BDS Activists in Israel ‘Pay a Price,’” *+972 Magazine*, June 16, 2016, <https://972mag.com/senior-israeli-minister-says-working-to-make-bds-activists-in-israel-pay-a-price/120084/>; Zonszein, “In Israel.”

119. Israeli Ministry of Strategic Affairs, “The Money Trail: European Union Financing of Organizations Promoting Boycotts against the State of Israel,” 2nd ed., January 2019, 13, 19, 24, https://www.gov.il/BlobFolder/generalpage/money_trail/en/strategic_affairs_money_en.pdf.

120. Peter Beaumont, “Israel Brands Palestinian-Led Boycott Movement a ‘Strategic Threat,’” *Guardian*, June 3, 2015, <https://www.theguardian.com/world/2015/jun/03/israel-brands-palestinian-boycott-strategic-threat-netanyahu>; White, “Delegitimizing Solidarity,” 65, 69.

121. Observatory for the Protection of Human Rights Defenders, *Target Locked*.

122. Ministry of Strategic Affairs, “Terrorists in Suits: The Ties Between NGOs Promoting BDS and Terrorist Organisations,” February 2019, 14, https://www.gov.il/BlobFolder/generalpage/terrorists_in_suits/en/De-Legitimization%20Brochure.pdf.

123. Israeli Ministry of Strategic Affairs, *Behind the Mask, the Antisemitic Nature of BDS Exposed*, September 2019, 29, <https://isgap.org/wp-content/uploads/2019/09/BDS-Antisemitism-Report-final-15.9.pdf>.

124. Observatory for the Protection of Human Rights Defenders, *Target Locked*, 44–45.

125. OMCT, “Israel-Palestine: Al-Haq Human Rights Lawyer based in The Hague Receives Death Threats, as Attacks against the Organisation Escalate,” March 4, 2016, <https://www.omct.org/en/resources/urgent-interventions/israel-palestine-al-haq-human-rights-lawyer-based-in-the-hague-receives-death-threats-as-attacks-against-the-organisation-escalate>.

financial accounts associated with Palestinian civil society groups.¹²⁶

An April 2021 report by the Observatory for the Protection of Human Rights Defenders detailed the “alarming proportions” reached by “smear campaigns, intimidation and harassment measures” against Palestinian civil society.¹²⁷ Previously, in 2019, the former UN Special Rapporteur on Palestine Michael Lynk had reported:

Of particular concern are the harmful practices employed by the political leadership and State authorities in Israel to silence the criticism by human rights defenders of certain government policies. Such measures include verbal attacks, disinformation campaigns and delegitimization efforts, as well as the targeting of civil society funding sources. For example, in the Money Trail reports, published in May 2018 and January 2019, the Ministry of Strategic Affairs of Israel accused the European Union of granting financial aid to organizations that allegedly promote boycotts against Israel. Those accused included respected European and Palestinian organizations such as Al-Haq, the Palestinian Centre for Human Rights and the Al Mezan Center for Human Rights. The Ministry also alleged that several of the non-governmental organizations have ties to terrorism. [...] The European Union strongly rejected the allegations as unsubstantiated.¹²⁸

Having failed to disrupt donor funding to Palestinian civil society, in May 2021, the Israeli Ministry of Foreign Affairs circulated a secret file of “evidence” through diplomatic channels to EU member states alleging that five of the six designated organizations—including the UAWC, Addameer, Al-Haq, Bisan, and DCI-Palestine, in addition to the Health Work Committees and the Palestinian Centre for Human Rights (PCHR)—were in receipt of EU funding and governmental assistance, which Israel alleged was being used to finance the PFLP.¹²⁹ The European Commission spokesperson rejected these smears and fabrications as unsubstantiated, and donor states continued their support of Palestinian civil society.¹³⁰ On June 13, 2021, with the formation of the new Israeli government, the Ministry of Strategic Affairs was closed and its functions merged with those of the Ministry of Foreign Affairs.

126. Maayan Jaffe-Hoffman, “30 Financial Accounts Associated with BDS-Promoting NGOs Shut Down,” *Jerusalem Post*, June 11, 2019, <https://www.jpost.com/Israel-News/Report-30-financial-accounts-associated-with-BDS-promoting-NGOs-close-592073>; Al-Haq, “Israeli Ministry of Strategic Affairs Campaign of Institutionalised Harassment Continues with the Alleged Closure of Palestinian NGOs’ Financial Accounts,” June 19, 2019, https://www.alhaq.org/advocacy/6039.html#_ftn1.

127. Observatory for the Protection of Human Rights Defenders, *Target Locked*, 4.

128. Human Rights Council, *Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied since 1967*, May 30, 2019, para 24.

129. Israeli Ministry of Foreign Affairs, “Investigation Findings, The Foreign Funding of the PFLP through the Network of ‘Civil Society’ Organisations,” May 2, 2021 (confidential report), 11–13.

130. European Parliament, Parliamentary Question, “Answer Given by Mr. Várhelyi on Behalf of the European Commission,” July 30, 2021, https://www.europarl.europa.eu/doceo/document/E-9-2021-000090-ASW_EN.html; Overheid NL, “Aanhangsel van de Handelingen,” July 15, 2021, <https://zoek.officielebekendmakingen.nl/ah-tk-20202021-3587.html>.

The closure of Palestinian civil society institutions has been a constant throughout Israel's prolonged military occupation. Between 2000 and 2020, Israeli occupying authorities closed down over forty-two institutions in occupied East Jerusalem as part of an Israeli policy to eliminate Palestinian cultural and political life in Jerusalem.¹³¹ On July 22, 2020, the Israeli occupying forces raided three Palestinian cultural institutions in Jerusalem: the Edward Said National Conservatory of Music, the Yabous Cultural Center, and the Jerusalem Arts Network (Shafaq). They arrested the three organizations' directors and confiscated files, laptops, and phones from their offices.¹³² For Palestinian human rights defenders from occupied East Jerusalem, the threat of having their precarious residency status punitively revoked by Israeli occupying authorities further undermines not only their right to live in Jerusalem but also their ability to carry out legitimate human rights work. On March 7, 2018, the Israeli parliament amended the Entry into Israel Law, allowing the interior minister to revoke Palestinians' Jerusalem residency status for so-called "breach of allegiance" to Israel.¹³³ This is despite the fact that international humanitarian law prohibits Israel, as the occupying power, from forcing the allegiance of the protected population in the occupied Palestinian territory.¹³⁴ Nevertheless, on October 6, 2019, the former Israeli interior minister, Aryeh Deri, threatened to revoke the permanent residency status of Palestinian human rights defender Omar Barghouti, the cofounder of the BDS movement.¹³⁵ On October 18, 2021, one day before the designations against the six Palestinian organizations were issued, interior minister Ayelet Shaked punitively revoked the Jerusalem residency status of Palestinian human rights defender Salah Hammouri, a lawyer with Addameer, for so-called "breach of allegiance" to Israel.¹³⁶

Implications of Israel's 2016 Counter-Terrorism Law

Despite broad international condemnation of the latest designations as thinly veiled attacks on legitimate human rights work in Palestine,¹³⁷ the Israeli occupying authorities updated the designation orders against the six organizations on November 22, 2021, nearly one month after they were issued, clarifying that the initial designations were not based on the organizations' "civic activities" but on the basis of them allegedly constituting an "arm" of the PFLP.¹³⁸ On November 3, 2021,

131. Hawari, "Destroying Palestinian Jerusalem."

132. Hawari, "Destroying Palestinian Jerusalem."

133. Al-Haq, "Punitive Residency Revocation: The Most Recent Tool of Forcible Transfer," March 17, 2018, <https://www.alhaq.org/advocacy/6257.html>.

134. Hague Regulations, Article 45 of "Hague Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land," The Hague, October 18, 1907; Fourth Geneva Convention, Article 68(3), "Geneva Convention Relative to the Protection of Civilian Persons in Time of War," adopted August 12, 1949, entry into force October 21, 1950.

135. Al-Haq, "Omar Barghouti at Imminent Risk of Deportation as Israeli Interior Minister Initiates Proceedings to Punitively Revoke His Residency Status," November 4, 2019, <https://www.alhaq.org/advocacy/16156.html>.

136. Al-Haq, "Al-Haq Condemns the Revocation of Lawyer and Human Rights Defender Salah Hammouri's Jerusalem Residency," October 19, 2021, <https://www.alhaq.org/advocacy/18995.html>.

137. Al-Haq, "Statements of Support: Stand with the Six," October 30, 2021, <https://www.alhaq.org/news/19129.html>.

138. The updated designation orders can be found at National Bureau for Counter-Terror Financing of Israel, "The Minister of Defense Designated Six Organizations of the 'Popular Front for the Liberation of Palestine' as Terror Organizations," <https://nbctf.mod.gov.il/en/Pages/211021EN.aspx>.

the Israeli military commander in the West Bank, Yehuda Fuchs, had issued a series of military orders transposing the designations into law in the occupied Palestinian territory.¹³⁹ The military orders declare the organizations, “whether incorporated or not, whether operating on the Internet or in another manner, including a group, cell, stream, institution, central branch or faction thereof, by whatever name it shall be called, including any association belonging to this stream, known by various pseudonyms, [as] an unlawful association” under Regulation 84(1)(b) of the 1945 Defense (Emergency) Regulations.¹⁴⁰ Adopted by the British Mandate authorities, the Defense (Emergency) Regulations have been used by Israel since 1948 as a “legal basis” to impose collective punishment on the Palestinian people.¹⁴¹

The Palestinian human rights organization Adalah has shown that the designation of organizations as “terrorist organizations” or “unlawful associations” are vague and overbroad, with Israeli law granting vast discretionary power to the defense minister and military commander to issue such designations. These are extremely difficult to challenge through the Israeli legal system due to the use of so-called secret evidence, thus violating Palestinians’ fair trial rights.¹⁴² Adalah has also highlighted that, “in dealing with the civil and political rights of Palestinians, the Israeli Supreme Court never challenges the validity of the secret evidence. Instead, the Court relies on the secret evidence before it without question, which in most of these cases also leads to the Court’s endorsement of the authorities’ final decision.”¹⁴³ All of this is in addition to the fact that international humanitarian law prohibits Israel, as the occupying power, from applying its domestic legislation, including the 2016 Counter-Terrorism Law, to the territory it occupies.¹⁴⁴

The designation process under the Counter-Terrorism Law involves an initial temporary designation issued by the defense minister. This remains in effect until a permanent designation is issued, subject to appeal. If the designation is not legally challenged, it becomes permanent after seven months of its publication in the Official Gazette.¹⁴⁵ Initially, the targeted organizations could seek review of the defense minister’s decision under a three-person advisory committee, whose composition included a settler judge. On January 2, 2022, the Israeli occupying authorities confirmed that “the core of the designations is based on *confidential*

139. Adalah, “Adalah’s Expert Opinion,” 1.

140. “Defense (Emergency) Regulations, 1945,” https://www.imolin.org/doc/amlid/Israel/The_Defence_Emergency_Regulations_1945.pdf; Al-Haq, “Alert: Israel Takes Alarming Steps to Enforce its Persecution of Six Palestinian Organisations in the West Bank, International Community Must Intervene,” November 7, 2021, <https://www.alhaq.org/advocacy/19179.html>; Adalah, “Palestinian Organizations Declared as ‘Unlawful Associations’ by Israeli Military File Objection: Illegal Decision Devoid of Due Process,” February 3, 2022, <https://www.adalah.org/en/content/view/10544>.

141. Al-Haq, “Alert: Israel Takes Alarming Steps”; John Reynolds, *Empire, Emergency and International Law* (Cambridge: Cambridge University Press, 2017), 221; Shane Darcy, *Israel’s Punitive House Demolition: Policy Collective Punishment in Violation of International Law*, Al-Haq, 2003, https://www.alhaq.org/cached_uploads/download/alhaq_files/publications/Israels_Punitive_House_Demolition_Policy.pdf.

142. Adalah, “Adalah’s Expert Opinion.”

143. Adalah, “Adalah’s Expert Opinion,” 14.

144. Adalah, “Adalah’s Expert Opinion.”

145. Adalah, “Adalah’s Position Paper: Israel’s Counter-Terrorism Law,” updated November 29, 2021, para 19, [https://www.adalah.org/uploads/uploads/Adalah's%202021%20Position%20Paper%20on%202016%20Counter-Terrorism%20Law%20\(Updated\)%20EN%20.pdf](https://www.adalah.org/uploads/uploads/Adalah's%202021%20Position%20Paper%20on%202016%20Counter-Terrorism%20Law%20(Updated)%20EN%20.pdf).

“**Between 2000 and 2020, Israeli occupying authorities closed down over forty-two institutions in occupied East Jerusalem as part of an Israeli policy to eliminate Palestinian cultural and political life in Jerusalem.**”

intelligence information that cannot be revealed due to ‘security reasons.’”¹⁴⁶ Adalah argued that this “reinforces the organizations’ argument that the Israeli authorities have no evidence linking them with illegal acts and that this move amounts to the political persecution of human rights defenders.”¹⁴⁷

On February 3, 2022, the organizations’ legal teams filed a procedural objection with the Israeli military commander arguing violations of due process rights due to the reliance on “secret evidence.” They

emphasized, among other points, that “no such material has been provided because it does not exist” and that there is a conflict of interest since “the decision-maker who issued the decision—the Military Commander—is the same body that will decide on the objection.”¹⁴⁸ On August 17, 2022, the Israeli military commander rejected the objections filed by five of the six organizations and a few hours later the occupying forces raided and closed their offices along with the offices of the Health Work Committee declared as an “unlawful association” in January 2020.¹⁴⁹

For Palestinian civil society groups now permanently outlawed as unlawful associations, the implications are severe. The penalties set out under the Counter-Terrorism Law include twenty-five years’ imprisonment for the head of a designated organization;¹⁵⁰ ten years’ imprisonment for a manager¹⁵¹ or anyone financing the organization’s activities;¹⁵² five years’ imprisonment for membership and recruitment of members and provision of services to the designated organization;¹⁵³ and three years’ imprisonment for “publishing words of praise, support or sympathy, waving a flag, displaying or publishing a symbol, or displaying, playing or publishing a slogan or anthem.”¹⁵⁴ Now that permanent designations have been ratified, Israeli law confers on the defense minister wide competence to issue administrative seizure orders for the forfeiture of the organizations’ property, including their bank accounts.¹⁵⁵ As the summoning of Jabarín and Quzmar by the Shabak on August 21, 2022 shows, the risk of arbitrary detention is further multiplied.

146. Emphasis added. Al-Haq, “Palestinian Organizations Declared,” 1.

147. Adalah, “Israel refuses to reveal the evidence against the six Palestinian organizations it has designated as terrorist organizations,” January 6, 2022, <https://www.adalah.org/en/content/view/10515>.

148. Al-Haq, “Palestinian Organizations Declared,” 2.

149. Adalah, “Israeli military raids, vandalizes, and seals offices.”

150. Article 20, Counter-Terrorism Law, 5776-2016; Adalah, “Adalah’s Expert Opinion,” 7.

151. Article 21, Counter-Terrorism Law, 5776-2016.

152. Article 31(a), Counter-Terrorism Law, 5776-2016.

153. Articles 22(a) and 23, Counter-Terrorism Law, 5776-2016.

154. Article 24(a), Counter-Terrorism Law, 5776-2016. Adalah, “Adalah’s Position Paper,” 8–9.

155. Articles 56–58, Counter-Terrorism Law, 5776-2016.

Israel's ultimate objective in outlawing Palestinian civil society has been to dismantle Palestinian civil society, silence Palestinian efforts to challenge its apartheid regime, and accelerate its goal of cutting off financial flows of donor funding to the organizations. In the immediate aftermath of the latest designations, the European Commission instructed Oxfam to cut its funding to the UAWC as a precautionary measure until the situation had been clarified, illustrating the chilling effect of risk assessments carried out by third parties.¹⁵⁶ In addition, the European Commission suspended its project funding to Al-Haq and PCHR; the latter, although not one of the designated organizations, was smeared in a spurious report of the Israeli Ministry of Foreign Affairs in May 2021. It was only thirteen months later, in June 2022, that the European Commission lifted the funding freeze “unconditionally and with immediate effect” after finding “no suspicions of irregularities and/or fraud.”¹⁵⁷ Additionally, assessing the potentially chilling effect on its work in other countries and the impact on the banking sector, Finnish Christian charity Felm ended its funding of DCI-Palestine.¹⁵⁸ Thus, the reverberating impacts of Israel's latest attacks are being felt. These are a continuation of a long-held policy of Israel's crippling of all opposition to its settler colonial apartheid regime. Indeed, the criminalization of Palestinian organizations has, from the outset, been intended to “eliminate” Palestinian civil society and the broader Palestinian human rights movement.¹⁵⁹

Persecution of Palestinian Organizations as an Inhuman Act of Apartheid

At the heart of the efforts to silence Palestinian human rights defenders is Israel's attempt to evade accountability for its widespread and systematic human rights violations and serious breaches of international law, amounting to war crimes and crimes against humanity against Palestinians. Some of Israel's most severe attacks against human rights defenders and organizations have been leveled at those communicating files of evidence to the Office of the Prosecutor (OTP) of the ICC. Immediately when the State of Palestine ratified the Rome Statute in 2015, Israel in reprisal withheld the revenues to the Palestinian Authority in an act of collective punishment against the Palestinian people. As Israel intensified its attempts to tarnish human rights defenders by leveling “terrorism” charges against them, those working to pursue international justice and accountability for Israeli perpetrators at the ICC were treated to an egregious campaign of intimidation and death threats.¹⁶⁰

156. European Parliament, “EU Financial Support to Palestinian Non-Governmental Organisations Declared as Terrorist Organisations by Israel,” December 17, 2021, https://www.europarl.europa.eu/doceo/document/E-9-2021-005625_EN.html.

157. Al Jazeera Staff, “‘Unfounded Allegations’: EU Resumes Funding of Palestinian NGOs,” *Al Jazeera*, June 30, 2022, <https://www.aljazeera.com/news/2022/6/30/no-suspicious-eu-resumes-funding-of-palestinian-ngos>.

158. Essi Lehto and Rami Ayyub, “Finnish Christian Charity Cuts Ties with Palestinian NGO Accused by Israel of Aiding Militants,” Reuters, November 5, 2021, <https://www.reuters.com/world/finnish-christian-charity-cuts-ties-with-palestinian-ngo-accused-by-israel-2021-11-05/>.

159. Lila Margalit, “The Consideration of Rights in the Israeli Counter-Terrorism Law,” *International Journal of Constitutional Law* 19, no. 2 (2021): 603, 622.

160. Open Society Foundations, “Threats against Palestinian Lawyer over ICC Work Must End,” August 11, 2016, <https://www.opensocietyfoundations.org/newsroom/threats-against-palestinian-lawyer-over-icc-work-must-end>.

In 2016, the ICC Prosecutor intervened after several individuals received death threats, including Al-Haq’s legal researcher at the time, Nada Kiswanson; Al-Haq’s director, Shawan Jabarin; and the staff of Al Mezan.¹⁶¹ The ICC Prosecutor took the matter “very seriously,” and it was brought to the attention of the Dutch authorities to take “appropriate steps and measures.”¹⁶² In 2021, a ruling of the ICC’s Pre-Trial Chamber found that the court had jurisdiction to examine war crimes and crimes against humanity committed on the territory of the West Bank, including East Jerusalem, and the Gaza Strip. On March 3, 2021, former ICC Prosecutor Fatou Bensouda formally opened the investigation into the “Situation in Palestine.”¹⁶³

Persecution under Article 2(f) of the Apartheid Convention

The repression of political and scholarly dissent of Israel’s institutionalized regime of racial domination and oppression over the Palestinian people constitutes a method by which Israel maintains its apartheid regime. The arbitrary designations of leading Palestinian human rights organizations and civil society, while attracting perhaps the most international and public condemnation of any such measures in quite some time,¹⁶⁴ is nonetheless simply another step in an ongoing smear and delegitimization campaign to prevent opposition to Israeli apartheid. In doing so, the Israeli state and affiliated groups seek to ensure that Palestinians’ ability to narrate their own settler colonial dispossession is suppressed to the extent of nonexistence. In 2014, former UN Special Rapporteur on Palestine Richard Falk reported the following to the Human Rights Council:

Article 2(f) of the [Apartheid Convention] ... potentially relates to a wide range of human rights violations against Palestinians in the Occupied Palestinian Territory, who as a people desire self-determination and oppose the segregation, restrictions and discriminatory regime imposed by Israel on them. In this sense, the punitive response often meted out to those who demonstrate against the wall and its associated regime, or more generally oppose Israeli violations of human rights, arguably fall under this provision.¹⁶⁵

For decades, Israel has mounted a protracted campaign against Palestinian activists, demonstrators, human rights organizations, and defenders. In addition to

161. Office of the Prosecutor, *Report on Preliminary Examination Activities 2016*, November 14, 2016, para 144 https://www.icc-cpi.int/iccdocs/otp/161114-otp-rep-PE_ENG.pdf.

162. Office of the Prosecutor, *Report*.

163. Office of the Prosecutor, “Statement of ICC Prosecutor, Fatou Bensouda, Respecting an Investigation of the Situation in Palestine,” March 3, 2021, <https://www.icc-cpi.int/news/statement-icc-prosecutor-fatou-bensouda-respecting-investigation-situation-palestine>.

164. See, for example, Patrick Kingsley, “Israel Accuses 6 Palestinian Rights Groups of Terrorism,” *New York Times*, October 22, 2021, <https://www.nytimes.com/2021/10/22/world/middleeast/israel-palestinian-rights-groups.html>; OHCHR, “UN Experts Condemn”; BBC, “Artists Denounce Israeli Ban on Palestinian Civil Society Groups,” November 17, 2021, <https://www.bbc.com/news/world-middle-east-59297278>; Amy Cheng, “Israel Moves to Ban Six Palestinian Rights Groups It Accuses of Terrorism, Prompting International Outrage,” *Washington Post*, October 23, 2021, <https://www.washingtonpost.com/world/2021/10/23/israel-palestine-terrorist-human-rights/>.

165. Human Rights Council, *Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967*, Richard Falk, January 13, 2014, para 73.

torture,¹⁶⁶ the widespread use of administrative detention without charge or trial,¹⁶⁷ and the withholding of the remains of Palestinians killed by Israeli occupying forces,¹⁶⁸ this has included the strategic fragmentation and enfeebling of the Palestinian national capacity for resistance. Within Zionist settler colonial ideology, which is propelled by the logic of elimination of the Indigenous Palestinian people,¹⁶⁹ there is no meaningful way that such measures can be avoided; for Israel's colonial project to be successful, the Indigenous people must be totally and wholly subjugated, including in their ability to speak out against their dispossession.

It is thus telling that during the apartheid era in South Africa and occupied Namibia, the international community included the persecution of those opposing apartheid among the constitutive inhuman acts of the crime of apartheid in Article 2(f) of the Apartheid Convention. In much the same way that opposition to South African apartheid required vigorous—and often violent—repression, so too does opposition to Israeli apartheid and Zionist settler colonization. It would thus be a mistake to view as individual and indiscrete violations the designation of Palestinian organizations as “terror organizations”; the arbitrary detention and torture of Palestinians; the intricate fabric of movement restrictions particularly targeting Palestinians under Israeli closure and blockade in the Gaza Strip; the civil and administrative curtailment of Palestinian rights and freedoms; the systematic excessive use of force against the Palestinian civilian population; and the creeping annexation of the West Bank. Rather, the policies and practices of the Israeli state apparatus across historic Palestine, and toward Palestinian refugees and exiles denied their right of return, serve to dominate the Indigenous people of Palestine while simultaneously preventing them from challenging the regime through their fragmentation across distinct geographic, legal, and political domains.¹⁷⁰

The Apartheid Convention, to which the State of Palestine acceded on April 2, 2014, and which is applicable in the occupied Palestinian territory, establishes universal jurisdiction over perpetrators of the crime of apartheid, including “individuals, members of organizations and institutions and representatives of the State” who “commit, participate in, directly incite or conspire in the commission of” or “directly abet, encourage or co-operate in the commission of the crime of

166. Amnesty International, “Israeli Police Targeted Palestinians with Discriminatory Arrests, Torture and Unlawful Force,” June 24, 2021, <https://www.amnesty.org/en/latest/news/2021/06/israeli-police-targeted-palestinians-with-discriminatory-arrests-torture-and-unlawful-force/>; Adalah, “Adalah Demands Israeli Police End Mass Arrests of Palestinian Citizens,” May 27, 2021, [167. Al-Haq, “Al-Haq Sends an Urgent Appeal on the Arbitrary Detention of the Human Rights Defender Farid al-Atrash,” July 7, 2021, <https://www.alhaq.org/advocacy/18599.html>; Emma Playfair, *Administrative Detention in the Occupied West Bank* \(Ramallah: Al-Haq, 1986\), <https://www.alhaq.org/publications/8160.html>; Al-Haq, “PHROC Submits Urgent Appeal to UN Special Procedures Regarding Hunger Striking Administrative Detainee Ghdanfar Abu Atwan,” July 8, 2021, <https://www.alhaq.org/advocacy/18605.html>; Al Jazeera Staff, “Palestinians Demand Release of Jailed MP for Daughter’s Funeral,” *Al Jazeera* July 12, 2021, \[https://mondoweiss.net/2021/06/israel-renews-the-use-of-administrative-detention-against-palestinian-citizens/\]\(https://www.aljazeera.com/news/2021/7/12/palestinians-demand-release-of-jailed-lawmaker-to-attend-funeral; Yoav Haifawi, “Israel Renews the Use of Indefinite Detention against Palestinian Citizens,” <i>Mondoweiss</i>, June 13, 2021, <a href=\).](https://www.adalah.org/en/content/view/10334; UN Committee against Torture, “Concluding Observations on the Fifth Periodic Report of Israel,” June 3, 2016.</p></div><div data-bbox=)

168. Al-Haq, *Al-Haq Annual Field Report on Human Rights Violations in 2020*, March 2, 2021, <https://www.alhaq.org/monitoring-documentation/17950.html>; Al-Haq, “Israeli High Court of Justice Upholds Israel’s Policy of Withholding the Bodies of Palestinians Killed,” September 16, 2019, <https://www.alhaq.org/advocacy/15175.html>.

169. Muhareb and Clancy, “Palestine and the Meaning of Domination.”

170. Falk and Tilley, “Israeli Practices towards the Palestinian People.”

apartheid.”¹⁷¹ To date, no one has ever been prosecuted for the crime of apartheid.¹⁷² However, the Apartheid Convention has been ratified by 110 states,¹⁷³ the Rome Statute has 123 states parties,¹⁷⁴ while at least thirty-five states “have criminalised apartheid, either by means of national legislation or as States Parties to the Apartheid Convention.”¹⁷⁵

Persecution of those opposing the apartheid regime was not included as an inhumane act in the Rome Statute, and thus the ICC does not have direct subject-matter jurisdiction over this particular aspect of Israel’s apartheid regime. However, there is scope for third states to prosecute perpetrators of the crime of apartheid pursuant to Article 2(f) of the Apartheid Convention in their courts under the principle of universal jurisdiction. While we have not seen such efforts brought before any court to date, we are beginning to witness the deployment of the apartheid framework in domestic proceedings. Notably, the case of an Israeli conscientious objector claiming asylum in the United Kingdom, led by lawyers Franck Magennis and Fahad Ansari, “could help provide asylum for anti-Zionist Jews [and] Palestinians persecuted for opposing apartheid.”¹⁷⁶ After a partially successful determination at first instance, this case is now proceeding to the appellate Upper Tribunal, where a determination on the interplay between apartheid, the 1951 Convention Relating to the Status of Refugees,¹⁷⁷ and the European Convention on Human Rights¹⁷⁸ could have wider ramifications. With growing international recognition of Israeli apartheid, it can only be hoped that more proceedings related to Israeli apartheid will be undertaken in domestic courts in the coming years.

The Crime of Apartheid and the International Criminal Court

Palestinian efforts to challenge Israeli impunity at the ICC have a long, storied history.¹⁷⁹ Following the court’s failure to pursue accountability for the Israeli occupying forces’ killing of ten crew members and passengers and the injury of

171. Apartheid Convention, Articles 2, 4, 5.

172. Carola Lingaas, *The Concept of Race in International Criminal Law* (Oxfordshire, England: Routledge, 2020), 183; Alexander Zahar, “Apartheid as an International Crime,” in *The Oxford Companion to International Criminal Justice*, ed. Antonio Cassese (Oxford: Oxford University Press, 2009), 245–46.

173. *International Convention on the Suppression and Punishment of the Crime of Apartheid*, United Nations Treaty Collection, New York, November 30, 1973, https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&cmdtsg_no=IV-7&chapter=4&clang=_en.

174. UNTC, Rome Statute, July 17, 1998, https://treaties.un.org/pages/ViewDetails.aspx?src=IND&cmdtsg_no=XVIII-10&chapter=18&clang=_en.

175. Carola Lingaas, *The Concept of Race in International Criminal Law* (Oxfordshire, England: Routledge, 2020), 183.

176. Dania Akkad, “Israeli Student to Appeal UK Asylum Case on Apartheid Grounds,” *Middle East Eye*, March 17, 2022, <https://www.middleeasteye.net/news/uk-israel-student-appeal-asylum-case-apartheid-grounds>. See also Materialist Lawyers’ Group, “Asylum for Conscientious Objectors to Israeli Apartheid?” *New Socialist*, November 10, 2020, <https://newsocialist.org.uk/transmissions/asylum-conscientious-objectors-israeli-apartheid/>.

177. Convention Relating to the Status of Refugees, adopted July 28, 1951, entry into force April 22, 1954.

178. European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14, adopted November 4, 1950, entry into force September 3, 1953.

179. On the background of the situation in the state of Palestine, see Pearce Clancy, *After the Pre-Trial Chamber Decision: Palestine and Territorial Jurisdiction at the International Criminal Court*, Al-Haq, March 13, 2021, 8–11, <https://www.alhaq.org/publications/18074.html>.

fifty others on the Mavi Marmara flotilla on May 31, 2010,¹⁸⁰ the opening of a formal ICC investigation into international crimes committed in Palestine in March 2021 was met with cautious optimism.¹⁸¹ Owing to the court's subject-matter jurisdiction over the crime of apartheid, as a crime against humanity under Article 7(1)(j) of the Rome Statute, the ICC investigation into the "Situation in Palestine" has the potential to include, for the first time, an examination of the crime against humanity of apartheid. Indeed, the ICC has previously acknowledged receipt of allegations of the commission of the crime of apartheid in Palestine.¹⁸²

Nonetheless, there is cause for some degree of caution regarding the ICC investigation. It is, at the outset, noteworthy that the new prosecutor, Karim Khan, has thus far opted against challenging the hegemonic position of the US and its allies. In September 2021, Khan elected to "deprioritize" suspected international crimes committed by Western allied forces in Afghanistan, citing concerns about the "limited resources" available to the OTP.¹⁸³ Curiously, however, less than two months later, in November 2021, the office opened an investigation into the "Situation in Venezuela."¹⁸⁴ Without prejudice as to the merits of such an investigation, the timing suggests a worrying attempt to appease US authorities. While the new prosecutor has not, to date, made substantive comments on the Palestine investigation, these precedents do not bode well. In this sense, the scope for victims, in this instance Palestinians, to exert agency over the process is severely curtailed; while Palestinian organizations have long engaged with the OTP in attempts to challenge Israeli impunity,¹⁸⁵ the ultimate decision-makers are invariably outsiders subjected to outside influence.

There are also built-in limitations to what the ICC may achieve in Palestine. As Israel has consistently refused to engage with the court's processes at every hurdle, the logistical realities suggest that prospects of the investigation ever reaching the stage of prosecutions remains unfortunately slim. Similarly, the court is, in many ways, neither designed nor equipped to tackle the structural criminality inherent in the Israeli settler colonial apartheid regime in Palestine.¹⁸⁶ Although the court certainly has the potential to precipitate a shift in the public perception of the "Situation in Palestine" and to lend support to Palestinian resistance to Israeli

180. Al-Haq, "Ten Years since Israel's Raid on the Free Gaza Flotilla: Prolonged and Inconclusive Proceedings at the International Criminal Court," May 30, 2020, <https://www.alhaq.org/advocacy/16924.html>.

181. Office of the Prosecutor, "Statement of ICC Prosecutor, Fatou."

182. Office of the Prosecutor, *Report on Preliminary Examination Activities 2017*, December 4, 2017, para 63 https://www.icc-cpi.int/sites/default/files/items/Documents/2017-PE-rep/2017-otp-rep-PE_ENG.pdf.

183. ICC, "Statement of the Prosecutor of the International Criminal Court, Karim A. A. Khan QC, following the Application for an Expedited Order under Article 18(2) Seeking Authorisation to Resume Investigations in the Situation in Afghanistan," September 27, 2021, <https://www.icc-cpi.int/Pages/item.aspx?name=2021-09-27-otp-statement-afghanistan>; Nada Kiswanson, "Limits to Prosecutorial Discretion: The ICC Prosecutor's Deprioritisation Decision in Afghanistan," *Opinio Juris* (blog), November 26, 2021, <http://opiniojuris.org/2021/11/26/limits-to-prosecutorial-discretion-the-icc-prosecutors-deprioritisation-decision-in-afghanistan/>.

184. ICC, "ICC Prosecutor, Mr. Karim A.A. Khan QC, Opens an Investigation into the Situation in Venezuela and Concludes Memorandum of Understanding with the Government," November 5, 2021, <https://www.icc-cpi.int/Pages/item.aspx?name=pr1625>.

185. Al-Haq, "Palestinian Human Rights Organisations Submit Evidence to the ICC Prosecutor on Crimes Committed in West Bank," September 20, 2017, <https://www.alhaq.org/advocacy/6318.html>.

186. Pearce Clancy and Rania Muhareb, "Putting the International Criminal Court's Palestine Investigation into Context," *Opinio Juris* (blog), April 2, 2021, <http://opiniojuris.org/2021/04/02/putting-the-international-criminal-courts-palestine-investigation-into-context/>.

atrocities, expectations on what it can achieve in isolation must be kept in check.¹⁸⁷ In this realm of “symbolic politics” and the Palestinian “legitimacy war,”¹⁸⁸ the lessons of the struggle against apartheid in South Africa become crucial—in the same way that international recognition of the criminal regime imposed over Black South Africans, as narrated by Black South Africans, was instrumental in such fora as the UN, so too can the ICC contribute toward such recognition in Palestine.

While recognition of Israeli apartheid grows, so does the potential for charging apartheid at the ICC and in domestic courts. And while we must remain realistic about the limitations of international (criminal) law in the struggle for Palestinian liberation, and the limited jurisdictional scope of the ICC, particularly temporally and geographically in Palestine,¹⁸⁹ we concur with Noura Erakat and John Reynolds:

The very fact of Palestinians submitting the claim of apartheid to an international tribunal can make its own tactical contribution to anti-colonial strategy ... though we should be under no illusions about the prospects of seeing Netanyahu and his counterparts on the stand, or the likelihood of big courtroom “victories” for Palestinians. And, ultimately, the law cannot serve as a substitute for “what only a critical mass of people are capable of achieving.”¹⁹⁰

Beyond Impunity: Mobilizing against Israeli Apartheid

For over three years, a coalition of Palestinian, regional, and international civil society organizations have actively advocated for recognition of Israel’s apartheid regime and for effective measures by states to counter this reality. This advocacy work has driven an important discussion with key actors and enabled a shift in the growing recognition of apartheid over the Palestinian people as a whole. Decades of work by Palestinian scholars, activists, civil society, and international allies have paved the way for the mounting global recognition in recent years that Israeli authorities are committing the crime of apartheid.

In 2007, former UN Special Rapporteur on Palestine John Dugard concluded in his last report to the Human Rights Council that elements of the Israeli occupation constitute apartheid and colonialism.¹⁹¹ In 2017, the UN Economic and Social Commission for Western Asia (ESCWA) published a comprehensive report authored by Richard Falk and Virginia Tilley titled “Israeli Practices towards the Palestinian People and the Question of Apartheid.”¹⁹² The ESCWA

187. See Pearce Clancy and Richard Falk, “The ICC and Palestine: Breakthrough and End of the Road?” *Journal of Palestine Studies* 50, no. 3 (2021): 56.

188. On “symbolic politics” and “legitimacy wars,” see, generally, Richard Falk, *Humanitarian Intervention and Legitimacy Wars: Seeking Peace and Justice in the 21st Century* (Oxfordshire, England: Routledge, 2015).

189. Clancy and Muhareb, “Putting the International Criminal Court’s Palestine Investigation.”

190. Erakat and Reynolds, “We Charge Apartheid?”

191. Human Rights Council, *Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied since 1967*, John Dugard, January 29, 2007.

192. Falk and Tilley, “Israeli Practices towards the Palestinian People.”

report represented a significant step forward despite its ultimate removal from the UN website by Secretary-General António Guterres following political pressure.¹⁹³ Critically, the ESCWA report concluded that Israel has established an apartheid regime over the Palestinian people as a whole, using the strategic fragmentation of the Palestinian people across domains of Israeli control as a main tool to ensure the continued maintenance of its apartheid regime.¹⁹⁴

Despite the efforts by Israel and its allies to silence the ESCWA report, the recognition of Israeli apartheid within the UN has continued to grow. In its December 2019 review of Israel, CERD drew attention to “its general recommendation 19 (1995) concerning the prevention, prohibition and eradication of all policies and practices of racial segregation and apartheid” and urged Israel to “eradicate all forms of segregation between Jewish and non-Jewish communities and any such policies or practices which severely and disproportionately affect the Palestinian population in Israel proper and in the Occupied Palestinian Territory.”¹⁹⁵ In June 2020, forty-seven UN special procedures mandates warned in a joint statement that further illegal Israeli annexation of West Bank land would crystallize “an already unjust reality: two peoples living in the same space, ruled by the same state, but with profoundly unequal rights. This is a vision of a 21st century apartheid.”¹⁹⁶ In addition, several UN member states led by the missions of South Africa and Namibia have recognized and condemned Israel’s apartheid policies at the Human Rights Council.¹⁹⁷ Finally, on March 21, 2022, former UN Special

“**Israel’s ultimate objective in outlawing Palestinian civil society has been to dismantle Palestinian civil society, silence Palestinian efforts to challenge its apartheid regime, and accelerate its goal of cutting off financial flows of donor funding to the organizations.**”

193. Reuters Staff, “Senior U.N. Official Quits after ‘Apartheid’ Israel Report Pulled,” Reuters, March 17, 2017, <https://www.reuters.com/article/us-un-israel-report-resignation/senior-u-n-official-quits-after-apartheid-israel-report-pulled-idUSKBN16O24X>.

194. Reuters Staff, “Senior U.N. Official Quits.”

195. CERD, “Concluding Observations on the Combined Seventeenth to Nineteenth Reports of Israel,” December 12, 2019, para 23. See also CIHRS, “Human Rights Organizations Welcome Concluding Observations of the UN Committee on the Elimination of Racial Discrimination on Racial Segregation and Apartheid on Both Sides of the Green Line,” December 20, 2019, <https://cihrs.org/human-rights-organisations-welcome-concluding-observations-of-the-un-committee-on-the-elimination-of-racial-discrimination-on-racial-segregation-and-apartheid-on-both-sides-of-the-green-line/?lang=en>.

196. OHCHR, “Israeli Annexation of Parts of the Palestinian West Bank Would Break International Law – UN Experts Call on the International Community to Ensure Accountability,” June 16, 2020, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25960&LangID=E>.

197. CIHRS, “United Nations: In Response to Unprecedented Recognition of Israel’s Apartheid Regime, States Must Take Concrete Steps to End This Unjust Reality,” June 17, 2020, <https://cihrs.org/united-nations-in-response-to-unprecedented-recognition-of-israels-apartheid-regime-states-must-take-concrete-steps-to-end-this-unjust-reality/?lang=en>; CIHRS, “Palestine: Civil Society Welcomes Mounting Recognition of Israeli Apartheid at UN HRC,” November 5, 2020, <https://cihrs.org/palestine-civil-society-welcomes-mounting-recognition-of-israeli-apartheid-at-un-hrc/?lang=en>; CIHRS, “United Nations: Israel Attempts to Silence Growing Condemnation of Its Apartheid Regime,” October 8, 2020, <https://cihrs.org/united-nations-israel-attempts-to-silence-growing-condemnation-of-its-apartheid-regime/?lang=en>.

Rapporteur on Palestine Michael Lynk submitted his last report to the Human Rights Council, recognizing Israeli apartheid as part of Israel's broader settler colonial project.¹⁹⁸ Mounting recognition of Israeli apartheid provides scope for finally addressing the root causes of Palestinian oppression.

Addressing the Root Causes in Palestine

On May 27, 2021, the Human Rights Council adopted Resolution S-30/1 establishing an ongoing commission of inquiry to investigate “all underlying root causes of recurrent tensions, instability and protraction of conflict, including systematic discrimination and repression based on national, ethnic, racial or religious identity”¹⁹⁹ in the occupied Palestinian territory, including East Jerusalem, and Israel. The session was held in response to Israeli escalations against the Palestinian people during the “Unity Intifada” in April and May 2021.²⁰⁰ For the first time in its history, the Human Rights Council addressed the continuity of Israel's human rights violations against Palestinians on both sides of the Green Line and heard interventions from Palestinian speakers from Jerusalem, the Gaza Strip, and the 1948 lands (inside the Green Line).²⁰¹

This new commission of inquiry provides a promising alternative to the UN's long-standing approach, which has focused largely on the Palestinian territory occupied since 1967 while disregarding the human rights of Palestinians inside the Green Line and of Palestinian refugees and exiles denied their right of return since 1948. Given the commission's mandate to investigate “all underlying root causes ... including systematic discrimination,” this new UN investigatory body on Palestine opens the way for the commission to investigate apartheid against the Palestinian people as a whole. The establishment of this comprehensive investigative mechanism comes amid mounting recognition of Israeli apartheid by UN treaty bodies,²⁰² special procedures,²⁰³ and member states following over three years of advocacy by civil society.

However, as the commission begins its work, it has already come under attack by Israel and its allies, including at the 50th session of the Human Rights Council. In June 2022, a group of twenty-two states, led by the US,²⁰⁴ expressed their

198. Human Rights Council, *Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied since 1967*, March 21, 2022, para 42.

199. UN Human Rights Council, Resolution S-30/1, May 27, 2021, para 1.

200. Yara Hawari, “Defying Fragmentation and the Significance of Unity: A New Palestinian Uprising,” *Al-Shabaka*, June 29, 2021, <https://al-shabaka.org/commentaries/defying-fragmentation-and-the-significance-of-unity-a-new-palestinian-uprising/>.

201. UN Human Rights Council, *Report of the Human Rights Council on its Thirtieth Special Session*, August 18, 2021, para 19. (“The following made statements: the Director of Al-Mezan Center for Human Rights in Gaza and the Head of the Independent Commission for Human Rights of Palestine, Issam Younis [video statement]; a former member of the Knesset and the Chairperson of the Arab Higher Committee in Israel, Mohammad Barakeh [video statement]; and a journalist and resident of Sheikh Jarrah in Jerusalem, Muna El Kurd.”)

202. Al-Haq, “Human Rights Organisations Welcome Concluding Observations of the UN Committee on the Elimination of Racial Discrimination on Racial Segregation and Apartheid on Both Sides of the Green Line,” December 21, 2019, <https://www.alhaq.org/advocacy/16324.html>.

203. OHCHR, “Israeli Annexation.”

204. U.S. State Department, “The UN Human Rights Council's Commission of Inquiry on the Situation in Israel, the West Bank, and Gaza,” June 7, 2022, <https://www.state.gov/the-un-human-rights-councils-commission-of-inquiry-on-the-situation-in-israel-the-west-bank-and-gaza/>.

opposition to the establishment of an ongoing commission of inquiry into the situation in Palestine and objected to its mandate enabling the body to examine the root causes of the ongoing violations.²⁰⁵ This statement followed the submission by ninety Palestinian and international organizations of a report on May 31, 2022, calling on the commission of inquiry to examine “Zionist settler colonialism and apartheid as the root causes of Israel’s ongoing violations of the inalienable rights of the Palestinian people.”²⁰⁶ In its first report published in June 2022, the commission decided to adopt a broad approach in line with its unprecedented scope and mandate, recognizing the “perpetual occupation” as well as “longstanding discrimination” against Palestinians inside the Green Line as some of the root causes of Israel’s systematic human rights violations.²⁰⁷

Over the years, the UN’s political, legal, factual, and development-implementation functions have not only failed to address the Palestinian people as a whole but have further contributed to their fragmentation, a main tool of Israeli apartheid.²⁰⁸ Until recently, the only UN mechanism nominally investigating and reporting on the Palestinian people has been the General Assembly’s Committee on the Exercise of the Inalienable Rights of the Palestinian People, which was established in 1975.²⁰⁹ However, this committee has not, in practice, functioned consistently within its titular scope and has instead largely focused on the human rights situation in the Palestinian territory occupied since 1967.

The work of the ongoing commission of inquiry on root causes sets an important precedent for the future of how the UN addresses Palestinian rights and opens the door for the consideration of the expansion of existing UN mandates that focus solely on the occupied Palestinian territory since 1967. Palestinian civil society has notably called for the expansion of the mandate of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 to encompass the Palestinian people as a whole.²¹⁰ Likewise, the Committee on the Exercise of the Inalienable Rights of the Palestinian People should fulfill its mandate and end its practice of limiting its work to the occupied Palestinian territory alone.

Reconstituting the UN Antiapartheid Mechanisms

The UN and the international community played a key role in supporting the antiapartheid movement in South Africa and occupied Namibia by assisting civil society toward bringing an end to the apartheid regime. The establishment of the UN Special Committee against Apartheid and the UN Centre against Apartheid

205. Al-Haq, “Press Release: Civil Society Organizations Welcome the Commission of Inquiry’s First Report to the Human Rights Council and Support its Mandate at the HRC50,” June 19, 2022, <https://www.alhaq.org/advocacy/20169.html>.

206. Al-Haq, “90 Organisations Urge the UN Independent International Commission of Inquiry on Palestine to Recognise and Address Zionist Settler Colonialism and Apartheid as the Root Causes of Israel’s Ongoing Violations,” June 28, 2022, <https://www.alhaq.org/advocacy/20219.html>.

207. Rania Muhareb, “Addressing the ‘Full Context’: The First Report of the Commission of Inquiry on Root Causes in Palestine,” *Irish Centre for Human Rights Blog* (blog), June 14, 2022, <https://ichrgalway.wordpress.com/2022/06/14/addressing-the-full-context-the-first-report-of-the-commission-of-inquiry-on-root-causes-in-palestine/>.

208. Falk and Tilley, “Israeli Practices towards the Palestinian People.”

209. UNGA Resolution 3376, November 10, 1975.

210. Al-Haq, “Al-Haq, Addameer and Habitat.”

were key tools in that struggle. During the era of South African apartheid, Enuga Sreenivasulu Reddy, the former secretary of the special committee and director of the center, noted that the committee's work went beyond its basic mandate due to the "explosive situation" in South Africa and was "action-oriented from its inception."²¹¹

In 1962, the UN General Assembly adopted Resolution 1761 establishing the Special Committee against Apartheid, which remained active until 1994. The special committee was mandated to "keep the racial policies of the Government of South Africa under review" and to "report either to the Assembly or to the Security Council or to both, as may be appropriate."²¹² The special committee also promoted the international campaign against apartheid, pressed for effective sanctions against the former South African apartheid regime, arranged for assistance to the victims of apartheid, and brought needed public attention to the entrenchment of apartheid on the ground in order to build support for international collective action.²¹³ The special committee also engaged with other UN agencies and organizations to study various aspects of the apartheid regime in South Africa and occupied Namibia, such as the impact of apartheid on the right to health.²¹⁴ Moreover, the special committee shaped public opinion through media presentations and legitimized calls for boycott, divestment, and sanctions against the apartheid regime while further assisting in organizing campaigns for the release of political prisoners from South African apartheid jails.²¹⁵

In 1976, the UN Centre against Apartheid was established under the auspices of the special committee and continued its work until 1994. The center was created to facilitate the coordination of UN activities on all aspects of apartheid and to provide support to the special committee in carrying out its mandate.²¹⁶ The center prepared studies on the apartheid system, its impacts, and its international repercussions. Not only did the center report on apartheid policies in southern Africa, but it also reviewed and reported on the role of third states of the international community, assessing their compliance with international law and relevant resolutions by implementing the countermeasures taken by the UN against South Africa's apartheid regime, such as the arms embargo.²¹⁷ The center also carried out key public awareness campaigns, promoted sports and arts boycotts, and promoted humanitarian, education, and other assistance to the peoples of South Africa and occupied Namibia in their legitimate struggle for liberation.²¹⁸

211. Enuga S. Reddy, "United Nations Special Committee Against Apartheid and Centre Against Apartheid," *South African History Online*, July 18, 2012, 2, <https://www.sahistory.org.za/archive/united-nations-special-committee-against-apartheid-and-Centre-against-apartheid-es-reddy>.

212. UNGA, Resolution 1761 (XVII), November 6, 1962, paras 5(a) and 5(b).

213. African Activist Archive, "Special Committee Against Apartheid," Michigan State University, <https://africanactivist.msu.edu/organization.php?name=Special%20Committee%20Against%20Apartheid>.

214. UNGA, *Report of the Special Committee on Apartheid*, 1975, <https://digitallibrary.un.org/record/724649?ln=en>.

215. Falk and Tilley, "Israeli Practices towards the Palestinian People," 53–54.

216. UNGA, *Report of the Special Committee on Apartheid*, 1975, <https://digitallibrary.un.org/record/724649?ln=en>.

217. See, for example, George Houser, "Relations between the United States and South Africa," UN Centre against Apartheid, August 1984, http://psimg.jstor.org/fsi/img/pdf/t0/10.5555/al.sff.document.nuun1984_11_final.pdf.

218. UNGA, *Report of the Special Committee on Apartheid*, 1975, 60–61 <<https://digitallibrary.un.org/record/724649?ln=en>>; Enuga S. Reddy, "The U.N.'s World Campaign Against Apartheid," *The UNESCO Courier: Southern Africa at Grips with Racism*, November 1977, <https://unesdoc.unesco.org/ark:/48223/pf0000074816>.

The lack of political will, the normalization of the fragmentation of the Palestinian people, and the misleading framing of the situation as one of “conflict” between two parties on equal footing²¹⁹ continue to plague the international community and the UN’s approach to the situation in Palestine, as well as its failure to hold Israel accountable for its human rights violations, war crimes, and crimes against humanity. In the two decades prior to the establishment of the current ongoing commission of inquiry, the UN had set up ten commissions of inquiry and fact-finding missions to investigate incidents of human rights violations and suspected crimes in the occupied Palestinian territory. Yet none of their recommendations with respect to ending Israeli impunity have been implemented.²²⁰

The persecution of Palestinian human rights defenders and civil society forms part of the eliminatory logic of Zionist settler colonialism, which is premised on the dispossession, domination, and replacement of the Indigenous Palestinian people on the land.

The adoption of the apartheid framework is, therefore, a critical step toward recognizing the reality on the ground and toward (re)centering the experience of the Palestinian people as a whole. Robert Herbst recently noted the power of the apartheid frame and how “it is difficult for Israel to do what South Africa did for decades in the [1960s, 1970s, and 1980s]—defend apartheid as a legitimate way to order a multiracial or multi-ethnic society. Israel cannot defend apartheid and continue to present itself as a legitimate democracy. The only other response is to say it ain’t so, this is not apartheid, but so far that response is also lacking ...”²²¹

The Israeli government has expressed growing concerns about the international recognition of Israeli apartheid, a testament to the power of the charge.²²² In January 2022, Israel’s former foreign minister at the time—now prime minister—Yair Lapid cited the labeling of Israel as an apartheid state by international bodies “a tangible threat.”²²³

Amid the growing international recognition of Israeli apartheid, Palestinian and global civil society have consistently campaigned for the reconstitution of both the

219. See, for example, Al-Haq, “Al-Haq Highlights Israel’s Apartheid Regime and Calls for Accountability at the 46th Session of the Human Rights Council,” April 12, 2021, <https://www.alhaq.org/advocacy/18174.html>.

220. Al-Haq, *International Commissions of Inquiry and Palestine: Overview and Impact*, 2016, https://www.alhaq.org/cached_uploads/download/alhaq_files/publications/International.Commissions.Report.pdf.

221. Robert Herbst, “Israeli Apartheid: The Power of the Frame, the Shame of the Name,” *Mondoweiss*, July 4, 2022, <https://mondoweiss.net/2022/07/israeli-apartheid-the-power-of-the-frame-the-shame-of-the-name/>.

222. Herbst, “Israeli Apartheid.” See also Erakat and Reynolds, “We Charge Apartheid?”

223. Lazar Berman, “Lapid: 2022 Will See Intense Effort to Paint Israel as Apartheid State,” *Times of Israel*, January 3, 2022, <https://www.timesofisrael.com/lapid-2022-will-see-intense-effort-to-paint-israel-as-apartheid-state/>.

Special Committee against Apartheid and the Centre against Apartheid as potential avenues to address Israeli apartheid through the coordination of the UN and the international community's response.²²⁴ In June 2021, the foreign ministers of South Africa and Namibia supported the reconstitution of the Special Committee against Apartheid to address apartheid in Palestine during a high-level side event at the UN General Assembly.²²⁵ In March 2022, this call was endorsed by former UN Special Rapporteur Michael Lynk in his last report to the Human Rights Council.²²⁶

Should the General Assembly take this step forward to reconstitute the UN's antiapartheid mechanisms or otherwise to establish a new mechanism toward that end, it must empower these bodies to take on a similarly proactive role in the Palestinian context, including through reporting authoritatively on Israel's settler colonial apartheid regime and the laws, policies, and practices it uses to carry out the underlying criminal enterprise targeting the Palestinian people. They should also be able to address the role of third states in supporting the Israeli regime and to advocate for and organize coordinated international action to end Israeli apartheid.

Conclusion

In June 2020, as the international community fixated on the Israeli government's impending plans to illegally annex further parts of the occupied West Bank, Amjad Iraqi noted:

It is rather obscene ... that many people are still waiting for a specific piece of legislation, or a certain government order, to validate the accounts of millions of Palestinians experiencing apartheid as we speak. Like South Africa, Israel's complex regime was not created by a single dramatic "moment": it was meticulously designed over decades, fueled by an ideology that rejected equality between the natives and the settlers.... There is nothing that another bill can tell us that decades of laws and policies haven't already. And there is no need to wait for Israelis to admit their regime is apartheid to prove that Palestinians were right all along.²²⁷

This monograph has sought to bring into sharper focus the persecution of Palestinian human rights organizations and civil society as a pillar of Israel's apartheid regime over the Palestinian people as a whole. Against the backdrop of decades of institutionalized silencing and smear campaigns against Palestinians seeking to challenge the Israeli regime, the latest escalated attacks against Palestinian civil society through the designation of leading organizations as "terror

224. Al-Haq et al., "Global Response to Israeli Apartheid: A Call to the UNGA from Palestinian and International Civil Society Organizations," September 22, 2020, <https://www.alhaq.org/advocacy/17305.html>. See also Victor Kattan, "The Russell Tribunal on Palestine and the Question of Apartheid," *Al-Shabaka*, November 23, 2011, <https://al-shabaka.org/briefs/russell-tribunal-palestine-and-question-apartheid/>; Falk and Tilley, "Israeli Practices towards the Palestinian People."

225. "Virtual Side Event on Justice for the Palestinian People," YouTube video, June 8, 2021, <https://www.youtube.com/watch?v=Rw0MTqwr0l8>.

226. Human Rights Council, *Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied since 1967*, Michael Lynk, para 62.

227. Amjad Iraqi, "Palestinians Are Tired of Proving Israeli Apartheid Exists," *+972 Magazine*, June 17, 2020, <https://www.972mag.com/palestinians-annexation-apartheid-south-africa/>.

organizations” by the Israeli defense minister, and the subsequent raids and closures of their offices, carry severe repercussions for the organizations’ ability to carry out their legitimate human rights work, maintain their funding, serve Palestinian communities, document Israeli atrocities, and seek international accountability.

By silencing those who oppose Israeli apartheid, Israeli authorities commit the inhuman act of persecution within the meaning of Article 2(f) of the Apartheid Convention. The persecution of Palestinian human rights defenders and civil society forms part of the eliminatory logic of Zionist settler colonialism, which is premised on the dispossession, domination, and replacement of the Indigenous Palestinian people on the land. In this regard, Israel’s persecution of leading Palestinian human rights organizations and defenders opposing Israeli apartheid escalates Palestinian oppression on the ground and also entrenches the epistemic violence and erasure of decades of Palestinian knowledge production on Israeli apartheid and settler colonialism as the root causes of Israel’s institutionalized oppression.

Through the weaponization of “terrorism” smears, the Israeli regime seeks to consolidate its physical, structural, and epistemic “elimination” of the Palestinian people; to discredit decades of Palestinian antiapartheid knowledge production, mobilization, activism, and advocacy for Palestinian liberation; and to justify the very oppression Palestinian civil society is challenging. Thus, in the growing international movement against Israeli apartheid, it remains essential to lend support to the work of Palestinian civil society, to reject and effectively counter the baseless designations by the Israeli occupying authorities, and to elevate the experiences of and knowledge production by Palestinians who are directly affected by Israeli apartheid.

PERSECUTION OF PALESTINIAN CIVIL SOCIETY EPISTEMIC VIOLENCE, SILENCING, AND THE APARTHEID FRAMEWORK

RANIA MUHAREB, ELIZABETH RGHEBI, DR. SUSAN POWER, AND PEARCE CLANCY

PALESTINIAN CIVIL SOCIETY is currently facing an existential threat. On August 18, 2022, the Israeli occupying authorities raided and forcibly closed seven leading Palestinian human rights and civil society organizations, threatening to further detain several of their directors should they continue their human rights work. On October 19, 2021, six of the organizations were arbitrarily designated as “terror organizations” by the Israeli defense minister under Israel’s so-called Counter-Terrorism Law of 2016. The latest escalation of attacks against Palestinian civil society forms part of a systematic policy to silence and delegitimize all forms of Palestinian resistance to Israeli oppression, including efforts to seek justice under international law. This monograph argues that silencing and delegitimization of Palestinian human rights advocacy, as epistemic violence, constitute key tools to entrench Israeli apartheid over the Palestinian people as a whole. The arguments here draw on Article 2(f) of the 1973 Apartheid Convention, which recognizes as an inhuman act of apartheid the “persecution of organizations and persons, by depriving them of fundamental rights and freedoms, because they oppose apartheid.” Through the weaponization of “terrorism” smears, the Israeli regime seeks to discredit decades of Palestinian antiapartheid knowledge production, mobilization, activism, and advocacy for Palestinian liberation, and to justify the very oppression Palestinian civil society is working to challenge. Thus, in the growing international movement against Israeli apartheid, it remains essential to lend support to the work of Palestinian civil society, to reject the baseless designations by the Israeli occupying authorities, and to elevate the experiences of and knowledge production by Palestinians who are directly affected by Israeli apartheid. This monograph is a part of our collaborative series with Against Apartheid and Racial Discrimination (AARDi) in which we aim to further uncover the systemic racism of the Israeli apartheid state.

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3501 M Street N.W., Washington, D.C. 20007
www.palestine-studies.org