



**PROPOSAL FOR DIVESTMENT  
FROM ISRAELI APARTHEID AND  
INCREASED TRANSPARENCY IN  
INVESTMENT PRACTICES**

AUGUST 2024  
DUKE DIVEST COALITION



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**To:** Duke University Advisory Committee on Investment Responsibility (ACIR)

**From:** Duke Divestment Coalition

**Date:** August 26, 2024

**Subject:** 2024 Proposal for Divestment from Israel and Increased Transparency in Investment Practices

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## INTRODUCTION

The Duke Divestment Coalition calls on Duke University's Advisory Committee on Investment Responsibility (ACIR) to urge President Vincent Price and the Board of Trustees to instruct Duke University Management Company (DUMAC) to 1) DISCLOSE direct and indirect investments in and subsequently 2) DIVEST from all companies and entities that support or profit from Israeli apartheid and the occupation of Palestine, including those involved in the construction and maintenance of illegal settlements, military operations in the Occupied Palestinian Territories (OPT), and the exploitation of natural resources in the occupied territories. This divestment should extend to all entities supporting Israel's apartheid system, as stated in the International Court of Justice's (ICJ) July 2024 ruling, which concludes that "all States are under an obligation not to recognize as legal the situation arising from the unlawful presence of the State of Israel in the OPT and not to render aid or assistance in maintaining the situation created by the continued presence of the State of Israel in the OPT."<sup>1</sup> This includes companies providing financial, technological, or logistical support to the occupation and those benefiting from discriminatory laws and practices within Israel.<sup>2</sup> In addition, we call for a stronger Guideline on Investment Responsibility to ensure alignment with Duke University's institutional values, ESG policies, and the Duke community's values.

## PURPOSE

We, the Duke Divest Coalition, are a student-led coalition that draws inspiration from the University's rich legacy of student and worker organizing, echoing the voices of those who protested and rallied against Duke's investments in apartheid South Africa in the 1980s. This proposal for divestment from Israeli apartheid and increased transparency in investment practices, presented to Duke's ACIR, seeks to address and rectify the University's possible investments that support and perpetuate Israeli apartheid and occupation in the OPT. **Historically, universities have played pivotal roles in social change, including the movements for divestment from apartheid South Africa in the 1980s and from the Darfur genocide in Sudan in the 2000s.**<sup>3</sup> Today, we stand at a crossroads where our investment decisions can significantly impact the global and local communities we serve.

Duke University's Guideline on Investment Responsibility explicitly states that "the Duke community may call upon ACIR to review investment that is engaged in activity considered morally abhorrent, such

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<sup>1</sup> ICJ Advisory Opinion. 2024. Legal Consequences Arising From the Policies and Practices of Israel in the OPT, Including East Jerusalem, [Case no. 186](#), para. 1

<sup>2</sup> The scope of divestment in this proposal includes all entities and companies that meet the criteria outlined here.

<sup>3</sup> Duke Today. 2008. Trustees Approve Banning Future Investments With Sudan-Linked Companies, [Short Release](#).

as apartheid, genocide, or slavery.” This proposal builds on previous Duke divestments from morally abhorrent activities, including when the Duke Board of Trustees divested its holdings operating in Apartheid South Africa in 1986 and when the Board decided to prohibit Duke from making future direct investments in companies engaged in business with the government of Sudan in 2008. As Duke students, we have committed to “taking constructive action if [we] witness or know about behavior that [we] perceive to be inconsistent with the Duke Community Standard.” We feel compelled to voice our concerns regarding the university’s ongoing failure to meet the same high standards of integrity it demands from its students. The principles of honesty, fairness, respect, and accountability are the foundation of our community. Despite Israel’s evident and longstanding commitment to apartheid against the Palestinian people, Duke’s failure to explicitly condemn these actions and fully divest from all companies and entities that support or profit from Israeli apartheid and occupation of Palestine does not align with our fundamental ideals. Such discrepancies undermine Duke’s integrity and erode our trust and respect in leadership. The University must reflect upon its commitments and take immediate, transparent steps in line with international law — most notably the International Court of Justice’s July 2024 legal ruling — to realign its actions with the high standards of integrity it demands from all members of the Duke community.

As a student-led coalition, we have both the right and a profound moral obligation to bring a divestment and transparency proposal under the Guideline on Investment Responsibility and the Duke Community Standard. The clear case of apartheid we outline below is morally abhorrent. We urge the ACIR to engage this proposal with the seriousness and urgency it warrants and to urge President Vincent Price and the Board of Trustees to instruct DUMAC to disclose investments in and subsequently divest from all companies and entities that support or profit from Israeli apartheid and occupation of Palestine.

Duke University’s refusal to divest from companies and entities perpetuating Israel’s apartheid against Palestinians would tacitly condone morally abhorrent activities, such as apartheid, which fundamentally oppose the University’s values.

## **1. HUMAN RIGHTS VIOLATIONS AND APARTHEID IN THE OCCUPIED PALESTINIAN TERRITORIES**

*We encourage readers to bear with us as there is extensive documentation of crimes committed against Palestinians. Section 1 briefly captures only some of these crimes that constitute apartheid to underscore the gravity of the situation.*

The Israeli occupation of Palestine has maintained an oppressive system of subjugation over Palestinians. It has resulted in systematic human rights violations against Palestinians that meet the Apartheid Convention’s definition of apartheid. Israel’s ongoing occupation of Palestine and inhumane treatment of Palestinians is well documented by organizations such as the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), Amnesty International, and Human Rights Watch, as well as countless

scholars across disciplines.<sup>4</sup> The Israeli occupation systematically discriminates against and oppresses Palestinians. In the OPT, Palestinians endure unlawful killings, arbitrary arrests, home demolitions, forced displacement, and severe restrictions on freedom of movement and access to resources. These actions flagrantly violate international humanitarian law and human rights standards.<sup>5</sup> Furthermore, Israel's sustained control of the Occupied West Bank breaches international humanitarian law, which stipulates that occupation should be temporary and should not alter the occupied territory's status quo.<sup>6</sup> Israel's de facto and de jure annexations, alongside ongoing settlement expansions, signal an intent for permanent occupation, further infringing upon Palestinian rights.

The following subsections in this proposal will review Israel's documented maltreatment of Palestinians in the OPT and identify how and when Israeli policies and actions constitute apartheid. The information provided in this proposal draws exclusively from the United Nations (UN) and reputable human rights organizations, including Amnesty International and Human Rights Watch to ensure the scholarly integrity of this proposal. Much of the information is also taken from the International Court of Justice's (ICJ) 2024 advisory opinion on Israel's policies and practices in the OPT. These sources have extensively documented the living conditions and circumstances in the OPT and published various works detailing their findings.

### **1A. Definition and Conditions of Apartheid**

The criteria required to define a state's actions as apartheid are not arbitrary. Apartheid is a legal and technical term in international criminal law, outlined thoroughly by the UN Apartheid Convention.<sup>7</sup> The Convention's articles define the standards for constituting the crime of apartheid, enabling international courts, human rights organizations, and the international community to identify instances of apartheid.

The International Convention on the Suppression and Punishment of the Crime of Apartheid (ICSPCA), adopted by the United Nations General Assembly in 1973, states that "the crime of Apartheid" shall apply to "the following inhuman acts committed to establish and maintain domination by one racial group of persons over any other racial group of persons and systematically oppressing them:

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<sup>4</sup> Human Rights Watch. 2021. "A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution | HRW," [Report](#); Gordon, Neve. 2023. "Between Human Rights and Civil Society: The Case of Israel's Apartheid Enablers." *Law & Social Inquiry*, July, 1–27. [Access here](#); Saree Makdisi, "Binyamin Netanyahu's Re-Election Underlines Israel's Apartheid Reality" Gale General OneFile, [Report](#); Mezvinsky, Norton. 1975. *Documents from Israel 1967 - 1973: Readings for a Critique of Zionism*, London: Ithaca Press; Pappé, Ilan. 2015. *Israel and South Africa: The Many Faces of Apartheid*. London: Zed Books, 2015; Maxime Rodinson et al. 2002. *Israel: A Colonial-Settler State? A Thoroughly Documented Study of Zionist Colonization and the Process by Which the State of Israel Was Formed*. Ed. 9, New York: Pathfinder.; Amnesty International. 2022. "Israel's apartheid against Palestinians: Cruel system of domination and crime against humanity," [Report](#); Baconi, Tareq. 2022. "Israel's Apartheid: A Structure of Colonial Domination Since 1948," *Journal of Palestine Studies* 51, no. 3: 44–49, [Access here](#).

<sup>5</sup> UN Human Rights Office. March 2023. "UN Human Rights Office Calls on Israeli Authorities to Halt Imminent Home Demolitions and Forced Displacement of Palestinians in Al Bustan, Occupied East Jerusalem" OHCHR [Press Release](#); Geneva Conventions, "Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field. Geneva, 12 August 1949.," [Resolution](#) Article 3.

<sup>6</sup> "Occupation and IHL," Diakonia International Humanitarian Law Centre, [Summary Explanation](#).

<sup>7</sup> See the "Entered into force July 18, 1976" resolution from the [International Convention on the Suppression and Punishment of the Crime of Apartheid](#).

- a) Denial to a member or members of a racial group or groups of the right to life and liberty of person:
  - I. By murder of members of a racial group or groups;
  - II. By the infliction upon the members of a racial group or groups of serious bodily or mental harm, by the infringement of their freedom or dignity, or by subjecting them to torture or to cruel, inhuman, or degrading treatment or punishment;
  - III. By arbitrary arrest and illegal imprisonment of the members of a racial group or groups;
- b) Deliberate imposition on a racial group or groups of living conditions calculated to cause its or their physical destruction in whole or in part;
- c) Any legislative measures and other measures calculated to prevent a racial group or groups from participation in the political, social, economic, and cultural life of the country and the deliberate creation of conditions preventing the full development of such a group or groups, in particular by denying to members of a racial group or groups basic human rights and freedoms, including the right to work, the right to form recognized trade unions, the right to education, the right to leave and to return to their country, the right to a nationality, the right to freedom of movement and residence, the right to freedom of opinion and expression, and the right to freedom of peaceful assembly and association;
- d) Any measures including legislative measures, designed to divide the population along racial lines by the creation of separate reserves and ghettos for the members of a racial group or groups, the prohibition of mixed marriages among members of various racial groups, the expropriation of landed property belonging to a racial group or groups or to members thereof;
- e) Exploitation of the labour of the members of a racial group or groups, in particular by submitting them to forced labour;
- f) Persecution of organizations and persons, by depriving them of fundamental rights and freedoms, because they oppose apartheid.”<sup>8</sup>

*If a governing entity enacts any or all of these elements, it constitutes the crime of apartheid, as agreed upon and ratified by international law.*

## **1B. Illegal Occupation**

Since 1967, Israel has occupied the West Bank, Gaza, and East Jerusalem, which the international community recognizes as Palestinian land.<sup>9</sup> The international community is in unanimous agreement that

<sup>8</sup> International Convention on the Suppression and Punishment of the Crime of Apartheid. 1974. [UN Doc. A/9030](#)

<sup>9</sup> UN Security Council. September 2023. “Settlement Expansion in OPT Violates International Law, Must Cease, Many Delegates Tell Security Council,” [Press Release](#).

not only is Israel's presence and practices in the West Bank, Gaza, and Jerusalem considered an occupation, but is also illegal per international law.<sup>10</sup> The UN Conference on Trade and Development states that "Since the occupation of the territories by Israel in 1967, the international community has repeatedly upheld the need for implementation of Security Council resolutions 242 and 338, which call for withdrawal of Israel from the occupied territories."<sup>11</sup>

This is why the UN and the international community refer to the West Bank, Gaza, and East Jerusalem as the *Occupied* Palestinian Territories or OPT.

### 1C. Separate and Unequal Judicial Systems

The implementation of a dual legal system, one where only Palestinians are subject to additional laws, is established through the use of military law in the OPT and the use of domestic law that applies within Israeli territory and extraterritorially to the OPT.<sup>12</sup> Israel's 1967 Security Provisions Order (SPO) authorized the military commander to establish military courts, stipulated the court rules of procedure, and set out a list of offenses punishable by these courts. The consequences of this are vast, as demonstrated throughout the following subsections. The most evident facet of segregation that cannot be understated is that *Israeli citizens are subject to an entirely different criminal court system than Palestinians*.<sup>13</sup> Ultimately, this results in the segregation and discrimination of Palestinians, stripping them of legal protections under an unlawful occupation.

To briefly outline this dual legal system's unlawful and lethal consequences, here are a few examples further extrapolated in sections 1E, F, and G:

- The Israeli Supreme Court upheld laws that legalized settlements in 2012 and declared that any rights violations were justified as residents of the OPT as "enemy nationals."
- Administrative detention orders have rarely been used against Jewish settlers, while they are widely used against Palestinians.<sup>14</sup>
- The Israeli military's excessive and unnecessary violent force in the West Bank has been extensively documented.<sup>15</sup> Yet, an Israeli army soldier has not been convicted of willfully causing the death of a Palestinian in the OPT since 1987.

Military courts, as expanded upon indirectly in sections 1H and 1I, are worth noting for their blatant denial of a Palestinian's right to civic life for 57 years — a right guaranteed by the first paragraph of the Geneva Convention (IV) Article 64. The convention clearly outlines that the occupying power must respect the penal legislation in the occupied territories. The imposition of military courts on Palestinians is divided into five categories, all of which criminalize Palestinians and enforce segregation: "Hostile

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<sup>10</sup> *Id.*

<sup>11</sup> United Nations Conference on Trade and Development. September 2023. "Report on UNCTAD assistance to the Palestinian people: Developments in the economy of the OPT," UN Doc. [GE.23-17435\(E\)](#).

<sup>12</sup> The extraterritorial application of Israeli domestic law unto their occupied territories has been done illegally for decades, as further discussed in sections 1F, 1H. This includes the application of Israeli court circuit decisions.

<sup>13</sup> Ronen, Yaël. 2013. "BLIND IN THEIR OWN CAUSE: THE MILITARY COURTS IN THE WEST BANK." *Cambridge Journal of International and Comparative Law* 2, no. 4: 738–62.

<sup>14</sup> Amnesty International. 2022. "Israel's apartheid against Palestinians: Cruel system of domination and crime against humanity," [Report](#), pg. 243.

<sup>15</sup> Amnesty International. 2014. "Trigger-Happy: Israel's Use of Excessive Force in the West Bank," [Report](#)

Terrorist Activity,” disturbance of public order, classic criminal offenses, illegal entry into Israel, and traffic violations. In 2010, the Palestinian conviction rate was 99% for those who were charged in military courts. Regardless of the category of charge, the unequal application of laws and trials for Palestinians in military courts in the OPT is similar to only one other historical case: South African Apartheid.<sup>16</sup>

#### **1D. Land Expropriation and Settlements**

From 1967 onwards, Israel began to establish or support settlements in the territories it occupied.<sup>17</sup> International law deemed “outposts” illegal in the OPT, and following pressure from the global community, these outposts became unlawful in domestic Israeli law, too. However, outposts were not legitimately outlawed. Instead, the term “settlement” has been adopted in its place. The term “settlement” refers to the Israeli residential communities established or supported by Israel in the OPT. The term also encompasses all physical and non-physical structures and processes that constitute, enable, and support settler communities' establishment, expansion, and maintenance.<sup>18</sup> The residents of settlements and in the OPT (“settlers”) are mostly Israelis, along with non-Israeli Jews who qualify for Israeli nationality under Israeli legislation.<sup>19</sup>

Israel regularly takes steps to legalize outposts retroactively and provides them with the infrastructure necessary for their maintenance.<sup>20</sup> Thus, the ICJ considers the distinction between outposts and settlements “immaterial for the purpose of ascertaining whether the communities in question form part of Israel’s settlement policy.”

The 1995 Oslo II Accord — an agreement established between Palestine and Israel with the United States acting as a negotiator for both parties — divided the Palestinian West Bank into areas A, B, and C as a temporary measure, anticipating a final status agreement.<sup>21</sup> The agreement stipulated that the Palestinian Authority administers Area A, Israel governs Area C, and both jointly control Area B. These divisions were *intended* to be short-term measures to gradually transfer complete control to the Palestinian Authority. Rather than following the stipulated agreement, the Israeli Prime Minister stalled on de-occupying and ending control of the regions. Former Prime Minister Yitszach Rabin was assassinated in 1996 by the extremist alt-right Israelis who condemned the accords, resulting in the Likud party gaining much federal and legislative control. This party pushed to elect Benjamin Netanyahu in 1996, opposed Palestinian statehood, and withdrew from the OPT.<sup>22</sup> Israel’s occupation still encompasses the entirety of the West Bank, continuing to ignore international law and refusing to uphold their end of agreements in 1995.

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<sup>16</sup> See Ronen (2013) for more details on the dual court system; Ronen, Yaël. 2013. “BLIND IN THEIR OWN CAUSE: THE MILITARY COURTS IN THE WEST BANK.” *Cambridge Journal of International and Comparative Law* 2 (4): 738–62.

<sup>17</sup> ICJ Advisory Opinion. 2024. Legal Consequences Arising From the Policies and Practices of Israel in the OPT, Including East Jerusalem, [Case no. 186](#), para. 59.

<sup>18</sup> *Id.*, para. 68.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.* para. 112.

<sup>21</sup> United Nations General Assembly Security Council, “Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip (Oslo II) | UN Peacemaker,” [Report](#)

<sup>22</sup> United States Office of the Historian. “The Oslo Accords and the Arab Peace Process,” [Summary Report](#)



In 2004, the ICJ issued a ruling regarding the legal consequences of Israel constructing a wall in the West Bank and East Jerusalem.<sup>23</sup> In its advisory opinion, the court ruled that the Israeli settlements in the West Bank and East Jerusalem have been established and are being maintained in violation of international law, explicitly breaching the sixth paragraph of Article 49 of the Fourth Geneva Convention, which provides that “the Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.”<sup>24</sup> Furthermore, the US State Department's official position on Israeli settlements is that they are ‘illegitimate’ under International law, and repeatedly condemned Israel’s ongoing settlement expansions.<sup>25</sup> This US legal finding dates back almost 50 years, when a US State Department legal opinion in 1978 declared that settlements were “inconsistent with international law” and stated that “territory coming under the control of a belligerent occupant does not thereby become its sovereign territory.”<sup>26</sup> At the time, there were only 75 settlements in the West Bank and Gaza, a minuscule figure compared to today’s 300.<sup>27</sup>

Yet after repeated warnings and condemnations by the international community and its own allies, including the ICJ’s 2004 ruling declaring settlements illegal, Israel continues to rapidly expand its settlements. The UN Office of the High Commissioner for Human Rights (UNHCHR) reports that “from 2012 to 2022, the population of Israeli settlers in the occupied West Bank, including East Jerusalem, had grown from 520,000 to over 700,000.”<sup>28</sup> Its continued settlement policies demonstrate how Israel operates with impunity and no regard for international law. The UNHCHR states, “The policies of the current Government of Israel appear aligned, to an unprecedented extent, with the goals of the Israeli settler movement to expand long-term control over the West Bank, including East Jerusalem, and to steadily integrate this occupied territory into the State of Israel.”<sup>29</sup> Passed by the Knesset in 2018, the “Basic Law: Israel – The Nation-State of the Jewish People” supplements illegal expansion by stating the development of Jewish settlements is a “national value.”<sup>30</sup>

Israel constructs settlements in tandem with specially designed civilian infrastructure that encourages illegal settlements and facilitates the expansion of settlements into the West Bank and East Jerusalem.<sup>31</sup> The Secretariat of the UN Conference on Trade and Development (UNCTAD) reports that Israel “has spent billions of dollars in building modern infrastructure to encourage the expansion of settlements,

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<sup>23</sup> ICJ Advisory Opinion. 2004. “Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory,” [Case no. 131](#)

<sup>24</sup> ICJ Advisory Opinion. 2024. “Legal Consequences Arising From the Policies and Practices of Israel in the OPT, Including East Jerusalem,” [Case no. 186](#)

<sup>25</sup> Lee, Matthew. 2024. “Biden administration restores U.S. policy calling Israeli settlements ‘illegitimate’ under international law,” [PBS](#)

<sup>26</sup> Hudson, John. 2024. “White House reverses West Bank policy, calling Israeli settlements illegal,” The Washington Post, [Article](#)

<sup>27</sup> *Id.*

<sup>28</sup> United Nations Information Service, March 2023. “Human Rights Council Hears that 700,000 Israeli Settlers are Living Illegally in the Occupied West Bank,” [Summary of UN Assembly meeting](#); The report from the High Commissioner rights for Human rights on Illegal settlement UN Doc. [A/HRC/52/76](#), and the secretary General of Human Rights’ report on the occupied Syrian Golan, UN Doc. [A/HRC/52/77](#).

<sup>29</sup> United Nations High Commissioner for Human Rights. 2012 “Israeli settlements in the OPT, including East Jerusalem, and in the occupied Syrian Golan,” [UN doc. A/78/554](#), para. 6

<sup>30</sup> *Id.*

<sup>31</sup> ICJ Advisory Opinion. 2024. “Legal Consequences Arising From the Policies and Practices of Israel in the OPT, Including East Jerusalem,” [Case no. 186](#)., para. 115.

including road, water and sewerage systems, communications and power systems, security systems, and educational and health-care facilities.”<sup>32</sup>

According to the United Nations Independent International Commission of Inquiry in 2021, Israel treats the occupation as a permanent fixture and has — for all intents and purposes — annexed parts of the West Bank while seeking to hide behind a fiction of temporariness. Actions by Israel constituting de facto annexation include expropriating land and natural resources, establishing settlements and outposts, maintaining a restrictive and discriminatory planning and building regime for Palestinians, and extending Israeli law extraterritorially to Israeli settlers in the West Bank.<sup>33</sup>

As of 2023, there were approximately 700,000 Israeli settlers in the OPT, 465,000 settlers in the West Bank residing in 300 settlements and outposts, and 230,000 settlers in East Jerusalem.<sup>34</sup> All of the Israeli settlements are illegal under international law because they amount to the transfer by Israel of its population into an occupied territory.<sup>35</sup>

Area C, which spans over 60% of the West Bank, has been particularly overrun by settlements. Construction for approximately 1,280 housing units began in the first half of 2023 in Area C alone.<sup>36</sup> According to the OCHA, the number of settlers residing in Area C has surpassed the number of Palestinians, with approximately 300,000 Palestinians living in 532 residential areas and about 400,000 Israeli settlers in roughly 230 settlements.<sup>37</sup> Furthermore, about 30% of Area C is designated as a “firing zone” for military training, prohibiting Palestinians’ entry despite the 38 Palestinian herding communities residing there.<sup>38</sup>

## **1E. Forced Displacement and Home Demolitions**

Despite being recognized as an occupying power by the UN, Israel has continued to consolidate settlement blocs through the construction of bypass roads and the separation barrier (Gaza–Israel barrier wall), severely restricting Palestinian freedom of movement and access to essential services. Reports by several UN bodies document that Israel evicts or displaces hundreds of Palestinians from the OPT every year, commonly as a result of the demolition of their property or as a result of zoning and planning policies and the relocation plans associated with them. The Secretary General of the UN reported that more than a thousand Palestinians were displaced between June 2022 and May 2023 after Israeli

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<sup>32</sup> United Nations Conference on Trade and Development. September 2023. “Report on UNCTAD assistance to the Palestinian people: Developments in the economy of the OPT,” UN Doc. [GE.23-17435\(E\)](#) para. 40,

<sup>33</sup> ICJ Advisory Opinion. 2024. “Legal Consequences Arising From the Policies and Practices of Israel in the OPT, Including East Jerusalem,” [Case no. 186.](#), para. 76.

<sup>34</sup> United Nations High Commissioner for Human Rights. 2012 “Israeli settlements in the OPT, including East Jerusalem, and in the occupied Syrian Golan,” [UN doc. A/78/554](#), para. 9

<sup>35</sup> *Id.* para. 11

<sup>36</sup> *Id.*

<sup>37</sup> United Nations Office for the Coordination of Humanitarian Affairs. 2015. “Under Threat: Demolition Orders in Area C of West Bank,” [Report](#)

<sup>38</sup> United Nations Office for the Coordination of Humanitarian Affairs. 2017. “Firing Zones and Risk of Forcible Transfer,” [summary of multiple reports](#)

authorities demolished, confiscated, or sealed their properties.<sup>39</sup> Infrastructure projects such as the Qalandiya underpass highway — which will illegally expropriate Palestinian land to build a highway connecting Israel to settlements and will be unauthorized for Palestinian use — further facilitate illegal settler movement while imposing additional restrictions on Palestinian mobility.<sup>40</sup>

Several human rights organizations also report and detail Israel’s forced demolitions of Palestinian homes. B’Tselem, an Israeli information center for human rights, has been tracking the demolition of Palestinian-owned homes in the OPT since 2004. It categorizes Israel’s demolition of structures in the OPT into three pretexts: (1) on the grounds of “unlawful construction,” (2) as punishment, and (3) for alleged military purposes. The sum of these three categories since 2004, according to their database, tallies 10,482 structures demolished, which has resulted in 29,193 Palestinians being left homeless.<sup>41</sup>

Furthermore, Amnesty International reports repeated instances of the Israeli army invading villages and destroying homes. It documents that over the past 50 years of occupation, Israel has demolished 50,000 homes and structures in the OPT.<sup>42</sup> Regarding the justification for this provided by Israel, it says, “The official reason given by the Israeli authorities for the destruction was that the structures lacked building permits – permits which the Israeli army systematically refuses to grant to Palestinians in the area.”<sup>43</sup> B’Tselem further explains, “Israel’s policy prevents almost any Palestinian construction in the West Bank, including East Jerusalem. When Palestinians build structures anyway, as they have no other choice, Israel issues them demolition orders.”<sup>44</sup>

## **1F. Segregation and Control**

Through its occupation, Israel has sought to control every aspect of Palestinian life. A 2022 report published by the UN Independent International Commission of Inquiry on the OPT states that Israeli policies “have had a serious and multi-faceted impact on all areas of Palestinian life.”<sup>45</sup> In 2022, Miloon Kothari, one of three commissioners appointed by the United Nations Human Rights Council to investigate all alleged violations of humanitarian law in the OPT, stated that “there is so much ‘silent harm’ and psychological trauma, that may not be immediately apparent, resulting from the erosion of economic, social and cultural rights. These debilitating processes have severe short and long-term consequences and must be urgently addressed.”<sup>46</sup>

There are various established mechanisms in which Israeli domestic law operates to control, segregate, and destabilize the Palestinian population. This subsection examines two key mechanisms — the

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<sup>39</sup> Report of UN Secretary-General. 2023. “Israeli settlements in the OPT, including East Jerusalem, and the occupied Syrian Golan: Report of the Secretary-General,” UN doc. [A/78/554](#), para. 31.

<sup>40</sup> UN Human Rights Council. 2022. “Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the Occupied Syrian Golan,” UN doc. A/77/493, para. 13.

<sup>41</sup> B’Tselem, “House Demolitions Database” [Report](#)

<sup>42</sup> Amnesty International. 2017. “Israel’s Occupation: 50 Years of Dispossession,” [Report](#)

<sup>43</sup> Amnesty International, “Israel/Occupied Palestinian Territories: Demand Dignity: Troubled waters – Palestinians denied fair access to water,” [Report](#), pg. 3.

<sup>44</sup> B’Tselem, “House Demolitions: Demolition on the pretext of unlawful construction [Explanation],” [Data Center](#)

<sup>45</sup> Office of the Higher Commission of Human Rights. 2022. “Commission of Inquiry finds that the Israeli occupation is unlawful under international law,” Inquiry Report. [UN Doc. A/77/150](#)

<sup>46</sup> *Id.*

restriction of residency and the restriction of movement — that implicate the State of Israel in segregation and discrimination.

To start with the restriction of residency, it is essential to note Palestinians do not have access to resident permits, while Israelis have automatic rights to residency within the OPT. Under Israel's domestic law, residence in East Jerusalem is unrestricted for Israeli citizens and for non-Israeli Jews. However, the same system of domestic Israeli laws regard Palestinians as foreign nationals residing in the territory of Israel, and their right to reside in East Jerusalem is subject to holding a valid residence permit. Under the Citizenship and Entry into Israel Law (Temporary Order) 5763, passed in 2003, non-settler inhabitants of the West Bank are, in principle, prohibited from obtaining a permit to reside in East Jerusalem, except on very limited grounds, and always at the discretion of the Minister of the Interior.<sup>47</sup> This policy — *passed 21 years ago and still in effect* — hurts the reunification of families in which one member is a permanent resident of East Jerusalem, and another is a non-settler resident of the West Bank. Such families must choose between living separately or outside East Jerusalem, in which case one spouse risks losing their Israeli citizenship, their permanent residence status or the option of living together in East Jerusalem, where the other spouse must apply for an annual permit.<sup>48</sup> These restrictions imposed on Palestinians do not apply to Israeli settlers in the OPT.

The law faced scrutiny under Israel's Basic Laws when the Association for Civil Rights in Israel filed a petition to invalidate the law in 2003. Israel's Basic Laws function similarly to a constitution. Yet, former Prime Minister Ariel Sharon and then-Finance Minister Benjamin Netanyahu supported the law, emphasizing its necessity for maintaining a Jewish state and ensuring security. Despite human rights organizations and public figures arguing that the law infringes on the right to family life and equality, the Israeli Supreme Court upheld the law in 2012, ruling that any rights violations were proportionate and justified, noting the classification of West Bank and Gaza residents as "enemy nationals" is a valid distinction.<sup>49</sup> Following legislative amendments in 2008, the Israeli Minister for the Interior has been granted broad discretion to revoke residence permits.<sup>50</sup> According to the UNHCHR, more than 14,500 Palestinians have had their East Jerusalem permit revoked by the Israeli authorities since 1967.<sup>51</sup>

These Israeli policies enforce a discriminatory system of residency and the right to family life at the deliberate expense of Palestinians, which violates Articles 2, paragraph 2, 23, and 26 of the International

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<sup>47</sup>Lis, Jonathan. 2020. "Israeli Legislator Invokes Nation-State Law in Bid to Block Palestinian Family Unification," *Haaretz*, sec. [Israel News](#)

<sup>48</sup> UN Human Rights Committee. 2022. "Concluding observations on the fifth periodic report of Israel," UN doc. [CCPR/C/ISR/CO/5](#), para. 44

<sup>49</sup> Note that Israeli settlers have an entirely different process, albeit streamlined and guaranteed, to live in the OPT; Library of Congress. 2020. "Israel: Supreme Court Voids Law Legalizing Settlements Built on Unauthorized and Privately Owned Land in West Bank," WASHINGTON, D.C. 20540 USA, [Report](#)

<sup>50</sup> UN General Assembly. October 2, 2023. "Israeli practices affecting the human rights of the Palestinian people in the OPT, including East Jerusalem: Report of the Secretary-General," [UN doc. A/78/502](#), para. 59,

<sup>51</sup> United Nations High Commissioner for Human Rights. 2012 "Israeli settlements in the OPT, including East Jerusalem, and in the occupied Syrian Golan," [UN doc. A/78/554](#), , para. 55,

Covenant on Civil and Political Rights (ICCPR), and Articles 2, paragraph 2, and Articles 10, paragraph 1, of the International Covenant on Economic, Social, and Cultural Rights (ICESCR).<sup>52</sup>

The second mechanism of segregation is the severely restricted mobility of Palestinians resulting from Israeli policies and practices, which amounts to segregation and separation based on their ethnicity. Under international law, Palestinians are supposed to have protected free travel within the OPT, but they do not — yet another clear violation of international law.<sup>53</sup> There are *hundreds of barriers* to travel across the occupied territory, including checkpoints, partial checkpoints, gates, roadblocks, trenches, road barriers, tunnel/underpass, and more. In the West Bank alone, there were 565 movement obstacles in early 2023, including 49 constantly staffed checkpoints and more than 300 roadblocks.<sup>54</sup> When Palestinians are allowed access to the restricted road network, they must obtain an individual travel permit, which settlers do not need. Here are some instances demonstrating the vast and extensive barriers restricting Palestinians' movement over the past decades:

- Area C of the West Bank has been allocated almost entirely to settlements or designated as closed military zones and nature reserves. While these areas are accessible to all settlers and holders of an entry permit to Israel, including non-Israeli Jews, Palestinians in the OPT require a special permit to access them.<sup>55</sup> Israel has established extensive road networks in Area C to connect settlements with Israeli territory. Although this road network often passes near Palestinian villages, authorities impede, restrict, or entirely prohibit Palestinian access to much of it.
- According to UNCTAD, authorities restrict Palestinian travel on 29 roads or sections of roads totaling approximately 58 km throughout the West Bank, including many main traffic arteries.<sup>56</sup>
- The UN Independent International Fact-Finding Mission in 2012 noted that “the restrictions themselves come in many forms, including settler-only roads, a regime of checkpoints and crossings (closure obstacles), impediments created by the wall and its gate and permit regime, as well as administrative restrictions.”<sup>57</sup>
- Amnesty International states that Israel has illegally built hundreds of military closures, such as checkpoints, roadblocks, and settler-only roads, intentionally making “simple daily tasks for Palestinians who are trying to get to work, school or hospital a constant struggle.”<sup>58</sup>
- Israel's restrictions on movement impede access of Palestinians in the West Bank to places of worship in East Jerusalem. Checkpoints and area closures during holy days often prevent

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<sup>52</sup>ICJ Advisory Opinion. 2024. “Legal Consequences Arising From the Policies and Practices of Israel in the OPT, Including East Jerusalem,” [Case no. 186](#), para. 197

<sup>53</sup>ICJ Advisory Opinion. 2004. “Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory,” [Case no. 131](#)

<sup>54</sup>OCHA, August, 2023. “Fact sheet: Movement and access in the West Bank,” [Fact Sheet](#)

<sup>55</sup>*Id.*; Note that subsection 1C outlines Oslo Accords II 1995 and explains that Area C was supposed to be entirely under Palestinian control by 2000. Of course, this never happened, and now there are dozens of checkpoints and illegal settlements throughout the region. Re-read page 9 of this document.

<sup>56</sup>UN Economic and Social Council. 2016. “Economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the OPT, including East Jerusalem, and of the Arab population in the occupied Syrian Golan,” UN doc. [A/78/127-E/2023/95](#), para. 58.

<sup>57</sup> UN Assembly on Human Rights Council. 2013. “Report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social, and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,” UN doc. [A/HRC/22/63](#), para. 72.

<sup>58</sup> Amnesty International. 2017. “Israel's Occupation: 50 Years of Dispossession,” [Report](#)

Palestinians from attending religious rituals.<sup>59</sup> These impediments to accessing religious sites, especially in East Jerusalem, impair the freedom of religion on an equal footing, as emphasized by the UN Committee on Economic, Social, and Cultural Rights.<sup>60</sup>

Lastly, it is essential to mention how control manifests in the destruction of Palestinian infrastructure in the OPT. Various UN reports document that Israel's security forces frequently engage in the destruction of roads and other infrastructure used by Palestinians in the West Bank. One report published by the UN General Assembly states that Israeli security forces "deliberately target and destroy civilian infrastructure."<sup>61</sup> The report goes on to highlight an example of an Israeli operation in July 2023 in the Jenin refugee camp in which "Israeli security forces bulldozers severely damaged roads, major water pipes, and the electricity network, displacing 62 families and affecting at least 1,880 families."<sup>62</sup>

## 1G. Incarceration and Torture

Israel has unjustly detained and imprisoned *hundreds of thousands of Palestinians* throughout its occupation without charge or trial. In this process, Israel has violated international human rights laws on torture and subjected Palestinians to an entirely separate carceral system from that of Israeli settlers.

The UN Committee against Torture (UN CAT) has repeatedly found that Israel's use of administrative detention by Israel, particularly for "inordinately lengthy periods," violates the 1984 Convention against Torture and called on Israel to end its practice urgently.<sup>63</sup> Here is an example from 1997 when the UN Committee against Torture reported many of the methods used by Israeli forces during the interrogation of detainees:

These methods include: (1) restraining in very painful conditions, (2) hooding under special conditions, (3) sounding of loud music for prolonged periods, (4) sleep deprivation for prolonged periods, (5) threats, including death threats, (6) violent shaking, and (7) using cold air to chill, and are in the Committee's view breaches of article 16 and also constitute torture as defined in article 1 of the Convention. This conclusion is particularly evident where such methods of interrogation are used in combination, which appears to be the standard case.<sup>64</sup>

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<sup>59</sup> UN Assembly on Human Rights Council. 2013. "Report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social, and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem," UN doc. [A/HRC/22/63](#), para. 60

<sup>60</sup> UN Economic and Social Council. 2019. "Concluding observations on the fourth periodic report of Israel," UN doc. E/C.12/ISR/CO/4, para. 70.

<sup>61</sup> United Nations High Commissioner for Human Rights. 2024. "Human rights situation in the Occupied Palestinian Territory, including East Jerusalem, and the obligation to ensure accountability and justice: Report of the United Nations High Commissioner for Human Rights," UN doc. A/HRC/55/28, para. 55.

<sup>62</sup> *Id.*

<sup>63</sup> UN Human Rights Committee. 2022. "Concluding observations on the fifth periodic report of Israel," UN doc. [CCPR/C/ISR/CO/5](#), paras. 22-23

<sup>64</sup> UN Committee Against Torture, 1997. "Consideration of Special Report of Israel: Summary Record," UN Doc. [CAT/C/SR.297](#)

Israeli legislation does not contain an absolute prohibition on torture and does not define torture and other ill-treatment as a crime, allowing for the practice to continue with impunity.<sup>65</sup> While Israel's Supreme Court ruled that torture and ill-treatment were generally prohibited in 1999, it permitted interrogators to use what the Court described as "physical interrogation methods" in "ticking bomb" situations. The Court did not interpret or limit the scope of when these methods could be used, leaving it to the discretion of the Israel Security Agency and implicitly permitting the use of torture.

Since the Israeli Supreme Court's decision in 1999, hundreds of Palestinians have been tortured by Israeli forces who cite the "ticking bomb" plea. Not one complicit member has been prosecuted.<sup>66</sup> According to the Public Committee Against Torture in Israel, between 2001 and 2020, over 1,300 complaints of torture were submitted to the Israeli Ministry of Justice, *resulting in only two criminal investigations and no indictments*.<sup>67</sup> In one case highlighted in an Amnesty International report, Ahmad Qatamesh, an academic from the West Bank and outspoken critic of Israel's occupation, spent over ten years in Israeli prisons between 1992 and 2017 without charge or trial.<sup>68</sup> Palestinian administrative detainees, along with Palestinian prisoners, have for decades been routinely subject to torture and other ill-treatment.

These Israeli practices are corroborated by the plethora of Palestinian administrative detainees who have reported they were routinely tortured during arrest and interrogation, especially by the Israel Security Agency.<sup>69</sup> The Public Committee Against Torture in Israel publishes annual situation reports detailing these accounts alongside other Israeli organizations that document violations in interrogation facilities.<sup>70</sup>

Palestinian children are also subjected to torture and are denied access to counsel or family visits. The UN CAT reports the "many instances in which Palestinian minors were exposed to torture or ill-treatment, including to obtain confessions; were given confessions to sign in Hebrew, a language they do not understand; and were interrogated in the absence of a lawyer or a family member."<sup>71</sup> According to UNICEF, ill-treatment of Palestinian children in the Israeli military detention system is "widespread, systematic, and institutionalized throughout the process, from the moment of arrest until the child's prosecution and eventual conviction and sentencing."<sup>72</sup>

B'Tselem and HaMoked, Israeli human rights organizations, reported in 2010 & 2017 on the abuse of hundreds of Palestinian teenagers arrested every year: "...it is a case of a plain and clear policy followed by the various authorities: the police who carry out the arrests; the IPS (Israel Prison Service) which keeps

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<sup>65</sup> UN Human Rights Committee. 2022. "Concluding observations on the fifth periodic report of Israel," UN doc. [CCPR/C/ISR/CO/5](#)

<sup>66</sup> Amnesty International. 2019. "Israel/ OPT: Legally-sanctioned torture of Palestinian detainee left him in critical condition," [Report](#)

<sup>67</sup> PCATI. "Torture in Israel Today," [Report](#)

<sup>68</sup> Amnesty International. 2022. "Israel's apartheid against Palestinians: Cruel system of domination and crime against humanity," [Report](#), pg. 243

<sup>69</sup> See, for example, HaMoked, "Ticking Bombs": Testimonies of Torture Victims in Israel, May 2007, [Report](#)

<sup>70</sup> See, PCATI, Publications for [detailed documentation](#); B'Tselem 2017 and HaMoked. 2010. "Kept in the Dark: Treatment of Palestinian Detainees in the Petah Tikva Interrogation Facility of the Israel Security Agency", [Report](#) from B' Tselem and [Report](#) from HaMoked

<sup>71</sup> UN Human Rights Committee. 2022. "Concluding observations on the fifth periodic report of Israel," UN doc. [CCPR/C/ISR/CO/5](#), para. 28.

<sup>72</sup> UNICEF. 2013. "Children in Israeli Military detention: Observations and Recommendations," [Report](#)

the boys incarcerated in harsh conditions; and finally, the courts, where judges virtually automatically extend the boys' custodial remand, even in cases when the arrest was unwarranted to begin with, even when the interrogation is already over, and even in cases of boys complaining of being subjected to physical abuse."<sup>73</sup>

A July 2023 report published by the UN Human Rights Council found that over 800,000 Palestinians, including children as young as 12 years old, have been arrested and detained under authoritarian rules since 1967.<sup>74</sup> It explains that,

Palestinians are subject to long detention for expressing opinions, gathering, pronouncing unauthorized political speeches, or even merely attempting to do so, and ultimately deprived of their status of protected civilians. They are often presumed guilty without evidence, arrested without warrants, detained without charge or trial, and brutalized in Israeli custody.<sup>75</sup>

In 2022, 750 Palestinians were held in administrative detention, which is where Israel arrests and detains Palestinians without charge or trial. In 2023, 3,242 Palestinians were held in administrative detention.<sup>76</sup> Imprisonment without trial or crime can be indefinitely renewed on secret information the detainee cannot see. To justify administrative detainment, one only needs to meet the criteria for which the presumption can be made that one might commit an offense at some point in the future.<sup>77</sup> Amnesty International evaluates these Israeli practices and states in a 2022 report,

Israel's systemic use of administrative detention against Palestinians indicates that it is used to persecute Palestinians rather than as an extraordinary and selectively used preventative measure. This is evident given that Israel labels Palestinians as 'security detainees,' and practice and evidence have shown that this is a pretext to persecute and deprive people of their fundamental rights and freedoms because they challenge Israel's occupation and its policies.<sup>78</sup>

The report continues,

Israel's intention to crack down on dissent to the occupation is also evident by its policy to release administrative detainees if they agree to leave the OPT and go into exile abroad for a specified time, in contravention of international law that prohibits the forcible transfer or deportation of the population of an occupied territory.<sup>79</sup>

Both methods of incarceration and subjection to torture violate human rights law, as outlined by multiple UN subbranches and various NGOs.

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<sup>73</sup> B'Tselem and HaMoked. 2017. "Unprotected: Detention of Palestinian Teenagers in East Jerusalem," [Report](#) pg. 30

<sup>74</sup> Albanese, Francesca. 2023. "Dismantle Israel's Carceral Regime and 'Open-Air' Imprisonment of Palestinians: UN Expert," OHCHR [Press Release](#)

<sup>75</sup> United Nations Human Rights Office of the High Commissioner. July 2023. "Dismantle Israel's carceral regime and "open-air" imprisonment of Palestinians: UN expert," [Press Release](#)

<sup>76</sup> Statistics on Palestinians in Israeli custody. B'Tselem, [Data Center & Reports](#)

<sup>77</sup> *Id.*

<sup>78</sup> Amnesty International. 2022. "Israel's apartheid against Palestinians: Cruel system of domination and crime against humanity," [Report](#), pg. 242

<sup>79</sup> *Id.* pg. 243



## 1H. Unlawful Killing, Violence, and Injuries

Amnesty International reports, “Israeli forces have killed and injured thousands of Palestinian civilians in the OPT since 1967, often in circumstances suggesting that the killings were systematic, unlawful and arbitrary, and with near total impunity. Recent decades have seen a mounting toll of deaths and injuries of Palestinians as a result of shooting or other violence by Israeli soldiers outside the context of armed conflict in the OPT.”<sup>80</sup>

B’Tselem reports that Israeli forces killed 4,868 Palestinians in the OPT, including 1,793 children, outside the context of armed conflict between September 2000 and February 2017.<sup>81</sup> Both the Israeli army and the police, such as the border police, have the authority to carry out policing activities in the OPT, including suppressing protests, carrying out raids to arrest people, enforcing travel and movement restrictions, and conducting search operations. This is not the case for Israeli settlers in the OPT, where the police, not the army, have policing powers.

Cases of unjust injuries and killings are apparent by examining the conduct of Israeli forces in the context of Palestinian protests in the OPT. The right to peaceful protest is particularly important to Palestinians in the OPT, given they have limited opportunity to influence the policy of their occupying power through voting or other means. They protest frequently against the Israeli occupation, illegal settlements, and unwarranted arrests. Israeli authorities view these protests as a threat to security and have criminalized them since the beginning of the occupation.<sup>82</sup> Amnesty International notes that *the entirety* of Palestinian protests in the OPT, when peaceful and when demonstrators resort to “low-level violence,” do not pose “any serious risk” to Israelis or Israeli soldiers due to the distance and the heavily protected nature of their positions. The report concludes that,

Israeli forces frequently resort to lethal means and fire rubber-coated metal bullets and live firearms ammunition at protesters, causing death and injuries... Israeli forces have used unnecessary or excessive force, unlawfully killing hundreds of Palestinian protesters, including children, when there was no imminent threat to life and wounding thousands more often seriously. *The pattern of unlawful killings and infliction of severe injuries against Palestinian demonstrators appears to be aimed at eliminating opposition to Israel’s policies and practices in the OPT.*<sup>83</sup>

This is further corroborated by additional human rights organizations that have reached the same conclusions, including B’Tselem, Al-Haq, and Human Rights Watch.<sup>84</sup>

There are other cases where Israeli forces impede medical personnel or the movement of Palestinians, leading to deaths from being unable to travel for appointments and different hospitals across the OPT. The

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<sup>80</sup> *Id.* pg. 249

<sup>81</sup> B’Tselem. 2017. “Getting Off Scot-Free: Israel’s Refusal to Compensate Palestinians for Damages Caused by its Security Forces,” [Report](#)

<sup>82</sup> B’Tselem. 2011. “Military Order 101,” [Summary Explanation](#) (with supplementary evidence)

<sup>83</sup> Amnesty International. 2022. “Israel’s apartheid against Palestinians: Cruel system of domination and crime against humanity,” [Report](#) pg. 250,

<sup>84</sup> See, for example: B’Tselem. 2016. “The Occupation’s Fig Leaf: Israel’s Military Law Enforcement as a Whitewash Mechanism,” [Report](#) f; Al-Haq. 2019. “Al-Haq report on Killings in 2019,” [Report](#)

UN Human Rights Council reports that Israeli forces regularly obstruct and prevent medical personnel from providing medical care to injured protesters, contributing in some cases to their deaths.<sup>85</sup> A 2018 report published by the General Assembly cites cases with “delays or even denial of medical assistance to those injured which, in some instances, led to the death of victims who might have otherwise survived.”<sup>86</sup> In other instances, Israeli forces have also attacked medics seeking to assist the wounded, human rights defenders, and journalists who are present to document abuses.<sup>87</sup>

Various human rights organizations have documented the pattern of misuse of lethal force and firearms, including intentional lethal use of weapons, by Israeli forces against Palestinians during law enforcement operations in the OPT when there was no imminent threat to life or without exhausting less lethal means of neutralizing a perceived threat.<sup>88</sup> Israeli forces frequently and recklessly fire at or deploy less lethal weapons against bystanders, or damage property of nearby residents.<sup>89</sup> Due to this phenomenon, in 2016, B’Tselem decided to stop referring cases of unlawful killings or injuries of Palestinians during law enforcement operations to the Israeli authorities for investigations after doing so for 25 years because of the “ineffectuality” of the Israeli military justice system, which continues to cover up unlawful acts and protect perpetrators, rather than provide justice for victims.<sup>90</sup>

Palestinian women and girls are subjected to gender-based violence in the form of excessive use of force and abuse, including physical, psychological, and verbal abuse and sexual harassment, by Israeli security forces and settlers, as documented by a 2022 UN General Assembly report.<sup>91</sup>

Palestinians in the OPT face violence and harassment from both Israeli forces and Israeli settlers. According to various UN reports, settlers often subject Palestinians in the OPT to extensive violence, which Israeli authorities fail to prevent or punish.<sup>92</sup> The UN Independent International Commission of Inquiry states that, although Israel appears to affirm its duty to prevent and punish such attacks, it often fails to intervene in settler violence against Palestinians.<sup>93</sup> Other UN reports document incidents of armed settlers carrying out attacks inside Palestinian communities, sometimes in the proximity of the Israeli security forces who fail to intervene or, indeed, even support settlers in their attacks.<sup>94</sup> Furthermore, “An Israeli who harms a non-Palestinian in the West Bank is six times more likely to be indicted (19%) than if

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<sup>85</sup> UN General Assembly. 2019. “Implementation of Human Rights Council resolutions S-9/1 and S-12/1,” UN Doc.

[A/HRC/37/38](#)

<sup>86</sup>*Id.*, para. 16.

<sup>87</sup> Amnesty International. 2014. “Israel and Occupied Palestinian Territories: Trigger-happy: Israel’s use of excessive force in the West Bank,” [Report](#)

<sup>88</sup>*Id.*

<sup>89</sup> Amnesty International. 2022. “Israel’s apartheid against Palestinians: Cruel system of domination and crime against humanity,” [Report](#), pg. 251

<sup>90</sup> B’Tselem. 2016. “The Occupation’s Fig Leaf,” [Report](#); B’Tselem. 2013. “Follow-up: Military Police and MAG Corps investigations of civilian Palestinian fatalities in West Bank, as of April 2011,” [Report](#)

<sup>91</sup> UN Human Rights Report. 2022. “Report of the Independent International Commission of Inquiry on the OPT, including East Jerusalem, and Israel,” UN doc. [A/77/328](#), para. 59.

<sup>92</sup> Report of UN Secretary-General. 2023. “Israeli settlements in the OPT, including East Jerusalem, and the occupied Syrian Golan: Report of the Secretary-General,” UN doc. [A/78/554](#), para. 150.

<sup>93</sup> UN Human Rights Report. 2022. “Report of the Independent International Commission of Inquiry on the OPT, including East Jerusalem, and Israel,” UN doc. [A/77/328](#), para. 64

<sup>94</sup> UN General Assembly. 2022. “Israeli settlements in the OPT, including East Jerusalem, and in the occupied Syrian Golan: Report of the United Nations High Commissioner for Human Rights,” UN doc. [A/HRC/49/85](#), para. 13.

they harmed a Palestinian (3%).”<sup>95</sup> According to the Human Rights Committee, the lack of access to justice and effective remedies for victims fosters a “general climate of impunity” in the case of settler violence against Palestinians.<sup>96</sup>

Since 2021, Israeli settler attacks have become increasingly coordinated, with larger groups of settlers carrying out attacks that strategically target Palestinians and their livelihoods, including cutting down trees<sup>97</sup>, razing farmlands,<sup>98</sup> and intentionally burning cars and homes<sup>99</sup> The Israeli military frequently protects these settlers and even provides them with weapons.<sup>100</sup> Israeli security forces intervene with unnecessary or disproportionate force against Palestinians in the aftermath of settler attacks and in the context of Palestinian demonstrations against settlement expansion. Several incidents reported by the UN Independent International Commission of Inquiry show how Israeli security forces have used live ammunition to suppress demonstrations by Palestinians, resulting in hundreds of fatalities and injuries.<sup>101</sup>

A 2022 UNHCHR report highlighted a substantial increase in settler violence during the reporting period, recording 502 incidents that resulted in injuries, deaths, and property damage to Palestinians. Israeli security forces often failed to protect Palestinians and, in many instances, used excessive force against them. Rising settler violence has intensified already hostile apartheid conditions, heightening the risk of forced displacement of Palestinian communities.

## **II. Discriminatory Allocation of Resources and Services**

According to the UN Independent International Fact-Finding Mission in 2012, 86% of the mineral-rich Jordan Valley and the Dead Sea were effectively under the jurisdiction of the regional councils of Israeli settlements. These settlements extract minerals and cultivate fertile agricultural lands at the expense of Palestinians.<sup>102</sup> Israel has granted mining concessions to Israeli-operated quarries in Area C, meaning that the largest share of the raw materials extracted is transferred to Israel.<sup>103</sup> In contrast, Israel has not issued quarrying permits for Palestinian companies in Area C since 1994.<sup>104</sup>

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<sup>95</sup> Report of UN Secretary-General. 2023. “Israeli settlements in the OPT, including East Jerusalem, and the occupied Syrian Golan: Report of the Secretary-General,” UN doc. [A/78/554](#) para. 41.

<sup>96</sup> UN Human Rights Committee. 2022. “Concluding observations on the fifth periodic report of Israel,” UN doc. [CCPR/C/ISR/CO/5](#), para. 24.

<sup>97</sup> B’Tselem – The Israeli Information Center for Human Rights in the Occupied Territories, Settler Violence List

<sup>98</sup> Human Rights Watch. 2023. “Israel: Starvation Used as Weapon of War in Gaza,” [Report](#)

<sup>99</sup> Brown, Kareem Khadder, Zeena Saifi, Benjamin. 2024. “Israeli Settlers Storm West Bank Village, Setting Cars and Homes Ablaze.” CNN [Report](#)

<sup>100</sup> Wong, Edward, and Patrick Kingsley. 2023. “U.S. Officials Fear American Guns Ordered by Israel Could Fuel West Bank Violence.” The New York Times, [News Article](#)

<sup>101</sup> UN Human Rights Report. 2022. “Report of the Independent International Commission of Inquiry on the OPT, including East Jerusalem, and Israel,” UN doc. [A/77/328](#), para. 68.

<sup>102</sup> UN Assembly on Human Rights Council. 2013. “Report of the Independent international fact-finding mission to investigate the implications of the Israeli settlement on the civil, political, economic, social, and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,” UN doc. A/HRC/22/63, para. 36.

<sup>103</sup> *Id.* para. 37.

<sup>104</sup> UN Economic and Social Council. 2016. “Economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the OPT, including East Jerusalem, and of the Arab population in the occupied Syrian Golan,” UN doc. [A/78/127-E/2023/95](#), para. 86.

A separate 2013 report by the UN General Assembly confirms that Israel prioritizes the water supply of settlements to the detriment of Palestinian communities, which suffer from lengthy and frequent water outages.<sup>105</sup> The report states, “In the event of a water shortage, valves supplying Palestinian communities are closed; this does not happen for settlements.”<sup>106</sup> Furthermore, the report highlights situations where villagers must travel several kilometers to retrieve water when closer water resources serve neighboring settlements. Settlements benefit from enough water to run farms, orchards, swimming pools, and spas, while Palestinians often struggle to satisfy their minimum water requirements.<sup>107</sup>

Another report published by the UN General Assembly in 2021 details how Palestinians have little ability to ensure access to water in large parts of the West Bank; instead, they must purchase significant quantities of water from Israel at a high price.<sup>108</sup> As a result of Israel’s control and management of water resources in the West Bank, both the quantity and the quality of water to which Palestinians have access is well below the levels recommended by the World Health Organization.<sup>109</sup>

The UN General Assembly has repeatedly passed resolutions demanding Israel cease its discrimination and endangerment of natural resources in the OPT, including through resolution 78/170 in December of 2023 and as far back as resolution 58/292 in May 2004.<sup>110</sup>

A July 2023 UN General Assembly’s Economic and Social Council report states,

Palestinians face severe restrictions on planning, building, and access to natural resources in this area [Area C]. Any investment or economic activity requires Israeli permits. Decades of discriminatory allocation of resources by Israeli authorities, including limitations of Palestinian access to and use of farmland, water, and other natural resources, for the benefit of Israelis compound inequalities and lead to the deterioration of living conditions of Palestinians.<sup>111</sup>

Palestinians face an acute water crisis *because of the restrictions imposed by Israel*.<sup>112</sup> The same report goes on to state,

Since 1967, Israel has placed all water resources in the OPT under its military control and prohibited Palestinians from constructing new water installations or maintaining existing

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<sup>105</sup> UN Assembly on Human Rights Council. 2013. “Report of the Independent international fact-finding mission to investigate the implications of the Israeli settlement on the civil, political, economic, social, and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,” UN doc. [A/HRC/22/63](#), paras. 83-85.

<sup>106</sup> *Id.*

<sup>107</sup> *Id.* paras. 84-86.

<sup>108</sup> United Nations High Commissioner for Human Rights. 2021. “Allocation of water resources in the OPT, including East Jerusalem” UN doc. [A/HRC/48/43](#), paras. 30 and 43.

<sup>109</sup> United Nations High Commissioner for Human Rights. 2021. “Allocation of water resources in the OPT, including East Jerusalem” UN doc. [A/HRC/48/43](#), para. 26.

<sup>110</sup> UN General Assembly Resolution. 2013. “Permanent Sovereignty over Natural Resources in the OPT, Golan - GA Resolution.” [UN Doc. A/68/446 Reso. 68/235](#).

<sup>111</sup> UN Economic and Social Council. 2016. “Economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the OPT, including East Jerusalem, and of the Arab population in the occupied Syrian Golan,” UN doc. [A/78/127-E/2023/95](#), para. 62 & 63.

<sup>112</sup> *Id.*

installations without a military permit. At the same time, Israel has developed its own water infrastructure for its settlements and has done the same in Israel.<sup>113</sup>

Most definitively, regarding the natural resources in the OPT, the ICJ stated in its 2024 ruling: “There is evidence to the effect that Israel exploits these natural resources, including water, minerals, and other natural resources, for the benefit of its own population, to the disadvantage or even exclusion of the local Palestinian population.”<sup>114</sup>

## **1J. Surmounting International Consensus of Israel’s Apartheid Against Palestinians**

The conditions and circumstances outlined above have been evaluated by numerous independent human rights organizations and applied to the definition of apartheid, leading them to definitively classify Israel’s occupation of the OPT as apartheid. These organizations have conducted thorough investigations to determine whether Israel’s rule has met the legal conditions of apartheid and released extensive reports detailing why they have found that to be the case.

In its 2021 report on Israel and Palestine, Human Rights Watch, an international NGO that conducts research and advocacy on human rights, defines the legal terms of both apartheid and persecution in international criminal law, then concludes that the Israeli government has committed both crimes after conducting a detailed legal analysis.<sup>115</sup> As it states, “On the basis of its research, Human Rights Watch concludes that the Israeli government has demonstrated an intent to maintain the domination of Jewish Israelis over Palestinians across Israel and the OPT. In the OPT, including East Jerusalem, that intent has been coupled with systematic oppression of Palestinians and inhumane acts committed against them. When these three elements occur together, they amount to the crime of apartheid.”

Amnesty International, another international human rights NGO, has conducted its own legal analysis and reached the same conclusion of Israeli apartheid against Palestinians. In a 2022 280-page report, they evaluate specific examples of Israel’s “oppression and domination” of Palestinians, writing in their conclusion that “the crime of apartheid is committed when inhuman or inhumane acts are committed within the context of a widespread or systematic attack directed at a civilian population with the intention of creating or maintaining such a system of oppression and domination by one racial group over any other racial group or groups.<sup>116</sup> The totality of the regime of laws, policies, and practices described in this report demonstrates that Israel has established and maintained an institutionalized regime of oppression and domination of the Palestinian population for the benefit of Jewish Israelis — a system of apartheid — wherever it has exercised control over Palestinians’ lives since 1948.”

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<sup>113</sup>*Id.*

<sup>114</sup>ICJ Advisory Opinion. 2024. “Legal Consequences Arising From the Policies and Practices of Israel in the OPT, Including East Jerusalem”, [Case no. 186](#), para. 126

<sup>115</sup> Human Rights Watch. 2021. “A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution | HRW,” [Report](#)

<sup>116</sup> Amnesty International. 2022. “Israel’s apartheid against Palestinians: Cruel system of domination and crime against humanity,” [Report](#)

The report concludes:

The State of Israel considers and treats Palestinians as an inferior non-Jewish racial group. The segregation is conducted in a systematic and highly institutionalized manner through laws, policies, and practices, all of which are intended to prevent Palestinians from claiming and enjoying equal rights with Jewish Israelis within the territory of Israel and within the OPT, and thus are intended to oppress and dominate the Palestinian people.

B'Tselem, the Jerusalem-based nonprofit that tracks human rights in the OPT, has again reached the same conclusions. In its own report, it states, “B’Tselem reached the conclusion that the bar for defining the Israeli regime as an apartheid regime has been met after considering the accumulation of policies and laws that Israel devised to entrench its control over Palestinians.”<sup>117</sup>

For a deeper understanding of this analysis, read the full, extensive human rights reports conducted by Amnesty International, Human Rights Watch, and B’Tselem.

## 1K. Concluding Remarks

Section 1 served as a guidepost to clearly inform readers of both the accepted definitions of and clear evidence for Israel’s *commitment to apartheid against Palestinians*. Section 1A gives *explicit* definitions and conditions under which apartheid occurs; sections 1B-1H thoroughly *document said conditions*, providing the context that implicates Israeli apartheid. While the authors of this proposal could spend additional time making explicit ties of the Apartheid Conventions outlined in section 1A and substantiated in 1B-1I, we recognize the readers’ ability to come to their own conclusions given the insurmountable amount of evidence provided here and in the Unconventional Appendix (7).

There is clear precedent for divestment from apartheid states. Duke University, after pressure from student-led coalitions, began the divestment process from South Africa in the fall of 1986.<sup>118</sup> The case of Israel is no different.<sup>119</sup> The parallels between the South African and Israeli cases of apartheid are evident and longstanding; both countries oppressed and discriminated against peoples through segregation, exploitation, and violence, forcing ethnoracial supremacy across political, economic, and social life. Israel illegally imposed juridical sovereignty on the OPT, as was the case with Namibia in South Africa, both cases constituting blatant violations of international law. Both Israel and South Africa proceeded to ignore the UN General Assembly and World Court resolutions to withdraw from their respective occupied lands.<sup>120</sup> While Israeli apartheid and South African apartheid are remarkably similar, there are ultimately only two notable differences. First, experts on apartheid and genocide have concluded the case of Israel to

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<sup>117</sup> “Apartheid | B’Tselem,” <http://www.btselem.org/apartheid>.

<sup>118</sup> Special to the New York Times, *DUKE WOULD SELL ITS HOLDINGS IN SOUTH AFRICA*, THE NEW YORK TIMES, May 4, 1986, <https://www.nytimes.com/1986/05/04/us/duke-would-sell-its-holdings-in-south-africa.html>

<sup>119</sup> Mohamed Buheji & Aamir Hasan. 2024. *The Beginning of The End - A Comparison Between the Apartheid (South Africa Vs. Israeli Occupation)*, 241

<sup>120</sup> Milestones in the History of U.S. Foreign Relations - Office of the Historian, 1989-1992 Apartheid, [Summary Report](#); United Nations, *The Struggle against Apartheid: Lessons for Today’s World*, UNITED NATIONS, [Chronicle Article](#)

be more extreme, in that South African apartheid focused on the exploitation of labor while Israel imposes a genocidal intent spanning dozens of massacres.<sup>121</sup> Second, South Africa's apartheid came to an end in 1994, and Israel's continues to this day.

The merit of this proposal is not reliant upon the recent brutal and catastrophic escalations in Gaza and the West Bank. As made evident throughout this section, Israel's apartheid against Palestinians began long before October 7, 2023. The ICJ's recent ruling, which concluded that Israel's policies and practices in the OPT constitute illegal apartheid, was initiated in 2022, and the aforementioned reports authored by human rights organizations were also published prior to 2023. Had this proposal been submitted on October 6, 2023, its validity and standing would be the same as they are today.

## **2. WORSENING HUMAN RIGHTS VIOLATIONS AND APARTHEID CONDITIONS IN RECENT MONTHS**

*Note that the conditions of Israel committing apartheid have been clearly documented and explained throughout Section 1, all of which cite evidence before October 2023. It is important to consider events in recent months that have exponentially expanded atrocities against the Palestinian people.*

### **2A. Catastrophic Conditions in Gaza and Escalation in the West Bank**

Despite clearly violating international law and resolutions, Israel persists in maintaining an apartheid regime in the OPT and has only escalated this pursuit from October 7 onward. Since the Hamas-led attack in Israel on October 7, 2023, which resulted in the deaths of roughly 1,200 people and the taking of 250 hostages, Israel has killed approximately 37,000 Palestinians, including nearly 7,800 identified children and thousands more unidentified and missing under the rubble.<sup>122</sup> 1.1 million people, more than half of Gaza's population, are experiencing catastrophic food insecurity.<sup>123</sup>

The destruction of Palestinian homes, land, and heritage is not restricted to Gaza. There has been a thoroughly documented and substantial spike in state-backed Israeli settler violence against Palestinians in the West Bank and East Jerusalem in recent years, building on over 50 years of unrestricted settler violence.<sup>124</sup> Israeli settlers — individuals who reside on Palestinian land illegally — physically attack Palestinians and destroy or severely damage Palestinian property daily.<sup>125</sup> Armed settlers, alongside Israeli military units, have raided Palestinian communities and assaulted and forcibly displaced residents. Recent settler attacks have entirely uprooted at least seven Palestinian communities and displaced residents from 20 other Palestinian communities.<sup>126</sup> Israeli settlers have also attacked, looted, and destroyed aid trucks bound for Gaza.<sup>127</sup> 800 Israeli settler-led attacks against Palestinians in the West Bank have been

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<sup>121</sup> See this link for more: [https://www.instagram.com/p/C691L\\_DNIVP/?img\\_index=2](https://www.instagram.com/p/C691L_DNIVP/?img_index=2).

<sup>122</sup> OCHA. 2024. "Hostilities in the Gaza Strip and Israel | Flash Update #165," [News Report](#)

<sup>123</sup> IPC, "GAZA STRIP: Famine Is Imminent as 1.1 Million People, Half of Gaza, Experience Catastrophic Food Insecurity | IPC - Integrated Food Security Phase Classification" [Report](#)

<sup>124</sup> OCHA. 2023. "Displacement of Palestinian Herders amid Increasing Settler Violence," [Report](#)

<sup>125</sup> OCHA. 2023. "Fact Sheet: Displacement of Palestinian Herders amid Increasing Settler Violence," [Fact Sheet](#)

<sup>126</sup> Human Rights Watch. 2024. "West Bank: Israel Responsible for Rising Settler Violence | Human Rights Watch," [Report](#)

<sup>127</sup> Tondo, Lorenzo, Sufian Taha, and Jason Burke. May 2024. "'Barbaric': Palestinian Lorry Drivers Recount Settlers' Attack on Gaza Aid Convoy." [The Guardian, News Report](#)

documented since October 7, 2023.<sup>128</sup> Israeli forces have also killed at least 500 Palestinians in the West Bank during this period.

On June 13, 2024, the Secretary General of the UN released a report accusing the Israeli Defense Forces of war crimes, including the use of explosive weapons in densely populated areas, starvation tactics, and killing and maiming of tens of thousands of children.<sup>129</sup> This report follows a preliminary ruling by the ICJ indicating that Israel is at risk of breaching its obligations under the Genocide Convention.<sup>130</sup>

In a July 2024 article in *The Lancet*, scholars highlight that in armed conflicts, the health impacts extend beyond direct violence.<sup>131</sup> The authors urge, "An immediate and urgent ceasefire in the Gaza Strip is essential, accompanied by measures to enable the distribution of medical supplies, food, clean water, and other resources for basic human needs." However, they also make clear that even with an immediate ceasefire, ongoing indirect deaths are expected due to issues like limited reproductive health services, communicable diseases, and healthcare system breakdowns due to disrupted access to essentials like food, water, and shelter. In Gaza, the authors suggest the actual death toll may far exceed reported numbers due to intense conflict, damaged healthcare infrastructure, supply shortages, population displacement, and reduced aid from humanitarian organizations like UNRWA. Using a conservative estimate of four indirect deaths per direct death, the article projects a potential toll of 186,000 or more if hostilities were to cease immediately; this represents 8% of the entire population of Gaza.

Israel's military occupation of Palestine and its systematic oppression of the Palestinian people persist due to global and institutional impunity and complicity. Consequently, divestment has emerged as a critical ethical and reputational issue for Duke University, as it has for other institutions globally.

## **2B. International Courts and UN Response to Israeli Apartheid Since October 7, 2023**

Section 1 made it clear that Israel has had a longstanding engagement in the oppressive and violent overtaking of Palestinian land. To review, the unlawful gain of territory through the aforementioned mechanisms has been thoroughly documented and condemned by the UN and the ICJ for decades. Specifically, Israel's land registration activities (addressed in sections 1B-E; 1H & 1I), which heighten the risk of unlawful appropriation of property and forcible transfer of Palestinians, violate international law. This has been affirmed by General Assembly resolution 70/89,<sup>132</sup> the UN Security Council,<sup>133</sup> and the ICJ.<sup>134</sup>

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<sup>128</sup> OCHA. May 2024. "Hostilities in the Gaza Strip and Israel | Flash Update #160," [News Release](#)

<sup>129</sup> UN Secretary General. 2024. "Children and Armed Conflict: Report of the Secretary-General." [undocs.org/A/77/895](https://undocs.org/A/77/895). General Assembly Security Council.

<sup>130</sup> International Criminal Court. 2024. "Statement of ICC Prosecutor Karim A.A. Khan KC: Applications for arrest warrants in the situation in the State of Palestine." [Statement](#)

<sup>131</sup> Khatib, Rasha, Martin McKee, and Salim Yusuf. July, 2024. "Counting the Dead in Gaza: Difficult but Essential." *The Lancet*, July 2024, [Access here](#).

<sup>132</sup> UN Resolution. 2015. [70/89](#).

<sup>133</sup> Security Council resolutions [465](#) (1980) and [2334](#) (2016).

<sup>134</sup> ICJ Advisory Opinion. 2004. "Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory," [Case no. 131](#)., p. 134



In July 2023, Francesca Albanese, the UN Special Rapporteur on the OPT, stated “There is no other way to define the regime that Israel has imposed on the Palestinians — which is apartheid by default — other than *an open-air prison*.”

The extreme escalation and demolition of Gaza since October 7, 2023, and the escalating violence across the OPT remain unaccounted for in these opinions.

Evaluating evidence from ongoing escalations and violence in Gaza and the West Bank, the ICJ issued a legal ruling in July 2024 on Israel's policies and practices in the OPT. As the principal judicial organ of the UN, the ICJ, also known as the World Court, plays a crucial role in developing international law through its advisory opinions and binding legal decisions. The Court's 15 judges, elected based on their qualifications and experience, ensure representation of different legal traditions and cultures. The World Court summarizes its findings as follows:

- The State of Israel’s continued presence in the OPT is *unlawful*.
- The State of Israel is under an obligation to bring to an end its *unlawful* presence in the OPT as rapidly as possible.
- The State of Israel is under an obligation to immediately cease all new settlement activities, and to evacuate all settlers from the OPT.
- The State of Israel has the *obligation to make reparation* for the damage caused to all the natural or legal persons concerned in the OPT.
- *All States* are under an *obligation* not to recognize as legal the situation arising from the unlawful presence of the State of Israel in the OPT and *not to render aid or assistance in maintaining the situation created by the continued presence of the State of Israel in the OPT*.
- International organizations are under an obligation not to recognize as legal the situation arising from the unlawful presence of the State of Israel in the OPT.<sup>135</sup>

The ICJ clearly outlines Israel's breach of Article 3 from the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), which outlines explicitly racial segregation and apartheid, as mentioned in articles 224, 225, and 228 of the document. The ruling also concludes that:

A broad array of legislation adopted and measures taken by Israel in its capacity as an occupying Power treat Palestinians differently on grounds specified by international law. **The Court notes that this differentiation of treatment cannot be justified with reference to reasonable and objective criteria nor to a legitimate public aim.** Accordingly, the Court is of the view that the régime of comprehensive restrictions imposed by Israel on Palestinians in the OPT constitutes systemic discrimination based on, inter alia, race, religion or ethnic origin... The Court considers that Israel is not entitled to sovereignty over or to exercise sovereign powers in any part of the

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<sup>135</sup> ICJ Advisory Opinion. 2024. “Legal Consequences Arising From the Policies and Practices of Israel in the OPT, Including East Jerusalem,” [Case no. 186](#), para 1

OPT on account of its occupation. **Nor can Israel’s security concerns override the principle of the prohibition of the acquisition of territory by force.**<sup>136</sup>

Concerns addressed in numerous UN reports before October 2023 have been taken up by the ICJ, as outlined briefly for its conclusions in section 1B. The ICJ’s July 2024 ruling is worth further elaboration given the current moment in history which necessitated its findings.

First, in section 1B, it was made clear that the dual legal system excessively penalizes Palestinians. The ICJ’s ruling agrees. It concludes that Israel’s extension of Israeli law to the West Bank and East Jerusalem is not justified under any grounds stated in the second paragraph of Article 64 of the Fourth Geneva Convention.<sup>137</sup>

Second, several sub-branches of the UN (OHCHR, ECOSOC, OCHA), including its relief organizations (UNRWA, UNICEF), clearly document atrocities resulting from the bombing of schools, hospitals, mosques, and residential areas.<sup>138</sup> As noted in section 1G, violence and sexual assault against Palestinians reported in 2022 have been reaffirmed by the OHCHR in a report on February 2024.<sup>139</sup>

Third, regarding forced displacement and home demolitions, initially discussed in 1C, 1D, and 1E, the ICJ states:

The nature of Israel’s acts, including the fact that Israel frequently confiscates land following the demolition of Palestinian property for reallocation to Israeli settlements, indicates that its measures are not temporary in character and therefore cannot be considered as permissible evacuations. In the Court’s view, Israel’s policies and practices are contrary to the prohibition of forcible transfer of the protected population under the first paragraph of Article 49 of the Fourth Geneva Convention.<sup>140</sup>

Fourth, the restriction of movement for Palestinians is yet another clear violation of international law. The ICJ evaluates these restrictions on movement in its 2024 advisory opinion on Israel’s practices in the OPT, along with the justification often provided by Israel, and states, “Israel’s measures imposing restrictions on all Palestinians solely on account of their Palestinian identity are disproportionate to any legitimate public aim and cannot be justified with reference to security.”<sup>141</sup> The Court goes on to conclude, “the entire regime of restrictions on the movement of Palestinians throughout the Occupied Palestinian

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<sup>136</sup> ICJ Advisory Opinion. 2024. “Legal Consequences Arising From the Policies and Practices of Israel in the OPT, Including East Jerusalem,” [Case no. 186](#), para. 3.

<sup>137</sup> ICJ Advisory Opinion. 2024. “Legal Consequences Arising From the Policies and Practices of Israel in the OPT, Including East Jerusalem,” [Case no. 186](#), para. 141.

<sup>138</sup> UN, “Situation in Occupied Palestine and Israel” [History & Background](#); UN Economic and Social Council. 2024. “Palestine’s economy in ruins as Gaza war sets development back two decades” [Report](#).

<sup>139</sup> UN Human Rights Report. 2022. “Report of the Independent International Commission of Inquiry on the OPT, including East Jerusalem, and Israel,” UN doc. [A/77/328](#), para. 59.; UN Human Rights Experts Press Release. 2024. “experts appalled by reported human rights violations against Palestinian women and girls,” OHCHR, [Press Release](#)

<sup>140</sup> ICJ Advisory Opinion. 2024. “Legal Consequences Arising From the Policies and Practices of Israel in the OPT, Including East Jerusalem,” [Case no. 186](#), para. 147.

<sup>141</sup> *Id.* para. 205.

Territory has a discriminatory effect on their enjoyment of these rights,” and, “amount to prohibited discrimination under Articles 2, paragraph 1 and 26 of the ICCPR, Article 2, paragraph 2, of the ICESCR, and Article 2 of the International Convention on the Elimination of All forms of Racial Discrimination (CERD).”<sup>142</sup> Israel's discriminatory policies restricting the movement of Palestinians violate three different tenets of international law.

Lastly, to stress the implications of the Court’s findings, Oxfam International, one of the world’s most reputable human rights and relief organizations, states: “This is a historic ruling that lays bare Israel’s criminal actions that have denied rights, marginalized and subjugated Palestinians for decades. Every aspect of the occupation is illegal — settlements and settlers, the denial of water, and the use of Palestinian natural resources. The Court confirmed that Israel is committing the crime of apartheid in the West Bank and East Jerusalem, which is one of the most serious international crimes.” The ICJ is the only internationally recognized court that holds state actors accountable for atrocities such as apartheid, genocide, and slavery.

### **3. ETHICAL AND FIDUCIARY RESPONSIBILITIES OF DUKE UNIVERSITY: ACIR’S MANDATE AND CURRENT LIMITATIONS**

Duke University’s ACIR is tasked with a crucial role in aligning the University's investments with its institutional values and ESG policies. As outlined in the Guideline on Investment Responsibility, DUMAC is supposed to uphold these principles through responsible investing practices that support the university's mission and earn financial returns.

ACIR is meant to serve as a platform for the Duke community to voice concerns about investments with potential societal implications. However, ACIR’s ability to fulfill its mandate is undermined when confidentiality agreements with third-party investment managers and partnerships prevent the disclosure of investment details needed to address concerns from the Duke community. DUMAC’s utilization of 130 undisclosed investment advisory firms and partnerships has created a situation where community concerns regarding investments can be dismissed under the guise of unavoidable and necessary confidentiality limitations.

The current Guideline on Investment Responsibility and its outline of ACIR’s responsibilities presents several challenges that limit both the Guideline’s and Committee’s effectiveness:

- 1. Lack of Commitment to Investment Transparency During ACIR Review:** Without transparency on Duke's direct and indirect investments in the party<sup>143</sup> identified in the divestment proposal, ACIR cannot adequately assess and disclose to Duke community members whether investments align with University principles, policies, and community values.

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<sup>142</sup>*Id.* para. 206.

<sup>143</sup> In this proposal, the “party” encompasses “all companies and entities that support or profit from Israeli apartheid and occupation of Palestine, including those involved in the construction and maintenance of illegal settlements, military operations in the OPT, and companies exploiting natural resources in the occupied territories.”

2. **Unclear Threshold for Investments Engaged in Morally Abhorrent Activity:** The current Guideline does not clearly articulate the assessment criteria for cases to be deemed “rare” and/or “morally abhorrent,” but instead provides examples “such as apartheid, genocide, or slavery.” The phrasing “such as” indicates there are other morally abhorrent activities beyond the three listed, including the underlying human rights violations that contribute to apartheid, genocide, or slavery.<sup>144</sup>

The Guideline on Investment Responsibility underscores that in rare cases involving morally abhorrent activities such as apartheid, genocide, or slavery, ACIR has a responsibility to engage deeply with the community concerns and alert the University’s president accordingly. This process logically requires transparency on direct and indirect investments in the party or parties identified in divestment proposals. Otherwise, how is the ACIR reasonably expected and capable of making an informed recommendation on divestment from entities engaged in activity considered morally abhorrent and/or that violate the University’s alleged commitment to its institutional values and ESG policies?

If ACIR is de facto required to dismiss divestment and investment transparency proposals due to the confidentiality constraints created by third-party partnerships, it is effectively unable to meet the standards outlined in the Guideline on Investment Responsibility. While the ACIR appropriately considers the fiduciary role of the Board of Trustees and DUMAC, including their responsibilities under confidentiality agreements with third-party managers, it’s essential to also thoroughly incorporate the viewpoints of Duke community members when evaluating divestment proposals.

While confidentiality protects sensitive financial information, transparency is equally vital to uphold accountability and ensure that ACIR can operate as outlined in its mandate. This balance enables ACIR to fulfill its role as a proactive advocate for responsible investing, capable of responding to community concerns in a manner that upholds Duke University’s commitment to ethical and responsible practice. DUMAC’s stated commitment to responsible investing, including integrating ESG policies, necessitates divestment from entities involved in human rights abuses, as is the case with Israeli apartheid. The fiduciary duty to maximize returns must be subordinated to the ethical implications of investment choices. Continued investment in entities complicit in Israeli apartheid and occupation of Palestine contradicts these values.

The issues outlined above are particularly concerning because they undermine the Duke community’s ability to advocate for divestment from entities involved in morally abhorrent activities, such as apartheid, genocide, or slavery. These cases are high-stakes and time-sensitive.

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<sup>144</sup> The exact language from the Guideline is “In rare cases, the Duke community may call upon ACIR to review investment that is engaged in activity considered morally abhorrent, such as apartheid, genocide, or slavery. If there is broad and deep support across the Duke community, the ACIR will alert the president, who may then seek professional advice on the issue in question. After deliberating, the president may bring the issue to the Board of Trustees for consideration of divesting any relevant assets held by DUMAC.”

## 4. PROPOSAL

Duke University’s mission is to provide a “superior education,” promote “high ethical standards,” and “contribute boldly to the international community of scholarship.” Investments that support human rights violations fundamentally undermine this mission. As a global leader in higher education committed to “free and open inquiry,” Duke has a responsibility to ensure its investments align with its ethical values and contribute to global justice and human welfare. Divesting from companies involved in Israeli apartheid and occupation is essential to uphold Duke’s mission and demonstrate its commitment to “ethical service.”

As an institution that values “regard for others and compliance with laws and regulations,” Duke must ensure its investments do not contribute to systemic discrimination and exclusion by avoiding complicity in human rights violations. Therefore, divestment from all companies and entities that support or profit from Israeli apartheid and occupation of Palestine is imperative to maintain Duke’s standard of excellence and integrity particularly since ethical investments contribute to long-term financial stability by mitigating risks associated with human rights abuses. Moreover, it is simply the right thing to do.

We appreciate the University’s espoused commitment to responsible investing and its disclosed efforts to ensure that DUMAC’s financial practices align with ethical and social standards. Investment transparency aligns with the principles of good governance and fiduciary duty.

To further strengthen this commitment, we call on ACIR, President Price, the Board of Trustees, and DUMAC to take the following actions — within a reasonable timeframe, accounting for legal and financial limitations — to ensure that University investments do not support or profit from Israeli apartheid and the occupation of Palestine and to strengthen the Guideline on Investment Responsibility:

### 4A. Immediate Actions

#### 1. DISCLOSE UNIVERSITY-WIDE ASSETS

1.1 Immediately disclose direct and indirect investments in companies and entities that support or profit from Israeli apartheid and occupation of Palestine.<sup>145</sup>

#### 2. DIVEST UNIVERSITY-WIDE ASSETS

2.1 Integrate perspectives from community stakeholders and human rights experts with specialized knowledge of Israeli apartheid and occupation of Palestine during the ACIR’s review of divestment from companies that are complicit in Israeli genocide, apartheid, and occupation.

2.2 Immediately divest direct and indirect holdings in all companies and entities that support or profit from Israeli apartheid and occupation of Palestine, including those involved in the construction and

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<sup>145</sup> This request aligns with best practices in transparency and responsible investing, as outlined by the United Nations Principles for Responsible Investment (UNPRI) and other leading ethical investment frameworks, see.; UNPRI. 2024. “What Are the Principles for Responsible Investment?,” [Report](#).

maintenance of illegal settlements, military operations in the OPT, and companies exploiting natural resources in occupied territories.

#### **4B. Long-Term Actions**

### **3. STRENGTHEN RESPONSIBLE INVESTMENT POLICIES**

3.1 Update the Guideline on Investment Responsibility to mandate due diligence by DUMAC and its third-party investment managers to proactively prevent both indirect and direct investment in companies that profit from occupation, apartheid, genocide, or slavery. The current guideline permits only reactive grievance processes initiated by university community members.

3.2 Update the Guideline on Investment Responsibility to explicitly state that, while the university and its investments do not have a particular political agenda, investment decisions should avoid financial ties to entities that uphold, support, or perpetuate systematic and systemic racism and discriminatory policies based on race or national origin.

In the event that the University agrees to divestment from all companies and entities that support or profit from Israeli apartheid and occupation of Palestine, we request that the BOT and DUMAC provide their full implementation plan for divestment.

#### **4C. Criteria for Divestment**

Divestment consistent with the immediate actions (4A) above applies to direct and indirect investments in public equities, index funds, private capital/equity, private credit, venture capital, real estate, infrastructure, natural resources, hedge funds, commodities, derivatives, synthetic securitizations, debt instruments, and any other current or future asset classes or investment vehicles. Below we outline seven criteria for divestment and offer resources for identifying such investments.

These guidelines have been adapted from criteria provided by the American Friends Service Committee (AFSC) and the UN Office of the High Commissioner for Human Rights (UN OHCHR).<sup>146</sup> These activities should be used as a guide for identifying companies that meet the criteria stated in the policy statement.

Settlement Industry	Activities related to settlement construction, including the building or financing of housing or infrastructure in illegal settlements. Participation in the settlement real estate market. Business activities in settlements, including factories, storage facilities, or retail stores in settlements or in the settlement industrial zones in the West Bank. The provision of services and utilities supporting the maintenance
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<sup>146</sup> United Nations Human Rights Council. 2016. "Database Pursuant to Human Rights Council Resolution 31/36," [Summary Report & Information Center](#).

and existence of settlements, including communication, transportation, waste management, etc. The supply of security or surveillance services, equipment, or materials for settlements or for enterprises operating in settlements. The use of benefits and reinvestments of enterprises owned totally or partially by settlers for developing, expanding and maintaining the settlements.

Exploitation of  
Natural Resources

Drilling for water, oil, or natural gas. Owning, operating, or mining in quarries. Operating landfills, sewage treatment plants, and other facilities that pollute the land and groundwater. Dumping of waste in or its transfer to Palestinian villages. Solar energy companies that operate solar fields on occupied lands.

Walls, Checkpoints,  
and Surveillance

Planning or engineering construction of the Gaza and West Bank walls. Providing materials for the construction or maintenance of the Gaza and West Bank walls. Operating or maintaining checkpoints. Providing surveillance and identification equipment or technology for walls or checkpoints. Upholding or contributing to the permit system in the Occupied Territories.

Weapons and Military  
Equipment

Developing, manufacturing, or supplying products or services that contribute to violent acts against civilians, including weapons, military equipment, and technology. Providing security forces with equipment and services used in illegal collective punishment of the Palestinian civilian population under Israeli military occupation; includes equipment and services used for the demolition of housing and property, the destruction of agricultural farms, greenhouses, olive groves, and crops, and the attacks on journalists, their offices, schools, universities, and hospitals.

Discrimination

Discriminating between Jewish and Palestinian citizens of Israel, or between Israeli citizens and Palestinians living under Israel's military occupation. Restricting Palestinian presence and right to land, including through targeted demolitions and evictions of Palestinian villages. Blocking access to national electricity and water supply. Upholding or contributing to the criminalization, policing, detention, and incarceration of Palestinian civilians without the right to a fair, timely, unbiased, and due process. Discrimination in public accommodations, such as when a company provides its services to one population but not the other, or when the quality of its services are determined by race, religion or national origin. Captivity of the Palestinian financial and economic markets and banking sectors, as well as practices that disadvantage Palestinian enterprises, including through restrictions on movement and administrative and legal constraints. Workplace discrimination, such as in unequal salary or discriminatory hiring practices, unequal safety conditions, or when a company benefits from Israeli unequal labor protection laws.

Financing

Financial services or instruments that support any of the activities

above. This includes all debt instruments issued by the State of Israel until such a time as it ceases the violations of human rights and international law.

Domiciled in Israel      Companies with headquarters, offices, or operations in Israel, contributing to the economy of Israel, until such a time as it ceases the violations of human rights and international law.

#### **4D. Resources for Identifying Companies That Meet Divestment Criteria**

The following reputable resources may be consulted to identify companies that participate in the activities above. The lists compiled by these organizations provide examples of companies from which to divest, but they are not comprehensive of all companies that may fit the divestment criteria outlined above.

American Friends Service Committee (AFSC)      The AFSC’s “Investigate” project database identifies companies that facilitate and enable violations of human rights and international law as part of Israel’s prolonged military occupations, apartheid, and genocide.<sup>147</sup> This database is consistently updated based on extensive independent research from company publications, field research, government publications, and data obtained through Freedom of Information Act requests. The AFSC Action Center on Corporate Accountability also maintains a list of companies that have specifically supplied the Israeli military with weapons and equipment used in its attacks on Gaza and the occupied West Bank since October 2023.<sup>148</sup> The AFSC is a Religious Society of Friends committed to the “power of nonviolence to overcome racism, violence, and oppression.” The AFSC has consistently maintained a commitment to activism on behalf of vulnerable and targeted populations and shared a Nobel Peace Prize with the Friends Service Council in 1947.<sup>149</sup>

Who Profits Research Center      The Who Profits Research Center maintains an active database of companies involved in the Israeli occupation of Palestinian and Syrian land and population.<sup>150</sup> Who Profits identifies three categories of corporate involvement: economic exploitation, settlement enterprise, and population control. Their research relies on public records including company publications, news articles, official government documents, and court verdicts; Freedom of Information Requests; and investigative field tours. Their research process includes a peer review process and an opportunity for companies to comment.<sup>151</sup> Who Profits

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<sup>147</sup> “Investigate: Actions/Research on State Violence,” [Investigate](#).

<sup>148</sup> American Friends Service Committee. May 2024. “The Companies Profiting from Israel’s 2023-2024 Attacks on Gaza,” [List of Companies](#)

<sup>149</sup> “History,” American Friends Service Committee, [History](#).

<sup>150</sup> “Who Profits Database of Complicit Companies,” Who Profits Research Center, [Information Center](#).

<sup>151</sup> “About,” Who Profits Research Center, [summary report](#).



was founded in 2007 by the Israeli feminist organization Coalition of Women for Peace before becoming independent in 2013.

UN Office of the High Commissioner for Human Rights (UN OHCHR)

The UN OHCHR maintains a database of businesses engaged in illegal activities supporting Israeli settlements, pursuant to Human Rights Council Resolution 31/36, as part of an independent international fact-finding mission.<sup>152</sup> In 2016, 47 member states of the United Nations passed a resolution requesting “a database of all business enterprises engaged in certain Israeli settlement activity in the occupied Palestinian territory.” Criteria for the database, including 10 sanctioned activities, are described in a March 2018 OHCHR report.<sup>153</sup> The most recent update to the database was published in 2023.<sup>154</sup>

Duke’s Guidelines on Investment Responsibility, published in 2020 by the Board of Trustees, states that DUMAC’s objective is to “provide the best *risk-adjusted* returns possible,” and that it “upholds Duke’s institutional values and is committed to responsible investing, taking into account issues of integrity, quality, environmental impact, ethics, and governance.” This proposal has proven that Duke’s potential continued investment in Israeli apartheid and occupation poses substantial financial and reputational risks.

Refusal to divest from all companies and entities that support or profit from Israeli apartheid and the occupation of Palestine would demonstrate a failure to adequately adjust for critical financial and reputational risks. Investments in these companies and entities expose the university to heightened financial instability due to potential international sanctions, legal penalties, and operational disruptions. Historical examples, such as the global divestment campaigns against companies supporting South African apartheid, show how such associations can lead to significant financial losses and operational challenges. Failing to divest from these entities not only jeopardizes financial returns but also fails to address the increased volatility and uncertainty associated with these investments.

Investing in entities involved in morally abhorrent activities like Israeli apartheid also contradicts Duke University’s institutional values. The Guideline on Investment Responsibility explicitly calls for balancing financial returns with ethical considerations. By maintaining investments that support such practices, the university would undermine its commitment to ethical standards and social responsibility.

## 5. BROADER CONTEXT AND PRECEDENTS

Numerous academic institutions and organizations worldwide have recognized the need to align their investments with ethical and human rights considerations. Institutions have taken steps to divest from entities that violate human rights, setting a precedent for responsible investment practices and

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<sup>152</sup> UN Human Rights Council. 2016. “Database Pursuant to Human Rights Council Resolution 31/36,” [Summary Report & Information Center](#).

<sup>153</sup> *Id.*

<sup>154</sup> United Nations Office of the High Commissioner of Human Rights, June 30, 2023. “OHCHR update of database of all business enterprises involved in the activities detailed in paragraph 96 of the report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,” [Report and Update](#)

undermining any claim that such divestment would be impossible or impractical. Duke University can and should follow suit, to ensure its investments do not perpetuate clearly documented human rights abuses.

- University of Cambridge, Trinity College (May 2024) voted to divest from all arms companies. Trinity is Cambridge's wealthiest constituent college with an endowment of over \$2 billion in 2022.
- The University of York (April 2024) announced divestment from “companies that primarily make or sell weapons and defense-related products or services.”
- Trinity College Dublin (May 2024) announced that it will divest “from investments in Israeli companies that have activities in the OPT and appear on the UN Blacklist” by June 2024.
- Columbia University, Union Theological Seminary (May 2024) announced it will divest its endowment from all “companies substantially and intractably benefiting from the war in Palestine.”
- University of Ghent, Belgium (May 2024) severed ties with the Holon Institute of Technology, MIGAL Galilee Research Institute, and the Volcani Centre, as UGhent found them “problematic according to the Ghent University human rights test.”
- Northwestern University (April 2024) announced, after negotiations with pro-Palestinian students, that it will disclose its investments in businesses with Israeli ties.
- University of Minnesota (April 2024), including disclosure of financial ties and a commitment to bi-weekly meetings with student organizers and administration until full divestment is achieved.
- University of Washington– Seattle (May 2024) announces disclosure and divestment of weapons manufacturers and any companies with ties to Israel’s occupation, establishes a Palestinian studies center, and ends relationships with Israeli universities.

Most recently, the American Association of University Professors (AAUP) ended its 20-year-old categorical opposition to academic boycotts in August 2024.<sup>155</sup> AAUP denounced academic boycotts against Israeli universities in 2005 and made a statement in opposition to academic boycotts in 2006. While AAUP’s 2024 statement does not directly mention Palestine and Israel, it supersedes the 2006 statement of opposition by asserting boycotts “can be considered legitimate tactical responses to conditions that are fundamentally incompatible with the mission of higher education.”<sup>156</sup>

## 6. CONCLUSION

Divesting from all companies and entities that support or profit from Israeli apartheid and occupation of Palestine is a necessary and ethical imperative for Duke University. In this proposal, we have clearly outlined the thoroughly documented case of Israeli apartheid and occupation of Palestine, which has led to decades of human rights violations that have been exacerbated by regional conflict in recent months.

We, the Duke Divestment Coalition, call on Duke University's ACIR to urge President Vincent Price and the Board of Trustees to direct DUMAC to disclose investments in and subsequently divest from all companies and entities that support or profit from Israeli apartheid and occupation of Palestine, including

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<sup>155</sup> “AAUP Ends Two-Decade Opposition to Academic Boycotts,” August 2024, [Inside Higher Ed](#)

<sup>156</sup> “Statement on Academic Boycotts,” August 2024, [American Association of University Professors \(AAUP\)](#)

those involved in the construction and maintenance of illegal settlements, military operations in the OPT, and companies exploiting natural resources in the occupied territories.

Ultimately, we believe that these measures will help Duke University uphold its values and ensure that its investments do not perpetuate human rights abuses and the morally abhorrent activity of apartheid.

We look forward to a positive response and are ready to engage in further discussions to support the implementation of these requests.

**Signed,**  
Duke Divest Coalition

## 7. UNCONVENTIONAL APPENDIX

The current moment in history is unique due to the role of interactive technologies in documenting and globally sharing evidence of atrocities in real-time. Palestinians have been using social media to speak out, broadcast, and document the conditions of apartheid and genocide. Below, you will find primary evidence of atrocities that have occurred since the escalation from the Israeli Defense Forces starting October 7. The evidence is grouped according to the outlined topics in Section 1, focusing on the violent upholding of apartheid in recent months as described in Section 2A. Most of the pictures and videos provide first-hand accounts of the atrocities in Gaza, documented on Instagram.

We recognize that some readers may view using social media platforms for primary evidence as unconventional, anecdotal, or even at the extreme, giving space for fabricated claims. However, this could not be further from the case. These platforms provide first-hand accounts and footage of the violent demolition of Gaza, which are unattainable through traditional press due to Israel's blockade of international journalists into the Strip. We encourage our readers to carefully examine each post, journalist, and video for evidence of place, time, and context. To further exemplify the gravity of evidence on Israel's commitment to racial segregation, apartheid, and violence, we have also provided a list of Palestinian journalists who have been thoroughly documenting the daily extreme starvation, grief, and displacement. These journalists face daily challenges in reporting on these issues and are at constant risk, joining the hundred-plus Palestinian and international journalists who have been killed in Gaza.<sup>157</sup>

Gaza Journalists Voices, <https://www.instagram.com/gazajournalistvoices/>

Bisan Owda, [https://www.instagram.com/wizard\\_bisan1/](https://www.instagram.com/wizard_bisan1/)

Kareem Abu Kwaik, [https://www.instagram.com/kareem\\_abu\\_kwaik/](https://www.instagram.com/kareem_abu_kwaik/)

Saleh Aljafarawi, [https://www.instagram.com/Saleh\\_aljafarawi/](https://www.instagram.com/Saleh_aljafarawi/)

Tareq Abuo Azzum, <https://www.instagram.com/abuoazzum/>

Fadi Alwhidi, [https://www.instagram.com/fadi\\_alwhidi/](https://www.instagram.com/fadi_alwhidi/)

Abdal Qader Sabbah, <https://www.instagram.com/abd.sabbah/>

Anas Jamal, <https://www.instagram.com/anasjamal44/>,

Ahmed Maqadema, <https://www.instagram.com/maqadema/>

Hind Khoudary, <https://www.instagram.com/hindkhoudary/>

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<sup>157</sup> “Journalist casualties in the Israel-Gaza war,” August 2024, [Committee to Protect Journalists](#)

## A1. Maps of Annexation, Restrictions, and Segregation of OPT

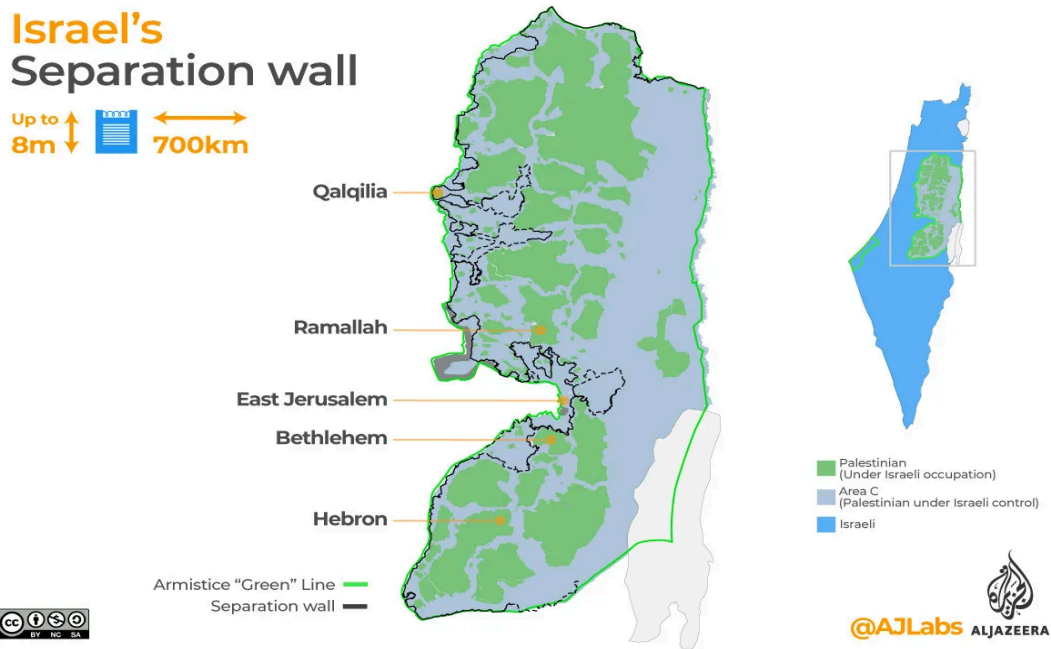
**Figure A1a.** A map of the annexation of Palestinian Territory from 1917 to the Present.



**1917** Territorial space of Palestinians declined due to the United Kingdom official support to Israel occupation and to the recent USA support since **October 2023**

Buheji, Mohamed, and Aamir Hasan. 2024. "The Beginning of The End - A Comparison Between the Apartheid (South Africa Vs. Israeli Occupation)." 241–64. doi: [10.17605/OSF.IO/5K4DP](https://doi.org/10.17605/OSF.IO/5K4DP).

Figure A1b. Al Jazeera's map of Israel Border wall development, July 2020.



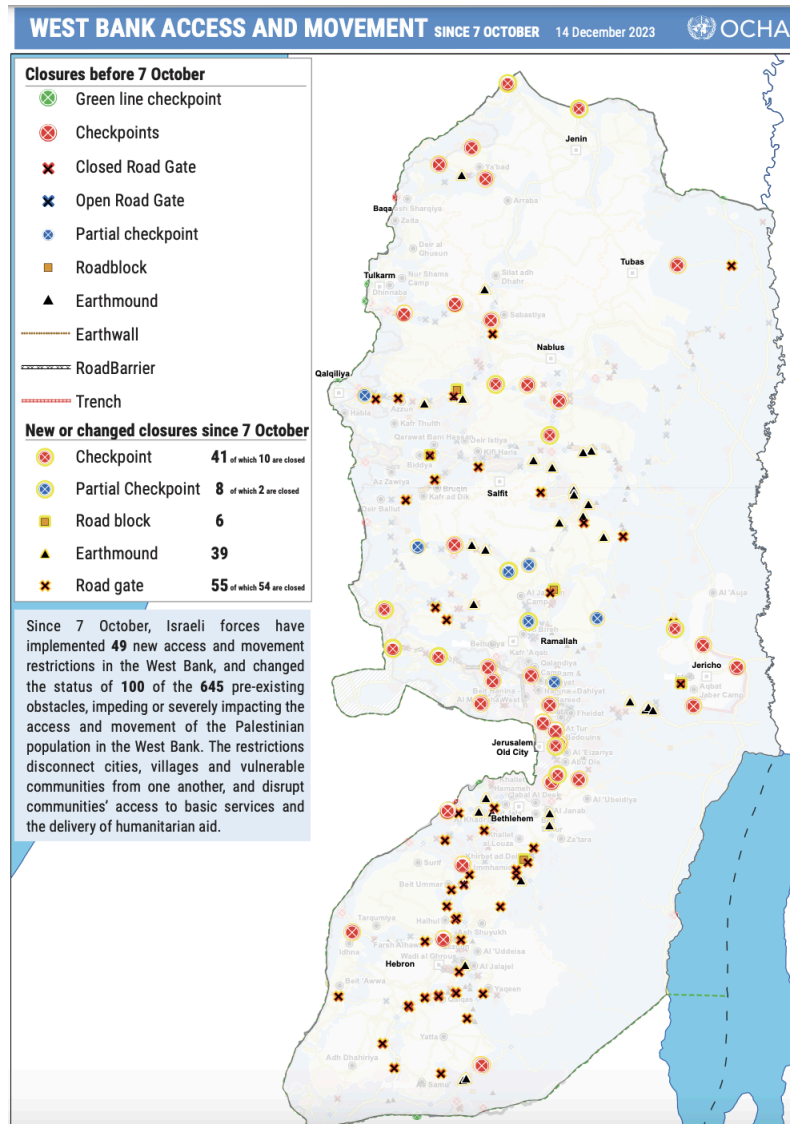
Palestinian farmers harvest their olives in the southern West Bank village of the monastery of Samet, near the Israeli separation wall in Hebron. Credited photographer: Abed al-Hashlamoun/EPA. "In Pictures: Israel's Illegal Separation Wall Still Divides." 2020. *Al Jazeera*. (<https://www.aljazeera.com/gallery/2020/7/8/in-pictures-israels-illegal-separation-wall-still-divides>).

**Figure A1c.** Heightened segregation and restrictions to Humanitarian Aid in the Gaza Strip



“United Nations Office for the Coordination of Humanitarian Affairs - Occupied Palestinian Territory | West Bank Access and Movement | December 2023.” *United Nations Office for the Coordination of Humanitarian Affairs - Occupied Palestinian Territory.*  
(<http://www.ochaopt.org/content/west-bank-access-and-movement-december-2023>).

**Figure A1d.** West Bank increasingly limited access since October of 2023, reported in December 2023.



“United Nations Office for the Coordination of Humanitarian Affairs - Occupied Palestinian Territory | West Bank Access Restrictions | May 2023.” United Nations Office for the Coordination of Humanitarian Affairs - Occupied Palestinian Territory. (<http://www.ochaopt.org/content/west-bank-access-restrictions-may-2023>).



## A2. Accounts from State Actors on Conflict since October of 2023

**Video media A2a.** Israeli Finance Minister Bezalel Smotrich to the people of the West Bank: “We will make you ruins like in the Gaza Strip,” May 30, 2024.



Link: [https://www.instagram.com/p/C7l\\_16csrGT/](https://www.instagram.com/p/C7l_16csrGT/)

**Video media A2b.** Middle Eastern Eye reports on Israeli soldier, Yedidya Baruchi, speaking on the excitement of bombing Palestinian children’s schools, July 18, 2024.



Link: <https://www.instagram.com/p/C9rxChgAcpT/>

**Video log A2c.** The Hague South Africa vs. Israel (Genocide Convention) Sections of Adila Hassim’s full court speech trimmed & edited by [@HearsayEvidence](#), May 16, 2024.



Link: <https://www.instagram.com/p/C7GboupquE9/>

**Video log A2d.** The Israeli Minister of National Security, Itamar Ben Gvir, comments on starving detained Palestinians and the need to pass laws to kill Palestinians, June 2024.



Link: <https://www.instagram.com/p/C80EQBlqv0x/>

### A3. Unlawful Killings, Violence, and Injuries to Palestinians

**Video media A3a.** Sami H Huraini documents settlers attacking Palestinian Family in the West Bank, July 16, 2024.



Link: <https://www.instagram.com/p/C9nQoMGqM14/>

**Video media A3b.** Israeli strikes targeted the designated “safe zone” of Al-Mawasi, in the Nasser medical complex in Khan Younis in southern Gaza, July 11, 2024. Killing 90, injuring hundreds, July 12, 2024.



Link: <https://www.instagram.com/p/C9cWLqFNra6/>

#### A4. Incarceration and Torture

**Figure A4a.** CNN reports on torture and violence from Israeli whistleblowers at the detention Center in Sde Teiman, located in the Negev desert, May 2024. <https://tinyurl.com/497v2ztp>

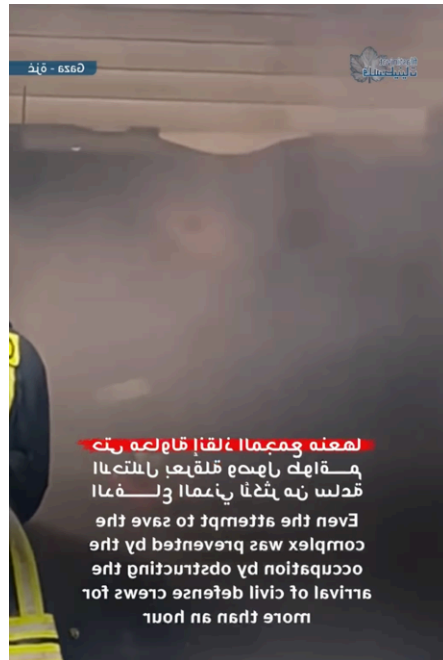


**Figure A4b.** Released Palestinian Badr, who is 30 years old, suffering from severe trauma post detainment and treatment of severe torture, June 2024. <https://tinyurl.com/mw224kva>

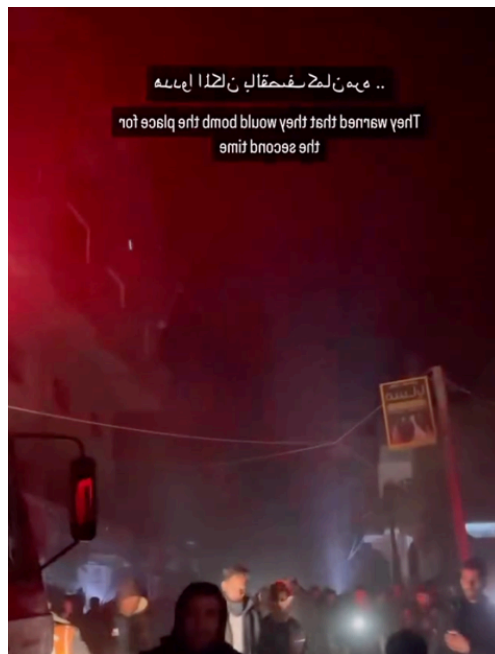


## A5. Forced Displacement through bombing campaigns

**Video footage A5a.** The bombing of Al-Bireh market in Ramallah, West Bank, May 2024., <https://tinyurl.com/mrhh9wek>



**Figure A5b.** Documented by journalist Yosef Alsaifi, the bombing of charity organization Deir Al Balah in central Gaza, January 2024. <https://tinyurl.com/73hzxmm2>



**Video A5c.** Artillery shell targeting the minaret of a mosque in Nusseirat refugee camp with an artillery shell, coinciding with the call to the noon prayer, April 2024.



Link: <https://www.instagram.com/p/C5qb8IrqFdY/>

## A6. Accounts violence against residential areas, schools, hospitals, and Mosques

**Video log A6a.** Ezz Lulu, a fifth-year medical student at IU Gaza, describes the role of disintegrated hospitals as places for burial, February 2024.



Link: [https://www.instagram.com/p/C3h\\_k\\_NoPwn/](https://www.instagram.com/p/C3h_k_NoPwn/)



**Video log A6b.** Journalist Hassan Bader interviews and shares the narrative of a 10-year-old child describing dreams and goals before and during the attack against Gaza, February 2024.



Link: <https://www.instagram.com/p/C31Av-cq5KG/>

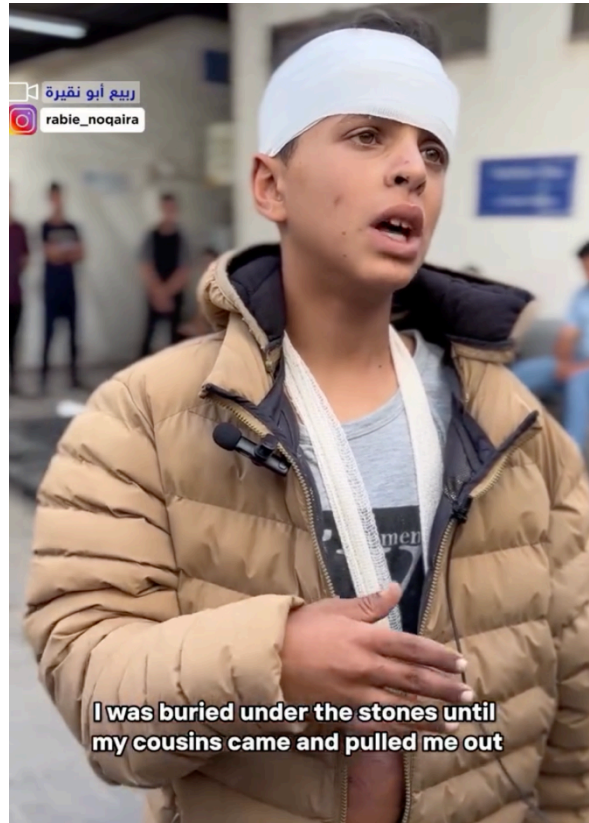
**Report A6c.** Aljazeera's report on Israel's bombing campaign against schools. *By January 2024, the state of Israel destroyed every single university in the Gaza strip.*



Link:

<https://www.aljazeera.com/wp-content/uploads/2024/01/INTERACTIVE-100-days-of-Israels-war-on-Gaza-Schools-last-university-1706079789.png?w=770&resize=770%2C770&quality=80>

**Video log A6d.** Documented by journalist Rabie Noqaira, a young Palestinian boy describes a missile assault on his family home and loss of brothers and sisters after being rescued from the rubble, April 2024.



Link: <https://www.instagram.com/p/C6A4aCnNjBT/>

**Video log A6e.** Muhammad Al-Durra describes being displaced with his four children after the killing of his wife and fifty relatives, February 2024.



Link: <https://www.instagram.com/p/C3dXXIrdoZ/>

**Video log A6f.** Orthopedic Surgeon Dr. Mark Perlmutter, from Rocky Mount, North Carolina, describes the brutalization of Palestinian children and the horrors he saw working in his first month in Gaza on CBS, July 2024.



Link: <https://www.cbsnews.com/news/children-of-gaza/>

## A7. Genocidal intent: Starvation, Mass murdering of a majority under 18 civilian population

**Video log A7a.** Mahmoud Awadia, an UN-recognized member of the Palestinian press, describes the journey of Joury Al-Areer, a child suffering from cancer and severe malnutrition in North Gaza. Joury weighs only 8 kilos, down from a previous 15 kilos, despite being five years old.



Link: [https://www.instagram.com/p/C8ej2\\_5tdr2/](https://www.instagram.com/p/C8ej2_5tdr2/)

**Video log A7b.** Reported on by UNICEF in the Middle East, Saddalha was born weighing 3 kilos. He is now 7 months old and weighs only 2.7 kilos. His mother, Najah, spoke with UNICEF's Salim Owies about the challenges of raising a malnourished child in Gaza.



Link: <https://www.instagram.com/p/C-k97q1RBMb/>

**Video log A7c.** Mother says goodbye to child murdered in Israeli airstrike at the Maghazi refugee camp.



Link: <https://www.instagram.com/p/C-rRxbLKJC5/>

**Video log A7d.** Father holding Lina Sheikh Khalil, age 4, died from malnutrition and starvation, August 13, 2024.



**Video log A7e.** Initial post from Journalist Wissam, young child with infectious skin disease outbreak, August 13<sup>th</sup> 2024.



Serious skin diseases are spreading rapidly among children in Deir al-Balah's displacement camps !!

Link: <https://www.instagram.com/p/C-4-1EtOS4d/>