Dear Special Rapporteur Irene Khan,

We write to provide input on your upcoming thematic report on Freedom of Expression in Challenging Times regarding the political repression and criminalization of speech and advocacy in support of Palestinian rights in the United States.

Founded in 2012, Palestine Legal is an independent legal advocacy organization dedicated to protecting the civil and constitutional rights of people in the U.S. who speak out for Palestinian freedom. Palestine Legal is the only legal organization in the U.S. exclusively dedicated to supporting the movement for Palestinian rights. As the only legal organization focused on protecting Palestine rights advocates, Palestine Legal has a unique birds-eye view of the trends and challenges of the recent wave of criminalization of speech and advocacy in support of Palestinian rights. Between October 7 and December 31, 2023, Palestine Legal has received over 1,037 requests for legal support involving censorship, repression, and their chilling effects, targeting those who advocate for an end to the genocide in Gaza. This is over five times the number of reports we responded to in all of 2022, with the high volume of requests for legal support continuing into 2024.

As documented in our newly published report, *Reverberations of October 7: Mobilization Against Genocide Undeterred By Peak Anti-Palestinian Repression*, the repression targeting Palestinians and their supporters in the U.S. is at an all-time high. As Israel continues its ongoing genocide in Gaza, there has been a surge of anti-Palestinian and Islamophobic racism, violence, and censorship directed at Palestinians and their allies. The report breaks down the trends in repression across all arenas, including severe campus crackdowns; attacks on K-12 students and teachers; widespread workplace discrimination and retaliation; upticks in law enforcement visits, arrests, and trumped-up charges; and increased legislation targeting political expression and advocacy in support of Palestinian rights in the U.S. Between October 7th, and December 31, 2023, Palestine Legal received over 478 reports related to universities, 383 reports of employment concerns, 124 employment terminations, and 73 reports related to K-12 schools.

Efforts to silence advocacy for Palestinian rights in the U.S. follow similar patterns and include censorship and anti-Palestinian discrimination at schools, universities, and on social media; smear campaigns and lawsuits targeting the reputations and livelihoods of Palestine activists and organizations advocating for Palestinian rights; and, efforts by Israel advocacy groups to pressure institutional decisionmakers, policymakers, and law enforcement agents to silence and punish Palestine advocacy. Through a variety of tactics, these groups pressure government bodies, universities, and other private institutions to investigate, censor, surveil, and punish individuals and groups who criticize Israel or support Palestinian rights. In turn, anti-Palestinian lawmakers and groups are pursuing an offensive attack on the Palestine rights movement through fishing expeditions and lawfare against grassroots groups and foundations for demanding an end to the ongoing genocide. As a result, there has been an exponential surge in anti-Palestinian legislation introduced that serves to criminalize and punish First Amendment-protected political expression and association. Anti-Palestinian racism underlies what we and others have termed this Palestine Exception to free speech whereby Palestinians and their allies cannot exercise their civil rights without fear of harassment, discrimination, and violence.

The recent emergence of student encampments as a form of on-campus protest has resulted from educational institutions' failure to honor free expression and to protect students from anti-Palestinian discrimination in the face of Israel's genocidal campaign that has gone unchecked for months. Campus environments have become increasingly hostile to expression in support of Palestinian rights and equal access for learning for Palestinian, Arab, and Muslim students. Instead of addressing these concerns, U.S. elected officials and institutional leaders have often doubled down on the repression, smearing protestors for Palestinian rights of antisemitism and support for terrorism and calling for the mobilization of law enforcement resources to police them, contributing to racist fear-mongering that has justified the McCarthyite repression targeting the political expression of Palestinians and their allies. The International Holocaust Remembrance Alliance (IHRA) working definition has been routinely weaponized against Palestinians and allies, who are frequently and falsely smeared as antisemitic solely for their speech in support of Palestine. These false accusations attempt to conflate expressions of Palestinian identity and solidarity with anti-Jewish animus, justifying punishment of expression in support of Palestinian rights. Congressional hearings have called for punishing student protest and speech activity for demanding an end to the ongoing genocide in Gaza. The total dehumanization of Palestinians by Israel, fueled by misinformation campaigns relying on Islamophobic and racist tropes, and echoed by U.S. officials and reinforced by mainstream media has reignited the invocation of "War on Terror" policies that led to extreme state repression and mass constitutional rights violations against Arab, Muslim, and other communities of color in the U.S.

Palestine Legal, along with various civil rights organizations, have written to multiple federal agencies, university and college leadership, elected officials, and institutional leaders documenting these concerns and demanding that they safeguard and uphold the constitutional rights of those advocating for Palestinian freedom.

Please see below links to additional resources documenting the suppression of advocacy for Palestinian rights in the United States. These resources include the data cited above as well as details and examples of specific suppression incidents. We would be happy to engage more with you about the incidents and trends we have documented.

Thank you for your consideration.

Sincerely,

Lina Assi

Advocacy Manager

Resources documenting anti-Palestinian racism and the suppression of advocacy for Palestinian rights in the US:

- Palestine Legal, Reverberations of October 7: Mobilization Against Genocide Undeterred By Peak Anti-Palestinian Repression, https://static1.squarespace.com/static/548748b1e4b083fc03ebf70e/t/664fbc07860df7037ba81300/1716501546613/Pal+Legal+Report+Reverberations+of+Oct+7th.
- Arab Canadian Lawyers Association, Anti-Palestinian Racism: Naming, Framing and Manifestations, https://static1.squarespace.com/static/61db30d12e169a5c45950345/t/627dcf83fa17ad41ff217964/1652412292220/Anti-Palestinian+Racism-+Naming%2C+Framing+and+Manifestations.pdf.
- Palestine Legal, 2022 Year-in-Review: Bolder and More Resilient Palestine Advocacy Resists Growing Backlash, https://palestinelegal.org/the-palestine-exception.
- Palestine Legal and the Center for Constitutional Rights, The Palestine Exception to Free Speech (2015), available at https://palestinelegal.org/the-palestine-exception.
- Palestine Legal, Re: Reiterating call to reject IHRA and its underlying conflation of anti-Zionism and antisemitism that is causing severe anti-Palestinian racism, https://static1.squarespace.com/static/548748b1e4b083fc03ebf70e/t/65aaa8b70566f016b04683fc/1705683174095/01.16.2024_OCR+IHRA+Letter_final.
- Palestine Legal, Re: The IHRA Definition censors free speech and disrupts the education of Palestinian students and their allies, https://static1.squarespace.com/static/548748b1e4b083fc03ebf70e/t/63b6de30db689e6788acceb6/1672928817287/C.
- American Civil Liberties Union, Open Letter to Colleges and University Leaders: Reject Efforts to Restrict Constitutional Protected Speech on Campuses, https://www.aclu.org/documents/open-letter-to-colleges-and-university-leaders-reject-efforts-to-restrict-constitutionally-protected-speech-on-campuses.
- Muslim Advocates, Coalition Letter to Schools: Protect Students Speaking Out on Palestine, https://muslimadvocates.org/wp-content/uploads/2023/11/2023-11-03-Letter-from-Legal-Orgs-to-University-and-College-Leadership-Nationwide-FINAL.pdf.
- Palestine Legal, Hundreds of Legal Community Members Demand Action To Stop Racist Targeting of Palestine Advocates and Safeguard Fundamental Rights, https://palestinelegal.org/legal-community-letter.
- Legislation, Palestine Legal, https://legislation.palestinelegal.org/.