

# The BDC Proposal: An Exercise in Deception

Submission to the Advisory Committee  
on University Resources Management

*August 2024*

First, they broke both the law and university policies. Then, as extensively documented below, they lied to the university about nearly every aspect of their cause. Now, the Brown Divestment Coalition (“BDC”) expects the university to harm its own interests and violate its own values in service of the BDC’s bigoted demands.

The antisemitic boycott movement is, as will be argued by others, immoral and fueled by bigotry. But it is also substantially aided by a lack of public knowledge about antisemitism and the Gaza conflict. It is this lack of knowledge that the BDC has relied upon in its proposal.

This submission identifies and corrects the record on 45 false claims made by the BDC. These false claims involve demonstrably false statements, materially misleading omissions, intellectually dishonest arguments, and highly emotive language designed solely to distract readers from the fundamental truth that the BDC cause is based on bigotry and lies, not justice.

It is critical that Brown's decisionmakers be fully and accurately informed. Each false claim identified below is followed by the real facts, all of which are clearly sourced for further investigation.

If the BDC and its supporters are willing to lie and mislead about basic facts, can anything about their cause be trusted? The answer is plainly and unequivocally no. The BDC proposal must be rejected in its entirety.

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## **FALSE CLAIM #1**

**Claimed Fact:** “On November 8th 2023, twenty members of BrownU Jews for Ceasefire Now engaged in a peaceful sit-in at University Hall calling on Brown to ‘promote an immediate ceasefire and a lasting peace by divesting its endowment from companies that enable war crimes in Gaza.’ The university responded by telling the students that ‘no amount of time they spent in the building would change the university’s position on divestment’ and had them arrested once the building closed for the day.... These students’ crimes? Asking that President Paxson and the Brown corporation respect the voices of the Brown community and formally consider a report...” **(P.1)**

**Actual Facts:** The students were not arrested for asking that their voices be respected. They were arrested for willful trespassing within school buildings.<sup>1</sup> The students had ample opportunity to voice their opinions without violating neutral laws and university policies.<sup>2</sup>

BDC notably omits the dangerous rhetoric that has characterized these protests. They have involved declarations that “resistance” is “justified,” in reference to Hamas’s atrocities on October 7, 2023, including the murder, rape, torture, mutilation, and kidnapping of civilians.<sup>3</sup> Those who perpetrated the atrocities have also been glorified at the protests, with chants of “glory to our martyrs” ringing out on campus.<sup>4</sup>

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## **FALSE CLAIM #2**

**Claimed Fact:** “These activists staged another sit-in with the same demand, this time in honor of and in solidarity with Hisham Awartani, a Palestinian Brown undergraduate student and supporter of divestment who was shot and severely injured in a hate crime two weeks prior.” (P.1)

**Actual Facts:** While the shooting of Mr. Awartani was tragic, it does not appear to have been motivated by animus based on his Palestinian background. In fact, the shooter, Jason Eaton, who has a long history of mental illness, appears to have been pro-Palestinian and anti-Israel, having posted on social media comments like “the notion that Hamas is 'evil' for defending their state from occupation is absurd. They are owed a state. Pay up.”<sup>5</sup> No hate crime charges have been brought against Eaton and, at this point, it seems highly unlikely there will be.<sup>6</sup> Mr. Awartani was a victim of gun violence, not of hate.

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## **FALSE CLAIM #3**

**Claimed Fact:** “We acknowledge there is a vocal minority of students who do not support divestment...” (P.2)

**Actual Facts:** The assertion that opposition to divestment is from only a “vocal minority” is unsupported. To the contrary, it appears that there’s only a vocal minority *in favor* of divestment, an issue which most of the student body is uninterested in addressing, as evidenced by the small number of people who voted when the issue was put to a vote.<sup>7</sup>

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## **FALSE CLAIM #4**

**Claimed Fact:** “Referendum Results: 69% of those undergraduate students who voted for the referendum voted yes to the question, ‘Should the Brown University administration divest all stocks, funds, endowment, and other monetary instruments from companies complicit in human rights abuses in Palestine and establish a means of

implementing financial transparency and student oversight of the University's investments?" (P.5)

**Actual Facts:** As noted above, the figure of 69% is of the minority of students who voted representing only 27.5% of the student body as a whole.<sup>8</sup>

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## **FALSE CLAIM #5**

**Claimed Fact:** "The occupation of Palestinian land by the Israeli government violates article 49 of the Fourth Geneva Convention, as Israel has (sic) consistently transferred parts of its own civilian population into occupied Palestinian territories." (P.8)

**Actual Facts:** Occupation does not violate the Fourth Geneva Convention, which, far from outlawing occupation, recognizes its frequency in armed conflict and codifies the rules by which an occupation is to be carried out.<sup>9</sup> Notably, nowhere in the Convention is the word "settlement" or "settler" mentioned.

Moreover, Israel has not "consistently transferred parts of its own civilian population into occupied Palestinian territories." Civilians moving to the territory of their own volition is not the type of "forcible transfer[s]" which article 49 of the Convention prohibits. In the words of Eugene Rostow, former dean of Yale Law School and former U.S. Undersecretary of State, "The Jewish settlers in the West Bank are most emphatically volunteers. They have not been 'deported' or 'transferred' to the area by the Government of Israel, and their movement involves none of the atrocious purposes or harmful effects on the existing population it is the goal of the Geneva Convention to prevent."<sup>10</sup>

As further explained by Robbie Sabel, Professor of International Law at the Hebrew University of Jerusalem, "It is not a logical interpretation of international law that would allow citizens of all States to live in the West Bank but for it to be a war crime to allow Israeli citizens to do so."<sup>11</sup>

That this does not violate the Geneva Conventions is further evidenced by state practice. In situations of belligerent occupation throughout the world, "the growth of settler populations is a ubiquitous feature," and in many cases is condoned, and even funded, by the same countries condemning Israeli settlements.<sup>12</sup>

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## **FALSE CLAIM #6**

**Claimed Fact:** "The total area of Palestinian land on the Israeli side of the wall amounts to 9.5% of the West Bank..." (P.8)

**Actual Facts:** The land in question is not "Palestinian land." There is not now, nor has there ever been, a state called "Palestine" with sovereignty over any land. Prior to the State of Israel's independence, the land was administered by the British mandatory power, which had taken possession of the land from the Ottoman Empire. Under the British Mandate, Jews were given the right of "close settlement" of the land, which included the West Bank.<sup>13</sup>

Nor is there any plot of land designated for a future Palestinian state. The BDC misleadingly suggests that the final borders of a future Palestinian state are set in stone according to the armistice lines set between Israel, Jordan, and Egypt in 1949 – lines which the parties explicitly stated had no legal validity as to territorial claims.<sup>14</sup>

Decades of peace talks and processes have reaffirmed time and again that these lines are not final borders. Instead, they are to be negotiated between the two parties.<sup>15</sup> The land which the proposal alludes to are blocs of Israeli communities – which are concentrated close to the 1949 armistice lines – that have long been understood will end up on the Israeli side of the final borders based on decades of negotiations.<sup>16</sup> That is why all the major peace proposals, which the Palestinian leadership has consistently rejected in favor of maximalist demands, have involved land swaps which would provide the proposed Palestinian state with plots of land on the Israeli side of the 1949 armistice lines.<sup>17</sup>

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## **FALSE CLAIM #7**

**Claimed Fact:** "The placement of this wall has therefore allowed for additional land annexation by Israel..." (P.8)

**Actual Facts:** Israel has not "annexed" land on either side of the security barrier. The land in question, beyond the 1949 armistice lines but within the route of the security barrier (with the exception of parts of Jerusalem), is still governed by Israel under the rules set forth in the Geneva Conventions and the Hague Regulations, which Israel applies voluntarily.

Moreover, the placement of the wall, and the route it follows, was plainly guided by a balance of security considerations and the rights of local inhabitants and was heavily

litigated in Israeli courts. On multiple occasions, the Israeli Supreme Court ordered the modification of the route of the security barrier out of consideration for the rights and convenience of Palestinian inhabitants.<sup>18</sup>

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## **FALSE CLAIM #8**

**Claimed Fact:** “Under Israeli military law, the Palestinian people are subjected to a system of separate and unequal laws and services.” **(P.9)**

**Actual Facts:** Under the laws of occupation, found in the Geneva Conventions and Hague Regulations – again which Israel voluntarily applies – the application of a separate set of laws, namely military law, is, in fact, required.<sup>19</sup> For Israel to apply its civil law to Palestinians would, ironically, require it to annex the West Bank.

On the other hand, the authors ignore the devolution of power to the Palestinian Authority which, under Israeli Military Proclamation No. 7, implementing provisions of the Oslo Accords, saw the transfer of a substantial array of powers and responsibilities to the Palestinians in large swaths of the West Bank.<sup>20</sup>

It is notable, in this regard, that the Palestinian Authority has since implemented an actual system of unequal and discriminatory laws, including forbidding the sale of land to Jews, a “crime” punishable by death.<sup>21</sup>

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## **FALSE CLAIM #9**

**Claimed Fact:** “Article 33 of the Fourth Geneva Convention states: ‘No general penalty, pecuniary or otherwise, shall be inflicted upon the population on account of the acts of individuals for which they cannot be regarded as jointly and severally responsible.’ According to Amnesty International, Palestinian civilians are collectively punished in the form of home demolitions by the Israeli government, either as a response to Palestinian attacks against Israelis or as a preventative measure against such attacks. As many as 10 or more homes can be destroyed in a single retaliatory or preventative demolition, and nearly 50,000 Palestinian structures were razed by the IDF from 1967-2019.” **(P.9)**

**Actual Facts:** This claim is one of the most egregiously misleading. The authors cite no source for the claim that “nearly 50,000 Palestinian structures were razed by the IDF from 1967-2019.” The likely reason is that it would quickly expose the dishonesty of the claim. BDC is conflating separate issues to imply that 50,000 Palestinian structures were “punitively” demolished when, in fact, only a tiny percentage of them were done for

“punitive” reasons (i.e., the homes were demolished because they belonged to an individual who carried out terror attacks against Israelis).

The 50,000 figure appears to come from the activist organization, The Israeli Committee Against House Demolitions (ICAHD), which, a few years later, estimated the figure at 56,500. But as ICAHD explains, its figures include multiple types of house demolitions and, according to ICAHD itself: “in fact punitive demolitions account for only 1% of all defined demolitions.”<sup>22</sup> Far from 50,000 homes being “punitively” demolished, as BDC falsely claimed, the real figure is around 500. The other 49,500 structures were demolished for reasons such as having been built illegally without permits, a practice carried out against structures built illegally by Israelis as well.

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## **FALSE CLAIM #10**

**Claimed Fact:** “Brown University has made commitments to promoting good-will solutions to the conflict on campus, through discussion, outreach, and education. The University hosts speakers, seminars, and events on the conflict, which has for the past several years included a regular Israel-Palestine Lecture Series.” (P.9)

**Actual Facts:** As documented in a 2023 report by the Committee for Accuracy in Middle East Reporting and Analysis (CAMERA),<sup>23</sup> numerous events hosted by Brown University on the subject have involved speakers promoting blatant antisemitism and extremism. To take just one example among many, Brown professor Adi Ophir – one of the panelists in an “Israel-Palestine Lecture Series” – used his platform to combine a traditional blood libel with Holocaust inversion. Ophir claimed there is a “Jewish mob,” which he also called a “*Kristallnacht* mob,” that is “thirsty for Palestinian blood.”<sup>24</sup> At another event, Brown professor Ariella Azoulay and a guest speaker, Lena Salaymeh, belittled and conspiracized mainstream Jewish identity as a “colonial version of Jewish identity” or a “mystification of Jewish identity.”<sup>25</sup> As three CAMERA reports noted, there have been scores of similar comments made by Brown faculty and others speaking at Brown over the years.<sup>26</sup> Brown's Center for Middle East Studies includes no courses related to Israel, which its professors regularly refer to as “the Zionist entity.” The department refuses to cooperate or collaborate with the Judaic Studies department. In short, the university has done little to nothing to promote “good will solutions” as to the issues dividing Israel and the Palestinians. In fact, the university has exacerbated the problem of Brown students and faculty being unable or unwilling to discuss the Israel-Palestinian situation in an intellectually honest way.

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## **FALSE CLAIM #11**

**Claimed Fact:** "The Boycott, Divest, and Sanctions (BDS) movement was founded in 2005 as a grassroots, nonviolent Palestinian civil society movement inspired by protests against South African apartheid." **(P.12)**

**Actual Facts:** While the BDS Movement (capital "M"), the organization, was founded in 2005, the movement (lower case "m") is merely the current outgrowth of an organized boycott that began years before the State of Israel was even formed. In 1945, the newly formed Arab League instituted a boycott of Jewish goods and services in the British Mandate of Palestine in 1945. The Arab League pledged to "combat Zionist industry," three years before Israel declared independence.<sup>27</sup>

The attempt to depict the anti-Jewish boycott movement as having begun in 2005 is an effort to erase its controversial and antisemitic origins. This current iteration began with the infamous 2001 Durban "Anti-Racism" Conference, which the late Rep. Tom Lantos (D-CA, 1981-2008), a Holocaust survivor, described as "the most sickening and unabashed display of hate for Jews I had seen since the Nazi period."<sup>28</sup> The calls for boycotting the Jewish state emanated from the NGO Forum, the "civil society" portion of the conference. This NGO Forum was so thoroughly consumed by hatred that one of the most popular flyers handed out to attendees glorified Adolf Hitler and the Holocaust.<sup>29</sup> Such was the extremism that South African police shut down the Durban Jewish Club "as a safety precaution" and surrounded it with riot police for its own protection. Even the Secretary-General of the conference, former Irish President Mary Robinson, who worked overtime to downplay reports of antisemitism, later admitted "There was horrible anti-Semitism present—particularly in some of the NGO discussions. A number people said they've never been so hurt or so harassed or been so blatantly faced with anti-Semitism."<sup>30</sup>

The outcome document of the NGO Forum attempted to revive the UN's 1975 "Zionism is racism" slur, famously denounced by then U.S. Ambassador to the UN Daniel Patrick Moynihan. It called for the "complete and total isolation of Israel" including "the imposition of mandatory and comprehensive sanctions and embargoes, the full cessation of all links (diplomatic, economic, social, aid, military cooperation and training) between all states and Israel."<sup>31</sup>

This was the context in which the current iteration of the anti-Jewish boycott movement, now referred to as the BDS movement, emerged. It had nothing whatsoever to do with a



"grassroots" movement "inspired by protests against South African apartheid." That BDC argument is pure fiction.

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## **FALSE CLAIM #12**

**Claimed Fact:** "Ending Illegal Occupation: 'Ending [Israeli] occupation and colonization of all Arab lands and dismantling the Wall'" (P.12)

**Actual Facts:** There is no such thing as an "illegal occupation." As explained by the late Yoram Dinstein, former Dean of the Faculty of Law at Tel Aviv University: "In truth, international law – far from stigmatizing belligerent occupation with illegality – recognizes its frequency and regulates its application in great detail."<sup>32</sup> The International Committee of the Red Cross, hardly a friend of Israel, is of a similar view, with the head of its legal division having written: "References to 'unlawful occupation' can be misleading, as they confuse the issue of the lawfulness of the resort to the use of force with that of the rules of conduct to be applied once armed force has been used, and therefore also obscure the fundamental distinction between jus ad bellum and jus in bello. Regarded from a purely [international humanitarian law] perspective, occupation law applies equally to all occupations, whether or not they are the result of force used lawfully within the jus ad bellum."<sup>33</sup>

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## **FALSE CLAIM #13**

**Claimed Fact:** "Equal Rights for all Israeli Citizens: 'Recognizing the fundamental rights of the Arab-Palestinian citizens of Israel to full equality'" (P.12)

**Actual Facts:** Israeli law already guarantees the equal rights of all of Israel's citizens, regardless of race or religion.<sup>34</sup> In fact, the Israeli Supreme Court has gone so far as to apply positive discrimination in favor of Israel's Arab minority, ruling that while Arabs may not be excluded from majority Jewish communities, Jews may be barred from residing in Bedouin Arab towns.<sup>35</sup>

While gaps exist between various demographics in Israel, as they do in any democratic society, the disparities in Israel are substantially less in many respects than in Western European societies.<sup>36</sup> This is in marked contrast to the Arab and Muslim states in the region, where minorities face far more than just economic disparities. It is also in marked contrast to the Palestinian Authority, whose laws explicitly discriminate against Jews.<sup>37</sup>

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## FALSE CLAIM #14

**Claimed Fact:** "Respecting the Right of Return: 'Respecting, protecting and promoting the rights of Palestinian refugees to return to their homes and properties as stipulated in UN resolution 194'" (P.12)

**Actual Facts:** The "right of return" is a myth created to sustain the Arab world's hope and desire that Israel be wiped off the face of the earth. Resolution 194 is not legally binding. Moreover, it was rejected by the Arab parties, who subsequently refused to negotiate with Israel as called for in the resolution. It is purely a recommendation, couched in non-obligatory language ("should") without any reference to the word "right."

The language is also made conditional on the willingness of Palestinians to "live at peace with their neighbors." Considering the events of October 7, and the widespread support of Palestinians for the atrocities carried out by Hamas on October 7 (in March 2024, 71% called the decision to launch the attack a "correct" one),<sup>38</sup> that condition clearly has not been met. The Palestinian Authority continues to provide financial rewards to those who commit terror attacks against Israelis (the "Pay-for-Slay" fund), including those who participated in the October 7 massacre.<sup>39</sup> PA leader Mahmoud Abbas himself recently referred to deceased terrorist leader Ismail Haniyeh as a "martyr" and declared: "We adhere to shari'a law: Victory or martyrdom."<sup>40</sup> So much for Palestinians wanting to "live at peace with their neighbors."

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## FALSE CLAIM #15

**Claimed Fact:** "While Palestinian citizens of Israel are permitted to vote and hold office, they may be forbidden by the Supreme Court of Israel if they engage in 'negation of the existence of the State of Israel as a Jewish and democratic state.'" (P.12)

**Actual Facts:** This language misleadingly suggests this rule applies only to Arab Israelis, when, in fact, it applies to all Israeli citizens, regardless of ethnic or religious identity.

Moreover, this practice is the equivalent of oaths of office across the world, such as that by the president and vice-president of the United States, who must "solemnly swear (or affirm) that [they] will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same..."<sup>41</sup> In the United Kingdom, the head of state is even required to be a member of the Church of England.

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## FALSE CLAIM #16

**Claimed Fact:** "In 2018, the Knesset passed 'The Basic Law: Israel—The Nation-State of the Jewish People.' It states that the 'exercise of the right to national self-determination in the state of Israel is unique to the Jewish people.' In other words, Palestinian citizens of Israel are not entitled to the self-determination that Israel claims for its Jewish citizens." (P.12)

**Actual Facts:** As an initial matter, BDC ignores that the law it references has been interpreted by the Israeli Supreme Court as being purely declaratory, having no effect on any of the rights of any Israeli citizen. As then Chief Justice Hayut wrote in the ruling: "The Nation-State Basic Law does not violate the State of Israel's nature as a democratic state. It does not give preferential status to the Jewish identity of the state over its democratic identity. It does not detract from the principle of equality's status in our legal system."<sup>42</sup>

Even if the law were not merely declaratory, the BDC again deceptively conflates issues. There are two forms of self-determination, external and internal self-determination.<sup>43</sup> External, or national, self-determination, refers to the exercise of the right in the form of an independent state.<sup>44</sup> The law specifically references *national* self-determination.<sup>45</sup>

However, that is not the only way self-determination can be achieved. Indeed, the right to self-determination does not equal a right to carve out a new state from an existing one. Thus, for example, while the Quebecois have a right to self-determination, that does not entitle them to secede from Canada and form their own state.<sup>46</sup>

So while the Jewish people were able to exercise their self-determination in the form of a nation state (an option given to, but rejected by, Palestinian Arabs), that does not negate the existence of self-determination for the non-Jewish population in Israel, whose self-determination is exercised in the form of political, social, cultural, and other rights. "When it comes to language, education and culture, the collective rights of Israel's Arab minority are...wide and far-reaching by international standards."<sup>47</sup>

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## FALSE CLAIM #17

**Claimed Fact:** "Furthermore, housing discrimination prevents Palestinian citizens of Israel from residing within major Israeli cities at the same rates as Jewish citizens, isolating them into sparse enclaves. As described by Human Rights Watch, they face

'widespread restrictions on accessing land confiscated from them, home demolitions, and effective prohibitions on family reunification.'" (P.12)

**Actual Facts:** This is a complete fabrication, typical of Human Rights Watch, designed only to create a fictional parallel with "bantustans" in apartheid South Africa. To weave together this accusation, the authors omit crucial details and context that shows, if anything, Arab citizens of Israel have *more* space than Jewish citizens.

As an initial matter, there is no law preventing Arab Israelis from residing anywhere that a Jewish Israeli can. In fact, under Israeli Supreme Court precedent, the only housing discrimination legally allowed is *against* Jews, who may be prohibited from residing in Bedouin Arab communities.<sup>48</sup> There is a reason the authors never actually point to any specific law enforcing discrimination - no such law exists. Anyone who has ever spent more than a few minutes in Israel can see for themselves the entirely uncontroversial intermixing of Jews and Arabs in Israel's cities.

The attempt to claim that Arab Israelis are confined to small "enclaves" is equally baseless, which again underscores the bad faith of BDC's shoddy work. Take, for example, Amnesty International's attempt to level this charge when they claimed that "2.5 million Palestinians live in Israel and East Jerusalem, restricted to enclaves that make up 3% of the entire area." This is a typically misleading Amnesty International claim. The assertion about "enclaves" is referencing cities and towns that are entirely populated by Arabs, carefully omitting the fact that Arabs can, and do, live in mixed cities and towns, including Jewish majority towns throughout Israel such as Tel Aviv, Jerusalem, Haifa, Eilat, etc.<sup>49</sup>

Put more simply, the argument put forward by the authors is that if you discount all the Arab Israelis living elsewhere in Israel, Arab Israelis only live in a small part of the land. That is an obvious absurdity.

If one does the math, it is obvious that the 3% figure is actually disproportionate *in favor* of Arabs. Only 13.24% of land in Israel has any substantial population, and Arab Israelis are approximately 16% of the population, meaning Arabs would be expected to occupy around 2.12% of Israel's land.<sup>50</sup> Adjusted for population, that means Arabs take up *more* land per capita in terms of homogenous cities and towns than do Jews.

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## FALSE CLAIM #18

**Claimed Fact:** "While Palestinian citizens of Israel have the privileges of voting and running for office denied to Palestinians of other location categories, they still do not exist on equal status with Israel's Jewish citizens." (P.12)

**Actual Facts:** This sentence lists several ways in which Arab Israelis are fully equal to Jewish Israelis, before claiming – without providing any evidence, examples, or sources – that Arab Israelis are not fully equal to Jewish Israelis. The accusation requires actual evidence, not conclusory statements.

As noted previously (see False Claim #13, 15, 16, and 17), while inequalities exist in Israeli – like they do in any multicultural society – all Israeli citizens have equal rights under the law, regardless of race, religion, sex, or other immutable trait.

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## FALSE CLAIM #19

**Claimed Fact:** "In terms of the right of return, UN General Assembly Resolution 194 states clearly in regards to the Palestinians displaced in 1948..." (P.12)

**Actual Facts:** As noted under False Claim #14, the supposed "right of return" is a myth.

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## FALSE CLAIM #20

**Claimed Fact:** "According to the UNRWA, 5.9 million Palestinians are refugees today." (P.12)

**Actual Facts:** This figure is deeply misleading in that it applies the definition of "refugee" used by UNRWA, applicable only to Palestinians and not to any others throughout the world who might claim refugee status. Under the universal definition of "refugee," found in the 1954 Refugee Convention,<sup>51</sup> one must individually meet a set of requirements to be considered a refugee. Under the UNRWA definition, these requirements are waived for Palestinians. All patrilineal descendants of the original refugees are *automatically* given refugee status regardless of whether they would individually meet the Refugee Convention definition.<sup>52</sup> This means that while UNRWA deceptively claims there are 5.9 million Palestinian refugees, the true figure, under the universal 1954 Convention definition, was estimated to be less than 200,000 in 2021.<sup>53</sup>

One need only look at the famous Hadid family to underscore the absurdity of the "refugee" argument. Mohammed Hadid, who has lived in the U.S. for decades and is a

multimillionaire and oft-sued real estate developer, claims to be a Palestinian refugee. His supermodel daughters, both born of a supermodel Dutch mother and raised in the United States, would also be considered “refugees” under the unique UNRWA definition.

Additionally, if the definition applied to Palestinians were to be applied to the Jewish people driven out of Arab countries, there would be millions of Jewish Israelis who would also be considered “refugees” and have a right of return to countries like Iraq, Egypt, and Syria.

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## **FALSE CLAIM #21**

**Claimed Fact:** “To accomplish these goals, BDS is at its core a nonviolent struggle.”  
**(P.13)**

**Actual Facts:** To call BDS a “nonviolent” struggle is akin to depicting the Nazi boycott of Jewish stores as a “nonviolent” struggle. The claim further underlines the dishonesty that pervades the entirety of the BDC proposal. It divorces the boycott from the larger, virulently antisemitic movement of which it is but one element. Omar Barghouti, who the BDC describes as the founder of BDS, has made clear that the boycott is complementary to violence and terrorism and has publicly stated, “We’re not ashamed to have armed resistance in addition to peaceful resistance throughout our existence.”<sup>54</sup>

In fact, the BDS Movement itself is directly tied to terrorist organizations. The very first member organization listed by the BDS Movement (also known as the BDS National Committee) is the Council of National and Islamic Forces in Palestine (PNIF).<sup>55</sup> PNIF is coalition of terrorist organizations that includes Hamas, the Popular Front for the Liberation of Palestine (PFLP), the PFLP General Command (PFLP-GC), the Palestine Liberation Front, and Palestinian Islamic Jihad.<sup>56</sup> These organizations are designated as terrorist organizations by the United States and European Union.<sup>57</sup> Obviously, these organizations are not interested in a solely “nonviolent struggle.” In 2018, the BDS National Committee had its account frozen at Donorbox over its connection with PNIF.<sup>58</sup>

Some governments have already begun to act against the violent, extremist roots of the BDS movement. Germany, for example, condemned the movement as antisemitic in 2019, and more recently, the German Federal Office for the Protection of the Constitution (BfV) classified it as a “suspected extremism” case, highlighting the links between the movement and “secular Palestinian extremism.”<sup>59</sup>

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## FALSE CLAIM #22

**Claimed Fact:** “As founding member of the BDS movement Omar Barghouti articulated, ‘BDS targets complicity, not identity.’” (P.13)

**Actual Facts:** This is also a demonstrably false claim about BDS, using a carefully curated quote. Consider other remarks of Barghouti, such as: “No Palestinian – rational Palestinian, not a sellout Palestinian—will ever accept a Jewish state in Palestine.”<sup>60</sup> Thus, it is absolutely about identity for the “founder” of the BDS movement. Numerous other leaders in the BDS movement echo this racist, antisemitic sentiment.<sup>61</sup>

More importantly, the manifestation of BDS is fundamentally in contradiction to the selective quote taken from Barghouti. BDS activists have regularly targeted Jewish community organizations with no real connection to Israel or any involvement in any alleged “crimes,” such as the so-called “Boston Mapping Project,” which targeted dozens of Jewish institutions, including Jewish teen foundations, day schools, disability service organizations, synagogue networks, and other Jewish cultural centers.<sup>62</sup> Even organizations sharply critical of Israel were listed for being Jewish.

The targeting of these Jewish organizations was not just by one fringe group. The “mapping project” was endorsed by major anti-Israel organizations including National Students for Justice in Palestine, Palestinian Youth Movement, Within Our Lifetime, Samidoun, U.S. Palestinian Community Network, and the Democratic Socialists of America.<sup>63</sup> Nor was this an isolated instance. BDS activists have regularly promoted antisemitism,<sup>64</sup> gone after Jewish institutions and individuals on campuses,<sup>65</sup> and even worked to deny Jewish students on campus access to kosher food.<sup>66</sup>

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## FALSE CLAIM #23

**Claimed Fact:** “BDS does not promote a one-state over a two-state solution, or vice-versa; participating in a divestment campaign would not require Brown to back one political solution over another, but rather side with bare-minimum human rights law.” (P.13)

**Actual Facts:** This is another blatant lie. BDS promotes positions that they openly acknowledge are steps toward the destruction of the Jewish state, such as the imaginary “right of return,” which Omar Barghouti, the founding member of the movement according to the BDC, claims: “You cannot reconcile the right of return for refugees with

a two state solution...a return for refugees would end Israel's existence as a Jewish state. A two-state solution was never moral and it's no longer working."<sup>67</sup>

Barghouti has also repeatedly made clear that the goal is the destruction of the Jewish state. Take once again his May 2014 statement: "Definitely, most definitely, we oppose a Jewish state in any part of Palestine. No Palestinian, rational Palestinian, not a sell out Palestinian, would ever accept a Jewish state in Palestine."<sup>68</sup> He has articulated this position repeatedly, a position BDC basically urges Brown to accept.<sup>69</sup>

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## **FALSE CLAIM #24**

**Claimed Fact:** "In Palestine, the current members of the BDS National Committee include the General Union of Palestinian Workers, Global Palestine Right of Return Coalition, Palestinian Bar Association, Palestinian Medical Association, General Union of Palestinian Teachers (GUPT), Palestinian Federation of Unions of University Professors and Employees (PFUUPE), Grassroots Palestinian Anti-Apartheid Wall Campaign (STW), Union of Youth Activity Centers-Palestine Refugee Camps, and the National Committee to Commemorate the Nakba." **(P.13)**

**Actual Facts:** This passage underscores, as much as or better than, any other of BDC's many deceptions. The authors clearly researched who is a part of the BDS National Committee but chose to conceal the one member that contradicts everything BDC claims about BDS.

That member, listed at the very top of BDS National Committee's member list, is the Council of National and Islamic Forces in Palestine (PNIF). As discussed above in False Claim #21, PNIF is a coalition of internationally designated terrorist organizations including Hamas, Palestinian Islamic Jihad, and others. BDC intentionally curated the membership list to omit the terrorist-designated groups whose causes they proudly and shamelessly champion. While BDC has chosen to align itself with these terrorists, Brown cannot do so and retain any degree of institutional integrity.

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## **FALSE CLAIM #25**

**Claimed Fact:** "As the examples below demonstrate, divestment campaigns, especially when embraced by prestigious institutions with large endowments, national, and international influence, are an important starting point for placing systemic pressure on states, corporations, and institutions to cease human rights abuses, violations of international law, and other social harms." **(P.14)**



**Actual Facts:** Similarity in tactics does not equate to a similarity in justness of the cause. Boycotts of Jewish academics by “prestigious institutions” was an early feature of life in Nazi Germany too.<sup>70</sup>

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## **FALSE CLAIM #26**

**Claimed Fact:** “The campaigns helped increase the political power and legitimacy that anti-apartheid leaders held within South Africa...” (P.14)

**Actual Facts:** There are no individuals among Palestinian leadership who even arguably can be compared with “anti-apartheid leaders” in South Africa. Mahmoud Abbas, the head of the Palestinian Authority – which governs the largely Palestinian areas of the West Bank – is a notorious bigot whose doctoral dissertation was about denying the Holocaust.<sup>71</sup> Unlike Israel, the PA actually has on paper laws akin to the racist apartheid laws of South Africa, such as barring the sale of land to Jews and prohibiting Jews from worshipping at their holy sites.<sup>72</sup> The Palestinian leaders of the Gaza Strip are Hamas, the terrorist organization with an explicitly genocidal and antisemitic charter. The most popular Palestinian political figure outside of Abbas and Hamas, Marwan Barghouti, is a convicted terrorist serving five life sentences for the murder of five Israelis.<sup>73</sup> These are the individuals who wield political power and legitimacy in Palestinian society and to whom BDC seeks to give increased political power and legitimacy with the imprimatur of Brown University.

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## **FALSE CLAIM #27**

**Claimed Fact:** “Leading human rights organizations have charged Israel with the crime of apartheid since 2019. They include prominent Israeli human rights organizations Yesh Din and B’Tselem as well as international organizations Human Rights Watch and Amnesty International.” (P.18)

**Actual Facts:** While a full rebuttal of the “apartheid” charge is beyond the scope of this document, it is necessary to point out that the allegations made by these organizations have been debunked time and time again. In addition to relying on novel and deeply flawed definitions of the elements of the crime, numerous reviews have pointed out the plethora of factual and legal errors that fundamentally undermine the allegations made by these organizations.<sup>74</sup> Tellingly, these organizations have refused to correct the record even when directly informed about some of the hundreds of objectively false claims underpinning their allegations.<sup>75</sup>

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## FALSE CLAIM #28

**Claimed Fact:** "This is the consensus of all reputable human rights organizations that have endeavored to investigate the topic." (P.19)

**Actual Facts:** BDC engages in the fallacy of an appeal to a supposed higher authority. Rather than tangle with the hundreds of factual and legal errors, omissions, and misleading claims noted above, BDC hopes to distract readers by waving around the phrase "reputable human rights organizations." But when an allegation of a violation of international law is made, what matters is not who made the charge but rather the arguments and the supporting evidence. This is especially so when the accusers have an established record of enmity toward Israel, getting the facts egregiously wrong,<sup>76</sup> refusing to correct inaccurate claims when alerted to the errors,<sup>77</sup> hiring openly biased and antisemitic staff,<sup>78</sup> and applying controversial interpretations of the law.<sup>79</sup>

Moreover, the implication that there is a "consensus" is deeply misleading. Notably, how the proposal defines "reputable" is left unexplained. Presumably, the authors mean "those organizations who came to the conclusion we wanted," thereby allowing them to ignore the many well-sourced, well-reasoned, and convincing arguments made to the contrary by countless scholars and organizations.<sup>80</sup>

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## FALSE CLAIM #29

**Claimed Fact:** "In response (sic) the claims made by South Africa, the court assented (sic) that 'at least some of the acts and omissions alleged by South Africa to have been committed by Israel in Gaza appear to be capable of falling within the provisions of the (Genocide) Convention,' legitimizing the severity of the situation, as well as the court's jurisdiction over it." (P.19)

**Actual Facts:** BDC wants the reader to believe that the charge of "genocide" against Israel has been given credibility by a judicial order at the International Court of Justice (ICJ). This is manifestly not the case. Joan Donoghue, who was the president of the court at the time of the order, made it abundantly clear that the ICJ did no such thing: "I'm correcting what's often said in the media - it didn't decide that the claim of genocide was plausible."<sup>81</sup>

In effect, all the order did was declare that *if* everything South Africa *claimed* was true, then the *allegations* might properly fall under the Genocide Convention. The actual substance of the allegations, if any, has yet to be litigated. It is noteworthy in this regard

that the party making the allegations, South Africa, has openly allied itself with Hamas and has been shipping weapons to Myanmar, which itself stands accused of committing genocide against the Rohingya.<sup>82</sup>

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### **FALSE CLAIM #30**

**Claimed Fact:** "Since early October, at least 26,000 Palestinian people have been killed, including more than 10,000 children." **(P.20)**

**Actual Facts:** BDC conveniently omits the source of these figures: Hamas, an internationally designated terrorist organization which is well known for manipulating casualty data to advance its political agenda.<sup>83</sup> Both footnotes for the figures go to articles that themselves rely on Hamas as a source. As multiple experts and analyses have demonstrated, the figures coming from the terrorist organization are unreliable and defy common sense.<sup>84</sup> Even the United Nations has downplayed these figures in ways that cast serious doubt on the highly charged claims about the proportion of women and children among the fatalities.<sup>85</sup>

Moreover, "people" is inclusive of Palestinian terrorists. While Hamas intentionally avoids distinguishing between civilians and combatants when peddling its statistics, the Israel Defense Forces have estimated they've eliminated approximately 14,000 terrorists, and that approximately 16,000 Gazan civilians have also been killed in the fighting.<sup>86</sup> While each civilian death is a tragedy, a nearly 1-to-1 ratio of civilians to combatants would be unprecedented in modern military operations in urban areas. As explained by John Spencer, the Chair of Urban Warfare Studies at the Modern War Institute at West Point, "[A]ll available evidence shows that Israel has followed the laws of war, legal obligations, best practices in civilian harm mitigation and still found a way to reduce civilian casualties to historically low levels."<sup>87</sup>

On the other hand, Hamas's entire strategy is designed to exacerbate civilian harm. As journalists Summer Said and Rory Jones of the Wall Street Journal put it after reviewing multiple messages from Hamas leader Yahya Sinwar, "Gaza Chief's Brutal Calculation: Civilian Bloodshed Will Help Hamas."<sup>88</sup>

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### **FALSE CLAIM #31**

**Claimed Fact:** "Only '16 out of 36 hospitals in Gaza are 'minimally or partially functioning,'" with healthcare workers increasingly unable to adequately address disease

or other life-threatening conditions that arise from overcrowding, flooding, and hunger.”  
**(P.20)**

**Actual Facts:** The authors depict a dire situation without addressing the actual causes. Hamas has systematically exploited hospitals in Gaza, including by using them as command-and-control centers, arms caches, and detention centers for hostages.<sup>89</sup> In addition to the abundant documentary evidence produced by Israel, foreign intelligence services have corroborated this, as have journalists and healthcare workers.<sup>90</sup>

Hamas having done so both constitutes a war crime and renders the hospitals legitimate targets under international law.

While Palestinian terrorists have violated the laws of armed conflict and cynically turned hospitals into military targets,<sup>91</sup> Israel has facilitated enormous amounts of medical aid into the Gaza Strip, including over 25,000 tons of medical supplies and the opening of ten field hospitals inside the territory.<sup>92</sup>

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## **FALSE CLAIM #32**

**Claimed Fact:** “Shrinking sources of clean water endanger ever larger numbers of Palestinian civilians, and Israeli refusal to admit fuel for desalination plants has forced vulnerable populations to depend on water that is ‘highly salinated or polluted.’” **(P.20)**

**Actual Facts:** Gazans are not being forced to depend on “highly salinated or polluted water.” Israel has repaired and opened the three water pipelines into Gaza, which are capable of providing 31,000 cubic liters per day.<sup>93</sup> Two additional pipelines, constructed from Egypt, provide an additional 10,000 cubic liters per day. These pipelines alone are capable of providing enough clean water to a large majority of Gazans.

In addition, the claim that Israel has refused to fuel desalination plants is false. “Between January 2024 and the beginning of July there have been more than 59 coordinations for repair and refueling of the water network in Gaza. In addition, Israel coordinated the repair of three pumps at the UNICEF desalination plant in Deir Albalah. The repairs brought the plant’s capacity back to 1,000 cubic meters per day.”<sup>94</sup>

Notably, the authors once again omit any real analysis of the causes of the dire situation they present to imply the blame rests on Israel. In fact, the Palestinians themselves shoulder the blame for the decrepit state of Gazan water infrastructure. The Palestinian Authority was given control of most of Gaza’s water infrastructure in 1995, and then total control in 2005 when Israel turned over the remaining 25 wells that had previously served Israeli communities in the area.<sup>95</sup> Hamas has severely mismanaged the

infrastructure and has openly boasted about how it digs up water pipelines for the purpose of turning them into rockets meant to kill Jews.<sup>96</sup>

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### **FALSE CLAIM #33**

**Claimed Fact:** "93% of Gazans are currently facing 'crisis levels of hunger' as a result of Israeli policies that seek to induce extreme deprivation onto the captive population." (P.20)

**Actual Facts:** This claim is simply baseless, and the authors assert a malicious intent that flies in the face of the facts. Israel has continuously scaled up its efforts to facilitate humanitarian aid into the Gaza Strip. Over 625,000 tons of food aid have been delivered to Gaza up through mid-July 2024.<sup>97</sup>

Indeed, despite hysterical reports of "famine," which turned out to be based on deeply inaccurate and incomplete data, international agencies have acknowledged the food security situation has improved in the Gaza Strip.<sup>98</sup> As explained by one analysis: "The reports are based on incomplete data from sources in Gaza and disregard significant portions of aid shipments entering the Strip as well as the complex situation on the ground."<sup>99</sup>

Even according to the United Nations, no friend of Israel, the main impediment to the delivery of food aid to those who most need it is not Israel, but rather organized criminal groups and looters, including Hamas.<sup>100</sup>

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### **FALSE CLAIM #34**

**Claimed Fact:** "More than one hundred journalists have been murdered..." (P.20)

**Actual Facts:** The description of many of these individuals as "journalists" is highly misleading. Many of these individuals have turned out to be members of terrorist organizations actively engaged in attacks against Israelis.<sup>101</sup> Some, such as Al-Jazeera's Ismail al-Ghoul, even participated in the October 7 massacre.<sup>102</sup> Other supposed "journalists," such as Abdallah Aljamal, held Israeli civilians hostage in their own homes.<sup>103</sup> Many of them worked for "media" outlets directly connected to these terrorist organizations.<sup>104</sup> These people were not actual journalists; they were propagandists in the employ of a terrorist organization.

The authors also once again allege a criminal intent without presenting supporting evidence that the journalists were targeted for being journalists, as opposed to being

targeted for their terrorist activities or being tragic cases of collateral damage in a complex combat environment in a war initiated by Hamas.

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### **FALSE CLAIM #35**

**Claimed Fact:** “Lifesaving resources are being slowed or outright blocked by Israeli government and military forces.” (P.20)

**Actual Facts:** Israeli forces are not responsible for the slow pace of aid delivery. In fact, enormous amounts of aid (over 920,000 tons)<sup>105</sup> have entered Gaza faster than aid agencies like the United Nations can deliver it within the territory. This has resulted in large amounts of aid just sitting on the Gaza side of the border waiting for pick up.<sup>106</sup>

What BDC appears to be complaining about are the inspections carried out by Israel of aid shipments being sent into Gaza. Beyond not actually being responsible for the slow delivery of aid, there is nothing illegal or untoward about such inspections. This is especially so given the long history of Palestinian terrorists smuggling weapons into the territory,<sup>107</sup> including by exploiting aid projects and aid organizations.<sup>108</sup>

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### **FALSE CLAIM #36**

**Claimed Fact:** “More than 100 aid workers affiliated with the United Nations were murdered in the first month of bombardment alone.” (P.20)

**Actual Facts:** Once again, the authors allege criminal intent without supporting evidence, namely that Israeli forces targeted these aid workers. Without that evidence, these accusations cannot be taken seriously, as they simply seek to mask the lack of substance behind the charge.

As with hospitals and journalists, the authors omit Hamas’s systematic exploitation of civilian infrastructure and special protections, a longstanding practice by Palestinian terrorist organizations that has been well-documented by Israel and the UN itself.<sup>109</sup> Entire UN compounds and headquarters have been turned into military targets by Hamas.<sup>110</sup>

Overwhelming evidence also shows that the United Nations has employed hundreds of members of terrorist organizations, some of whom participated in the October 7, 2023 atrocities.<sup>111</sup> Casting these individuals as “aid workers” who have been “murdered” shows disregard not just for the truth, but for basic tenets of morality.

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## FALSE CLAIM #37

**Claimed Fact:** “Attacks on aid convoys, limits on hours in which humanitarian vehicles can move through checkpoints, and lengthy inspections of shipments of food and medical supplies have bottlenecked access to vital resources that growing numbers of refugees are ‘wholly reliant on... to survive.’” (P.20)

**Actual Facts:** This is, once again, a flat out lie. As evidenced by the large amounts of humanitarian aid sitting on the Gaza side of the border (see False Claim #35), the bottleneck is not Israeli inspections or restrictions, but rather the inability of the United Nations to scale up its aid delivery within the territory.<sup>112</sup>

Moreover, since the IDF took control of the Gaza side of Rafah, it has been Egypt which has declined to coordinate with Israel to reopen the humanitarian aid crossing.<sup>113</sup>

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## FALSE CLAIM #38

**Claimed Fact:** “Israeli military control of checkpoints connecting Gaza to Israel and Egypt not only deny displaced Palestinians the ability to escape to safety but gives military forces the ability to deny them aid through border closures and blockades.” (P.20)

**Actual Facts:** Here, BDC misleads by omission. The full story is a case study in how “international law” seems to be applied differently against only the Jewish state. The reason Gazans were not able to escape to safety into Egypt had nothing to do with Israel. Gazans were prohibited from finding refuge in Egypt *by Egypt* which, contrary to international refugee law obligations, forcibly prevented them (and in the process, has built one of the most heavily fortified borders in the world for the sole purpose of keeping Gazans out of Egypt).<sup>114</sup> It was only recently that Israeli forces secured control of Gaza’s border with Egypt.

It is particularly telling that, to this day, no Arab country has agreed to take in displaced Palestinians, with the exception of a limited number of temporary entries to receive medical care.

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## FALSE CLAIM #39

**Claimed Fact:** “85% of people living in Gaza have been forcibly displaced by Israeli attacks—nearly two million people are now refugees.” (P.20)

**Actual Facts:** Once again, BDC misleads by omitting the party responsible for the situation - Hamas. There is a reason for the prohibitions in the law of armed conflict on locating military targets in civilian areas: it puts civilians in harm's way. Rather than give military forces a cynical incentive to engage in human shielding by forbidding the opposing military from defending itself and hitting back, the law places the primary responsibility on that party engaging in human shielding.<sup>115</sup>

Hamas has launched tens of thousands of rockets and built hundreds of kilometers of terror tunnels underneath civilian areas of Gaza.<sup>116</sup> Both these rockets and tunnels have been used to target and harm Israeli civilians. Israel is under no legal or moral obligation to suffer these attacks and forgo its fundamental right to self-defense simply because Palestinian terrorist organizations have so thoroughly and systematically exploited civilian areas and the civilians of Gaza.<sup>117</sup> As reported by the Wall Street Journal in the article noted above, Hamas actively seeks, and glories in, the deaths of its own people.<sup>118</sup>

Israel's evacuation orders have been designed, in compliance with international law,<sup>119</sup> to remove civilians from those areas in which it must operate to eliminate Palestinian terrorist targets that have been unlawfully embedded in those areas.

In other words, the legal wrong that led to this displacement is not that of Israel, but that of Hamas and other Palestinian terrorist organizations that built their terror infrastructure underneath their homes.

Finally, it is worth pointing out the inaccurate use of the term "refugee." As discussed under False Claim #20, the vast majority of Palestinians do not meet the definition of "refugee." Moreover, one cannot be a refugee while remaining within the borders of his own territory. Rather, the proper term would be "internally displaced people," who are subject to a different set of rights and protections than refugees.<sup>120</sup>

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## **FALSE CLAIM #40**

**Claimed Fact:** "The scale of destruction to civilians' homes is staggering—nearly 80% of Palestinians in Gaza have no home to return to." **(P.20)**

**Actual Facts:** This claim is unsupported even by the cited source. The UN News story cited by the authors derives a faulty conclusion from its own data, presumably to advance its own political narrative. The 80% figure appears to come from a subheading that claims "8 in 10 Gazans now homeless" without providing any source. However, what this subheading means appears to be clarified in the following sentence. It states that,



according to UNRWA, “more than 85 per cent of the population in Gaza...have been displaced.”

None of this means “80% of Palestinians in Gaza have no home to return to,” as many – if not most – of those Gazans are displaced because of evacuation orders, not necessarily because their homes no longer exist.

Moreover, claims of the “scale of destruction” being to the degree claimed by the authors is contradicted by the UN’s own data. According to a recent UNOSTAT damage assessment, the total number of structures destroyed, severely damaged, moderately damaged, and *possibly* damaged is about 55% of the total structures in Gaza.<sup>121</sup> If one removes the “possibly” damaged structures, the figure drops to below 40% of the total structures.

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## **FALSE CLAIM #41**

**Claimed Fact:** “Since Israel launched its war on Gaza in October 2023...” (P.21)

**Actual Facts:** This claim, standing alone, warrants the dismissal in its entirety of the BDC proposal. It demonstrates the extent to which the BDC will make up anything and say anything to achieve its political objective, including inverting reality. It could not be clearer that Israel did not launch a war on Gaza. Precisely the opposite is true; Palestinian terrorists launched the war on Israel on October 7, 2023. The war began with a surprise attack by Palestinian terrorist organizations who murdered, raped, tortured, mutilated, and kidnapped Israeli civilians across southern Israel.<sup>122</sup> If the BDC is willing to lie about something so basic and obvious, none of its other claims can be taken seriously.

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## **FALSE CLAIM #42**

**Claimed Fact:** “On December 7, prominent Palestinian poet and professor Rafat Alareer, who was known as the ‘voice of Gaza,’ was killed by an Israeli airstrike in Shajaliya, in northern Gaza.” (P.21)

**Actual Facts:** Refaat Alareer was not simply a “poet and professor.” Alareer was a notorious antisemite whose rhetoric was so extreme, the New York Times was forced to effectively retract an entire article profiling him and acknowledge his extremist, bigoted rhetoric.<sup>123</sup> Prior to his death, Alareer spent his time online celebrating and cruelly mocking the death of Israeli civilians, including children, murdered on October 7.<sup>124</sup>

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## FALSE CLAIM #43

**Claimed Fact:** “Recently, the Israeli Occupation Forces arrested 25 student activists at An-Najah University in Nablus, in the West Bank, during a sit-in where students were protesting internal university policies on tuition payment. Birzeit University students, staff, and faculty have faced similar and constant raids targeting Palestinian students who have been abducted, detained, and brutalized by the Israeli military for decades, which goes well beyond the obstruction of their rights to education.” **(P.21)**

**Actual Facts:** Students were not arrested for protesting internal university policies. To the contrary, they were arrested for their affiliations with the terrorist organization Hamas.<sup>125</sup>

Also omitted is that these universities have become hotbeds of terrorism and incitement. A recent report documented some of this extremism at Birzeit University during the years 2021-2023, when Brown professor Beshara Doumani was serving as Birzeit's president.<sup>126</sup> During Doumani's tenure at Birzeit, the student faction of Hamas, an internationally designated terrorist organization, won landslide victories in student elections where the candidates campaigned by glorifying the terrorist attacks Hamas had carried out against Israeli civilians. The student factions of Hamas and other terrorist organizations also regularly held rallies and parades glorifying terrorism, even parading a replica of a bomb that killed 17-year-old Rina Shnerb as she was on a hike with her family. Numerous students from these universities have carried out terror attacks targeting Israelis or have been otherwise involved in terrorist activity.<sup>127</sup>

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## FALSE CLAIM #44

**Claimed Fact:** “These blatant obstructions of education should be of utmost concern to Brown University. Such obstructions are a clear contravention of the right to education enshrined in Article 26 of the 1948 Universal Declaration of Human Rights and Article 13 of the 1966 International Covenant on Economic, Social, and Cultural Rights. Under no circumstance, including in situations of crisis caused by war or civil strife, are the duty to uphold these rights exempt to any state party to them.” **(P.21)**

**Actual Facts:** The actions of Israel are not, in fact, a “clear contravention of the right to education.” In international law, during times of armed conflict, the law of armed conflict forms the *lex specialis*.<sup>128</sup> In the law of armed conflict, as explained by Steven Haines, Professor of Public International Law at the University of Greenwich: “A school is ordinarily a civilian object, of course, and not subject to lawful targeting. If, however,

military forces use it, the school loses its protected status and becomes a military objective.”<sup>129</sup>

In that case, the clear contravention of the right to education flows not from lawful targeting of the schools or lawful operations to detain or eliminate terrorists inside, but from the unlawful actions of Palestinian terrorists who embed military forces and infrastructure inside the schools.<sup>130</sup>

Notably, the war, which began with the savagery of Palestinian terrorists on October 7, 2023, has severely affected the ability of Israeli students to access education, particularly for the children of the thousands displaced in southern and northern Israel by the indiscriminate attacks of Palestinian and Hezbollah terrorists.<sup>131</sup>

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## **FALSE CLAIM #45**

**Claimed Fact:** “Palestinian citizens of Israel” **(Throughout)**

**Actual Facts:** Throughout the proposal, the authors refer to Arab citizens of Israel as “Palestinian citizens of Israel,” in spite of the fact that very few actually identify as “Palestinian.” Surveys consistently show that only a small minority define themselves primarily as “Palestinian.”<sup>132</sup> Instead, these surveys show most prefer to be referred to as “Arab-Israeli.”<sup>133</sup> The disregard for how these people self-identify demonstrates the extent to which BDC is less interested in advocating for their well-being and more interested in exploiting them for a partisan agenda.

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## **CONCLUSION**

Brown University, as one of the leading institutions of higher education in the world, has a moral and professional obligation to embrace and embody intellectual honesty. Instead of being led astray by the BDC, Brown decisionmakers must tangle with the facts, fully and accurately. Those, like the BDC, who so readily resort to dishonesty are not interested in the cause of peace. Propagandists, like the BDC, treat facts as devices to be manipulated, hidden, and disguised in service of partisan ends. Peacemakers work with the facts as they are, not as they wish them to be. Solutions based on lies will only perpetuate conflict and the accompanying harms. As the record shows, the BDC is not willing to engage honestly with the facts. Instead, it seeks to exploit Brown for purely

partisan ends. If Brown University is to maintain its image and uphold its mission, it must reject BDC's bad faith ploy.

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<sup>1</sup> Anisha Kumar, *41 arrested Brown University students issued six-month not-guilty filing*, Brown Daily Herald, 16 May 2024, <https://www.browndailyherald.com/article/2024/05/41-arrested-cases-closed-providence>.

<sup>2</sup> Owen Dahlkamp, *Students affiliated with encampment receive disciplinary letter from University*, Brown Daily Herald, 27 Apr. 2024, <https://www.browndailyherald.com/article/2024/04/students-affiliated-with-encampment-receive-disciplinary-letter-from-university>; Owen Dahlkamp, *Protestors circle University Hall during walkout for Gaza calling for divestment*, Brown Daily Herald, 25 Oct. 2023, <https://www.browndailyherald.com/article/2023/10/protestors-circle-university-hall-during-walkout-for-gaza-calling-for-divestment>.

<sup>3</sup> Instagram Post, Brown Students for Justice in Palestine (brown.sjp), 23 Oct. 2023, [https://www.instagram.com/p/Cyw-UUYrbsJ/?img\\_index=7](https://www.instagram.com/p/Cyw-UUYrbsJ/?img_index=7).

<sup>4</sup> Mark Patinkin, *After talking to these students, Mark Patinkin says Brown has an antisemitism problem*, The Providence Journal, 26 Nov. 2023, <https://www.providencejournal.com/story/news/columns/2023/11/26/brown-university-student-actions-display-antisemitism-problem-patinkin/71656513007/>.

<sup>5</sup> Sasha Goldstein, *Driven by Hate? Man Charged in Burlington Shooting Was a Volunteer With a Troubled Personal Life*, Seven Days, 6 Dec. 2023, <https://www.sevendaysvt.com/news/driven-by-hate-man-charged-in-burlington-shooting-was-a-volunteer-with-a-troubled-personal-life-39673363>.

<sup>6</sup> Tyler Boronski & Michael Cusanelli, *Burlington shooting suspect Jason Eaton appears in court for status conference*, NBC5, 8 Mar. 2024, <https://www.mynbc5.com/article/jason-eaton-court-burlington-shooting-suspect/60139955>.

<sup>7</sup> Kayla Guo, *Zhou '20 elected UCS president*, Brown Daily Herald, 22 Mar. 2019, <https://www.browndailyherald.com/article/2019/03/zhou-20-elected-ucs-president>; *Letter from President Paxson: Responding to divestment referendum vote*, Brown University, 22 Mar. 2019, <https://www.brown.edu/news/2019-03-22/referendum>.

<sup>8</sup> *Id.*

<sup>9</sup> See Yoram Dinstein, *THE INTERNATIONAL LAW OF BELLIGERENT OCCUPATION*, 2nd Ed. (Cambridge University Press, 2019).

<sup>10</sup> Eugene V. Rostow, *Correspondence*, AJIL 84 (1990), p.719.

<sup>11</sup> Robbie Sabel, *INTERNATIONAL LAW AND THE ARAB-ISRAELI CONFLICT* (Cambridge University Press, 2022), p.320.

<sup>12</sup> Eugene Kontorovich, *Unsettled: A Global Study of Settlements in Occupied Territories*, Journal of Legal Analysis, Vol.9(2) (Winter 2017), p.285-350; see also Israel Kasnett, *Labeling of Judea and Samaria goods is about discrimination, not law, say experts*, Jewish News Syndicate, 13 Jun. 2022, <https://www.jns.org/labeling-of-judea-and-samaria-goods-is-about-discrimination-not-law-say-experts/>; Yonah Jeremy Bob, *ICC prosecutor went after Israeli settlements, but not Cyprus*, Jerusalem Post, 16 Jun.

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2021, <https://www.jpost.com/international/icc-prosecutor-went-after-israeli-settlements-but-not-cyprus-671165>.

<sup>13</sup> *The Palestine Mandate*, The Avalon Project, [https://avalon.law.yale.edu/20th\\_century/palmanda.asp](https://avalon.law.yale.edu/20th_century/palmanda.asp) (art. 6: "The Administration of Palestine, while ensuring that the rights and position of other sections of the population are not prejudiced, shall facilitate Jewish immigration under suitable conditions and shall encourage, in co-operation with the Jewish agency referred to in Article 4, close settlement by Jews on the land, including State lands and waste lands not required for public purposes.").

<sup>14</sup> See, e.g., *Israel and Jordan General Armistice Agreement*, 3 Apr. 1949, available at [https://peacemaker.un.org/sites/peacemaker.un.org/files/IL%20JO\\_490403\\_Hashemite%20Jordan%20Kingdom-Israel%20General%20Armistice%20Agreement.pdf](https://peacemaker.un.org/sites/peacemaker.un.org/files/IL%20JO_490403_Hashemite%20Jordan%20Kingdom-Israel%20General%20Armistice%20Agreement.pdf) (Art. II(2): "It is also recognized that no provision of this Agreement shall in any way prejudice the rights, claims and positions of either Party hereto in the ultimate peaceful settlement of the Palestine question, the provisions of this Agreement being dictated exclusively by military considerations.").

<sup>15</sup> See, e.g., United Nations, General Assembly, *Letter dated 8 October 1993 from the Permanent Representatives of the Russian Federation and the United States of America to the United Nations addressed to the Secretary-General*, A/48/486, 11 Oct. 1993, [https://peacemaker.un.org/sites/peacemaker.un.org/files/IL%20PS\\_930913\\_DeclarationPrinciplesnterimSelf-Government%28Oslo%20Accords%29.pdf](https://peacemaker.un.org/sites/peacemaker.un.org/files/IL%20PS_930913_DeclarationPrinciplesnterimSelf-Government%28Oslo%20Accords%29.pdf) (containing the Declaration of Principles on Interim Self-Government Arrangements between the State of Israel and the Palestine Liberation Organization); United Nations, Security Council, *resolution 242 (1967)*, S/RES/242, adopted 22 Nov. 1967, <https://peacemaker.un.org/sites/peacemaker.un.org/files/SCRes242%281967%29.pdf> ("to promote agreement and assist efforts to achieve a peaceful and accepted settlement in accordance with the provisions and principles in this resolution"); United Nations, Security Council, *resolution 338 (1973)*, S/RES/338, adopted 22 Oct. 1973, <https://peacemaker.un.org/sites/peacemaker.un.org/files/SCR338%281973%29.pdf> ("Decides that, immediately and concurrently with the cease-fire, negotiations shall start between the parties concerned under appropriate auspices aimed at establishing a just and durable peace in the Middle East.");

<sup>16</sup> Judy Maltz, *Explained: How Big an Obstacle Are Israeli Settlements to Peace?*, Haaretz, 14 Feb. 2017, <https://www.haaretz.com/israel-news/2017-02-14/ty-article/.premium/explained-how-big-an-obstacle-are-israeli-settlements-to-peace/0000017f-ed70-d4a6-af7f-fff6f92d0000> ("Settlement blocs refer to the larger Jewish population centers located in the West Bank, many of which are close to the Green Line, or the borders of the 1949 armistice agreement.... An estimated 450,000-500,000 Israelis live across the Green Line including the Jewish neighborhoods of East Jerusalem. A widespread consensus has emerged that any future agreement on a two-state solution should include some of the settlement blocs (anywhere from 2 to 5 percent of the area beyond the Green Line) within Israel's permanent border. Some past and present Israeli officials cite security rationale, while others say that uprooting so many people from their homes is not a viable option. Israel, in exchange, would agree to swap a more-or-less equivalent amount of its own land with a future Palestinian state.").

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<sup>18</sup> See, e.g., *Beit Sourik Village Council v. Government of Israel*, HCJ 2056/04, 2004 (unofficial English translation available at <https://versa.cardozo.yu.edu/opinions/beit-sourik-village-council-v-government-israel>).

<sup>19</sup> See, e.g., [GCIV](#), arts. 64-70.

<sup>20</sup> *Israeli Military Proclamation Number 7: The Implementation of the Interim Agreement*, 23 Nov. 1995, available at [https://hamoked.org/files/2017/1133\\_eng.pdf](https://hamoked.org/files/2017/1133_eng.pdf).

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<sup>23</sup> David Litman, *CAMERA Report: Anti-Israel Extremism and Corrupt Scholarship at Brown University*, Committee for Accuracy in Middle East Reporting and Analysis, 13 Dec. 2023, <https://www.camera.org/article/camera-report-anti-israel-extremism-and-corrupt-scholarship-at-brown-university/>.

<sup>24</sup> YouTube Video, *A Third Intifada? Palestinians and the Struggle for Jerusalem*, Watson Institute for International and Public Affairs, 21 May 2021, <https://www.youtube.com/watch?v=UuBLIOLR5JI>.

<sup>25</sup> *Lecture | Lena Salaymeh | Performing Legality in Service of Colonialism: 'Anti-Antisemitism' as Censorship*, Palestinian Studies, 23 February 2023, <https://palestinianstudies.org/events/2023/lecture-lena-salaymeh-performing-legality-service-colonialism>.

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- <sup>30</sup> *Mary Robinson, UN Human Rights chief*, BBC News, 21 Nov. 2002, [http://news.bbc.co.uk/2/hi/talking\\_point/forum/1673034.stm](http://news.bbc.co.uk/2/hi/talking_point/forum/1673034.stm).
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<sup>129</sup> Steven Haines, *Protecting Schools in Armed Conflict*, Articles of War, 17 Jul. 2024, <https://lieber.westpoint.edu/protecting-schools-armed-conflict/>.

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