

# The West's crackdown on the pro-Palestinian movement: A case of punitive torture?

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## Abstract

*Introduction:* In response to the growing pro-Palestine solidarity movement following October 7, Western State authorities have adopted a strategy of political warfare to suppress dissent. *Method:* Utilising a multidisciplinary approach, the paper analyses legal documents, media reports, and first-hand accounts to identify patterns of repression. *Results:* State authorities have used smear campaigns, political policing, and lawfare to punish those who express solidarity with Palestinian rights, stifling and chilling the rights to free speech and assembly – a stepping stone toward the erosion of civil liberties and democratic values. *Discussion:* Our analysis suggests that using intimidation, administrative harassment, and State coercion to stigmatise, censor, and criminalise dissenters, Western States may have institutionalised punitive torture. The suppression of pro-Palestinian voices in liberal democracies can be hypothesised as a reflection of the colonial hierarchy embedded in the creation and maintenance of the structural oppression against Palestinians across historic Palestine and beyond, merely replicated to suppress solidarity.

**Keywords:** Palestine, Political warfare, Punitive torture

## Introduction

Since Israel's genocidal campaign on Gaza began (Albanese, 2024; Segal, 2023; *South Africa v. Israel*, 2023), unprecedented grassroots mobilisation for Palestinian liberation has emerged globally, most vocally through activism, journalism, and academia. Solidarity with Palestine has come under fire, however, by Western governments who sought to criminalise criticism of Israel and support for Palestinian rights.<sup>1</sup> Aiming to discipline and punish actors of the pro-Palestine movement, deter them

from dissenting through intimidation and coerce them into acting in conformity, governments have deployed various means of repression to cultivate a climate of intimidation and coercion.

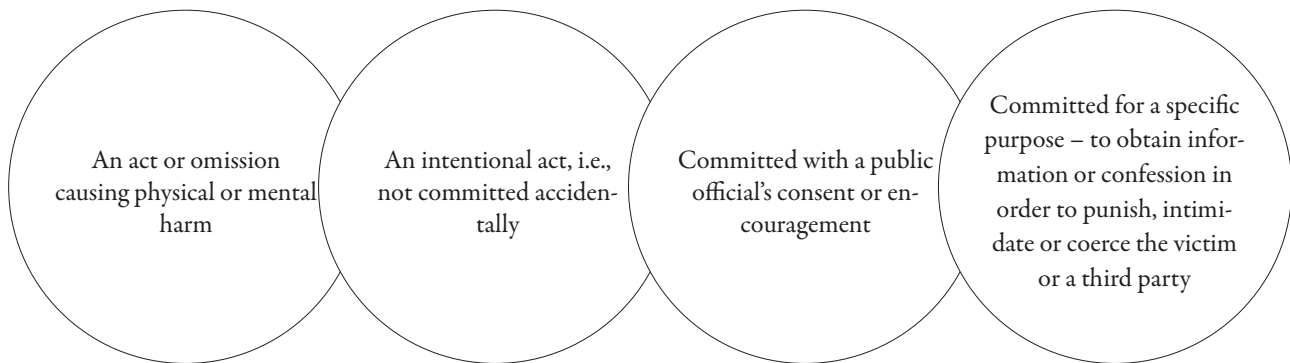
The paper argues that state crackdowns on pro-Palestinian activism may amount to punitive torture, deliberately inflicting physical or mental harm to intimidate and coerce. It maps the mechanisms of repression —political policing, lawfare, institutional discipline and ideological control— that criminalise dissent and chill free speech and assembly. Finally, it situates these practices within racial/colonial power structures in Western liberal orders, signalling the fragility of dissent and a drift toward authoritarian rule.

## Punitive torture: Definition and methodology

Torture is commonly defined as the intentional infliction of pain and suffering by a public official, whether physical or mental, for the purpose of intimidating, punishing or coercing a person. This right is universally accepted as absolute, allowing no limitations or restrictions whatsoever. Article 1 of the UN Convention against Torture (UNCAT), Article 3 of the European

1 Reference is made throughout this paper to 'the West', 'Western Nations' and 'Western governments' in a generalized fashion by reference to the group of countries in Europe and North America that define themselves as an alliance of liberal democracies. While it is without doubt that State policies of individual Western nations are not uniform and are constantly evolving, the analysis is centred critically around the common foreign policies acting in support of Israel's illegal practices and presence in the OPTs as well as the shared suppression tactics used against pro-Palestinian actors, examined by reference to the commitment to protect the rights of individuals to live free from torture.

\* The views expressed are those of the authors and do not necessarily reflect those of the Journal, the Publisher or the Editors

**Figure 1.** *Limbs to the universal legal definition of torture*

Convention on Human Rights (ECHR), Article 7 of the International Covenant on Civil and Political Rights (ICCPR), and Article 2 of the Inter-American Convention to Prevent and Punish Torture define and prohibit torture in near-uniform terms. The standard legal definition of torture is illustrated in the figure below.

The conceptual expansion of the definition of torture in the legal and academic realms with respect to these limbs must be noted. Following the oft-quoted severity threshold in the Greek Case (1969, para 186) whereby the European Commission of Human Rights noted that torture is an aggravated form of inhuman treatment, the categorisation of torture in European case law according to the gravity of the pain inflicted has been inconsistent. As Rodley (2002, p. 477) highlights, the European Court of Human Rights (ECtHR) has failed to apply clear or consistent criteria for assessing severity, often shifting the threshold arbitrarily based on the political context, the vulnerability of the victim, or the nature of the act. This inconsistency has created conceptual instability in the jurisprudence, with the Court sometimes downplaying systematic abuse by focusing narrowly on the outcome rather than the intent or institutional nature of the practice. Some instruments, such as the Inter-American Convention, do not even mention severity, nor is it a notable factor in their application (Rodley, 2002, p. 481). By contrast, the purpose element has emerged as the most coherent and decisive limb in distinguishing torture from other cruel, inhumane or degrading treatment (Cakal, 2021). Punishment is one such purpose (often read together with deterrence and conformity) which remains central in assessing whether acts rise to the level of torture (Cakal, 2021, p.160). As to the other limbs of torture, where a public official must have intentionally committed or encouraged the act, relevant for the

establishment of State responsibility in international criminal law, little to no controversy is noteworthy. The following discussion will therefore assess whether Western governments are responsible for torturing actors of the Palestinian movement through intentional infliction of mental or physical pain or suffering for the purpose of punishment.

#### *Method*

This study employs a multidisciplinary approach grounded in legal analysis. It examines a broad evidentiary base, including international treaties, jurisprudence from regional and international courts, domestic legislation, official State communications, civil society reports, media documentation and first-hand testimonies. Through doctrinal analysis and contextual interpretation, the paper identifies legal patterns and practices deployed by Western States to suppress pro-Palestinian expression. The approach is both empirical and normative: it interrogates the compatibility of these measures with international human rights law, particularly the absolute prohibition of torture, while also critically engaging with the structural role of law in legitimising and enabling coercive governance.

#### *Researcher Positionality and Reflexivity*

I write as a Palestinian legal scholar specializing in human rights and international law who has experienced first-hand some of the repression measures examined in this article through my Palestine-related advocacy. I was subjected to personal attacks in the mainstream media by government officials, faced disciplinary threats and exclusion by my university administration, and had my visa cancelled by the UK Home Secretary simply for supporting Palestinians' right to resist as enshrined in international law. I brought legal proceedings against this abuse of

immigration and counterterrorism laws and suppression of free speech before the immigration tribunals who found in my favor and reinstated my position. This experience informs my choice of topic and heightens my sensitivity to how security rationales are used to restrict lawful dissent.

While my standpoint is shaped by these events, my analysis follows legal-method standards: transparent sourcing, attention to counter-arguments, and triangulation across case law, policy, and empirical data.

### The crackdown on the Palestinian movement

#### *The global axis of solidarity*

A “Global Axis of Solidarity” linking pro-Palestinian voices has emerged, exhibited by mobilising, organising, and campaigning efforts in workplaces, campuses, and public spaces alike (Turner, 2024). NGOs, civil society groups, trade unions, human rights defenders, and people from all walks of life have been demanding that their governments end the political, economic, and military support to Israel and impose measures to prevent further violations. Millions of people have taken to the streets in mass demonstrations and peaceful assemblies, with various forms of protests and civil disobedience being deployed (Ulfelder, 2023). Students around the globe have organised sit-ins, teach-ins, walkouts, and famously created “liberated zones” on their university campuses, or encampments, protesting the scholasticide in Gaza—i.e., the systematic destruction of educational institutions (OHCHR, 2024; Hajir & Qato 2025)—and demanding an end to partnerships with institutions complicit in Israeli violations (*The Guardian*, 2024). Many student unions and groups have passed pro-Palestine motions and issued statements in solidarity with the Palestinian people. Inspired by the anti-apartheid movement in South Africa, campaigns calling for Boycott, Divestment and Sanctions (BDS) against companies complicit in Israeli crimes have resulted in significant loss of profit, termination of jobs, and closure of stores (Dutton, 2024). Direct action activists have also disrupted arms factories supplying drone fleets to Israel and blocked military ships carrying weapons to Israel (Ammori, 2024). This unprecedented mobilisation and growing public dissent, however, have been met with various forms of repression by regimes seeking to control (OHCHR, 2024; Al Mezan, 2024), intimidate, and censor their critics who express solidarity with Palestinians.

#### *How labels criminalise activism: A rhetorical war*

The criminalisation of political activism involves attaching a criminal label to the activities or ideas of a group which State authorities deem necessary to control (Hall et al., 1978), based

on the threat it poses to the status quo. Actors of the pro-Palestine movement have been smeared as “terrorists”, “radicals”, “jihadists”, “extremists”, and “antisemites” in the media, government statements, and public discourse, to discredit their cause, peripheralize them and facilitate their targeting. This language is rooted in colonialist, imperialist and orientalist tropes which construct Palestinians as inherently violent, barbaric, and uncivilised, dehumanising them, delegitimising their struggle, and justifying their suffering. Their solidarity is thus framed as a threat to the Western liberal order and to the colonial project it created and maintained. To illustrate, American President Donald Trump has been accused of using Palestinian as a slur when he claimed Senator Party Leader Chuck Schumer is “not a Jewish anymore. He’s become a Palestinian” for criticising Netanyahu (Pengelly, 2025). UN experts have called on officials to desist from engaging in hate speech and inflammatory statements aimed at those who express solidarity with Palestinians. “Advocacy of national, racial or religious hatred that constitutes incitement to violence, hostility or discrimination is prohibited under international law,” they warned (OHCHR, 2023). The use of derogatory terms and speech by politicians, echoed by the media, is aimed at stigmatising and ostracising Palestinian solidarity, paving the way for its criminalisation. Importantly, this ‘narrative delegitimation’ can be used to illustrate the intent of State officials to punish dissenters (Browne et al., 2025, p. 3), as it creates a climate that enables authorities to use restrictive policies aimed at limiting free speech. Just as Israel suppresses and dominates Palestinians to “contain” their barbarism and prevent terror using force, those standing in solidarity with the Palestinians and challenging the system, hence threatening the status quo, must also be contained. This is done under the guise of maintaining public order, protecting national security, counterterrorism and most commonly, combating antisemitism. The weaponisation of antisemitism has been made possible through the International Holocaust Remembrance Alliance (IHRA) definition, which conflates anti-Zionism with anti-Judaism, i.e., criticism of Israel as anti-Jewish sentiment. Its adoption by governmental bodies and various institutions has led to the suppression of legitimate political speech – free from hatred, violence, or discrimination against Jews. Calls for a ceasefire in Gaza, an end to Israel’s violations in the OPTs or support for Palestinian liberation have been classified as hate speech. In response, Jewish organisations have expressed their concern over the exploitation of antisemitism to undermine civil liberties and democratic rights (Jewish Council for Public Affairs, 2025). Having successfully stigmatised and delegitimised the ideas and actions of pro-Palestinian actors (and, for our purposes, satisfied the intent of public officials’ limbs of torture), the State now moves to criminalise

their activities and propagation of their ideas, which can be illustrated through the crackdown on pro-Palestine protests, framed as inherently dangerous or destabilising.

*Protest turned crime: Abuse of police powers*

As guaranteed by Article 21 of the ICCPR, Article 11 of the European Convention of Human Rights (ECHR) and the UK Human Rights Act 1998, as well as various other international and domestic legal instruments, all persons are entitled to the right to freedom of peaceful assembly and to freedom of association, seen as a core element of democratic societies. In violation of this fundamental right, pro-Palestine protests across the West have been pre-emptively banned, heavily surveilled, met with police brutality, arrests, and charges under vague, draconian laws notorious for disproportionately impacting marginalised communities.

To criminalise protesting for Palestine, former UK Home Secretary Suella Braverman named the peaceful protests calling for the end of the genocide in Gaza “hate marches” led by “Pro-Palestinian mobs”, framing protests as inherently threatening and criminal (Syal et al., 2023). In a letter to the Chief Constables, Braverman instructed the police to heavily monitor pro-Palestine protests and “use full force of the law” against “potential offences” (UK Home Office, 2023). Citing the Terrorism Act and the Public Order Act, she warned against using symbols or slogans seen as anti-Israeli, hence restricting human rights to criticism of Israel. Braverman suggested that waving the Palestinian flag could be considered a criminal offence, and chanting “From the river to the sea, Palestine will be free”, a call for Palestinians’ rights to live in freedom and dignity, could be considered a racially aggravated offence. Government officials across the West have been framing pro-Palestine protests as disturbing and dangerous to facilitate the use of extreme coercive measures. In justifying the ban on pro-Palestinian marches (many organised by Jewish groups), German authorities stated there would be “zero tolerance” for “antisemitic or anti-Israel” assemblies (Nia, 2023). Delivering speeches in Arabic, holding up placards written in Arabic and wearing a Kuffiyeh (Middle Eastern headdress) have been banned, seen as suggestive of extremism (Hamed, 2025). France’s Interior Minister ordered local authorities to ban all pro-Palestine demonstrations (Charlton & Schaeffer, 2023), presenting them as threatening public safety by claiming or implying that they invite support for terrorism or incite hatred and violence (Shehadi & Talaat, 2024). The imposition of barriers to exercising the principal democratic right to peaceful assembly through such blanket restrictions aims to restrict the space for political engagement and stifle

dissent. Furthermore, it serves as a slippery slope to the erosion of other fundamental human rights essential to democracies.

Following the disproportionate response to pro-Palestine solidarity from State authorities, police forces have acted accordingly in exercising the over-expanded police powers (Waddington, 2005). Officers have been resorting to excessive use of force, e.g., use of plastic and rubber bullets, tear gas, police dogs, and physical force, in dispersing crowds and arresting peaceful protestors (CIVICUS, 2024). On International Women’s Day in Berlin, German police forces were reportedly targeting women in pro-Palestinian marches, punching, choking, and kicking them (*TRT World*, 2025). In Amsterdam, undercover police brutally attacked pro-Palestine university students protesting on campus using batons (*Al Jazeera*, 2025). Paris police used tear gas and water cannon to disperse peaceful pro-Palestinian protesters (*Wall Street Journal*, 2023). In the US, militarised police were sent to tear down encampments, arrest peaceful protesters and force dispersals using stun grenades (*Al Jazeera*, 2024); over 3100 such arrests have been documented over only a few months (*The New York Times*, 2024).

The smear campaign led by State officials against pro-Palestinian protestors, alongside the explicit instructions to target them, can be argued to demonstrate the purpose and intent elements of the legal definition of torture. When protestors are subjected to excessive force such as beatings, tear gas, and arbitrary detention by law enforcement forces acting on political directives, the resulting pain and suffering inflicted is neither accidental nor incidental. Rather, it is deliberate, targeted, and punitive. These actions are carried out by public officials, with clear political motivation, against individuals exercising protected rights, and often in the absence of any imminent threat. Where the physical and psychological harm inflicted reaches the necessary threshold of severity, such conduct may meet the definition of torture under international human rights law. In a striking comparison to *Cestaro v. Italy* (2015), which concerned the police raid of a school where anti-globalization protestors were housing when they subject to repeated beatings by police forces, the ECtHR held that such acts amounted to torture and that the state’s substantive obligation to refrain that inflicting pain with the purpose of punishing had been breached in addition to its procedural violation of failing to prosecute the officers responsible. Alternatively, where it is seen that the severity threshold has not been met, particularly owing to the inconsistent and uncertain approach of the ECtHR on the matter, it must be reiterated that the gravity limb is secondary to the purpose element of torture in distinguishing it from other cruel, inhuman and degrading treatment, and has become central in making such a distinction. Torture may have



thus become a means of social control and behavioural influence by State authorities across the West. This phenomenon will now be further explored through the instrumentalisation of legal mechanisms.

### *Lawfare*

Articles 19 and 20 of the ICCPR codify the right to freedom of expression as the right to hold and express opinions and beliefs, such as political or religious ones, without interference. Importantly, the prohibitions must be (a) provided for in law and narrowly defined, and (b) necessary and proportionate to achieve the set aim. The UN Human Rights Committee, in its explanatory comments, has emphasised that such a qualification cannot be used to suppress political dissent or opposition. “The harassment, intimidation or stigmatization of a person, including arrest, detention, trial or imprisonment for reasons of the opinions they may hold, constitutes a violation of article 19” (Human Rights Committee, 2011), as is any effort to coerce the holding or not holding an opinion.

This has not been respected, however, by state officials vis-à-vis expressions of solidarity with Palestine. Following the framing of pro-Palestine solidarity as a threat to the status quo, State authorities sought to criminalise legitimate political speech by interpreting it within the exceptions of this right. Western governments have resorted to lawfare, i.e., the weaponisation and instrumentalisation of legal measures to criminalise dissent. Seeking to intimidate the public and coerce them into suppressing anti-Israel opinions, authorities have extended State powers by applying draconian laws which are vaguely worded and overly broad. This facilitates their arbitrary use to silence dissent, hence politicising the legal system. Stifling free speech and civil liberties through lawfare is one stepping stone to the erosion of democracies; it indicates a rise in authoritarianism. This section will examine the various legal mechanisms employed to create a chilling effect in the pro-Palestine movement, and by extension, wider social justice movements, thereby shrinking civic space. It will explore how immigration measures, counter-terrorism laws, and other legal mechanisms are used to criminalise freedom of expression and political thought by closely examining cases where legal measures and political power were arbitrarily and disproportionately used to target pro-Palestine solidarity, under the guise of maintaining public order, protecting national security, and combating hate speech. It will be shown how these measures in intentionally inflicting pain and suffering to intimidate, punish and coerce pro-Palestinian activists, journalists, and academics, amount to torture.

### *Counter-terrorism laws*

In his *Anti-Palestinian at the Core: The Origins and Growing Dangers of U.S. Antiterrorism Law*, Li (2024) examined the foundations of U.S. antiterrorism policy and the agendas that shaped these laws, many of which emerged during pivotal moments in the Palestinian liberation struggle. He concluded that the development and expansion of counterterrorism laws in the US were principally motivated by efforts to suppress pro-Palestine political expression. “The inherently politicised nature of the terrorism label and the close involvement of Israel-aligned groups in crafting antiterrorism laws have made those laws structurally anti-Palestinian from their inception,” he revealed, highlighting the role of Zionist organisations in shaping these instruments to crush Palestinian resistance. The counterterrorism architecture, he found, was built on a foundation of hostility to the Palestinian liberation movement. The paper found that the first mention of terrorism in a federal statute appeared in 1969, vis-à-vis restrictions on humanitarian assistance to UNRWA, which inscribed the Palestinian refugee as a default terrorist. Today, UNRWA has been subjected to a targeted campaign to shut down its operations because of Israel’s baseless terrorism allegations against the UN agency, which sustains refugees as a recognisable group, aiming to sever Palestinian refugees’ right of return and seek reparations from Israel (Hassan & Hellyer, 2024, p.12). Acting upon these unsubstantiated claims, the US, European Union, Germany, the UK, Switzerland, France, and other Western countries cut their funding to UNRWA, resulting in a 75% loss of its budget. In December 2024, the General Assembly submitted a request to the ICJ for its Advisory Opinion on the *Obligations of Israel in relation to the Presence and Activities of the United Nations, Other International Organizations and Third States in and in relation to the Occupied Palestinian Territory*, expressing concern over Israel impeding with the presence, activities and immunities of the agencies and bodies of United Nations.

In the 1970s, Zionist organisations worked on casting the veil of terrorism almost uniquely on Palestinians, and the Palestinians emerged as the designated terrorists in the international imagination (Said, 1987; Seaton, 2023). Israel-aligned groups have worked to interlink its security concerns with broader Western values, reinforcing the link between the interests and aspirations of Israel and the West (Soubani & Shamas, 2024, p.97). A threat to the stability of Israel was therefore shaped as a threat to the West; this was used to pressure governments to crackdown on Palestinian resistance. Correspondingly, the first time the US congress labelled a non-state group a terrorist organization was of the Palestinian Liberation Organization (PLO); the first time it included terrorism in its immigration

laws defined terrorist activity by reference to the PLO; the first financial sanctions blacklist on organizations it created was against Palestinian political factions, marking a clear anti-Palestinian basis of anti-terrorism laws (Li, 2024, pp.3-4). In parallel, domestic counterterrorism laws were expanded to interpret any material support for Palestine as support for terrorism, whether through humanitarian assistance or political activism. Today, as Soubani and Shamas illustrate, this phenomenon is manifested in the chilling effect and shrinking civic space caused by the criminalisation of pro-Palestine activism through “designations, criminal bars on ‘material support for terrorism,’ immigration bars, and extensive financial and regulatory enforcement.” Counterterrorism legislation has thus become a politicised weapon of war, such that any expression of solidarity with Palestine can be skewed into charges of the highest order. The expansion and disproportionate application of counterterrorism laws breach the conditions of legality, necessity, and proportionality in restricting free speech, thereby suppressing civic engagement and legitimate political expression under international human rights law. These broad and vague draconian laws have facilitated unwarranted surveillance, searches and seizure of property coupled with abductions, investigations, deportations, and prosecutions to suppress political dissidents, most notably journalists, activists, and academics.

Richard Medhurst is a British independent journalist who has been reporting on the Israeli genocide in Gaza as part of his general coverage on International Relations, US politics and the Middle East. In August 2024, he was arrested upon landing at London Heathrow Airport under the Terrorism Act 2000 for allegedly “expressing an opinion or belief that is supportive of a proscribed organisation” (s.12). He was escorted off the plane, handcuffed, placed into a caged police van, and taken to a station where he was searched and placed in solitary confinement under surveillance. Reflecting on the incident, Medhurst expressed, “I felt like the process was designed to humiliate, intimidate and dehumanise me and treat me like a criminal, even though they knew of my background as a journalist.” (Medhurst, 2024). He was held for 15 hours without knowledge of his charge, access to a cell phone or proper representation. He was then questioned and subsequently released without charge. Condemning the abuse of counterterrorism laws against journalists in a so-called democracy, Medhurst proclaimed, “I am being politically persecuted in my own country. I feel that a muzzle has been placed on me.” In February 2025, a week after Medhurst received a letter from the British police extending the investigation, he was arrested again in Vienna, Austria. He was summoned by the immigration department where he was threatened with the revocation of his residency due to his re-

porting on Palestine and Lebanon, followed by an “ambush by plain-clothed agents” who detained him and served him with a warrant to search his home and studio under the accusation that he was a member of Hamas, which he, a Christian Englishman, categorically denies (Medhurst, 2025). Medhurst is now under investigation in both countries because of his journalism. This has led to his self-censorship, setting a dangerous precedent that undermines press freedom and the public’s right to be informed. Similar was the case of Asa Winstanley, a prominent British pro-Palestinian journalist with Electronic Intifada who has been documenting British complicity in Israel’s crimes; Winstanley was subjected to a home raid by the counterterrorism unit of the Metropolitan police under ‘Operation Incessantness’ in October 2024. His devices were unlawfully seized, endangering the confidentiality of his journalistic sources. The authorities claimed that they are investigating possible offences under sections 1 and 2 of the 2006 Terrorism Act for “encouragement of terrorism” and “dissemination of terrorist publications” respectively, without outlining the basis of these accusations. In both cases, the journalists had taken a stance in solidarity with Palestinians, and as a result, bore accusations of terrorism. The use of such overly broad and repressive provisions was condemned by Human Rights Watch, raising serious concerns about the State’s undue infringement on free speech (Human Rights Watch, 2007). The misuse and abuse of counterterrorism legislation to target journalists and justify the raids, detention and seizure of journalistic devices stifles press freedom and free speech, a pillar of democracy. Both Medhurst and Winstanley reported that they have suffered intimidation and censorship because of these unwarranted charges. In blatant contradiction to the British Prime Minister Kier Starmer’s commitment to protect media freedom, who asserted that “Journalism is the lifeblood of democracy” (The Guardian, 2024), the government has weaponised counterterrorism laws to coerce into silence journalists who it perceives to pose a direct threat to its foreign policy that facilitates Israel’s crimes.

A similar strategy has also been adopted against activists and political dissidents. Sarah Wilkinson, a veteran Palestine campaigner and solidarity activist whose house was raided by the UK counterterrorism police without a charge for pro-Palestine content she posted online, says, “I can’t see what they can charge me with. They can raid me just for the pure terror of it” (TRT World, 2024). She adds, “I have been bugged. I have been followed four times since my arrest. I am being monitored”. Wilkinson was asked during the raid to provide the phone numbers of some Palestinian journalists, which, she later discovered, were on the Israeli assassination list. Separately, documents have revealed that the Israeli embassy in London has attempted to

exert diplomatic influence on the Attorney General's Office to prosecute Palestine Action activists, undermining the credibility of the charges brought against them (Palestine Action, 2023). Palestine Action is a grassroots, direct-action and civil disobedience network "committed to end global participation in Israel's genocidal and apartheid regime", which uses disruptive tactics in targeting Israel's military-industrial complex and arms factories, e.g., Elbit Systems (Palestine Action, n.d.). They were effective in shutting down three arms factories in less than 4 years through protests, occupying their premises and destroying property linked to arms manufacturers. Richard Barnard, co-founder of Palestine Action, has been charged under s.12(1)(a) of the Terrorism Act for allegedly inviting support for Hamas and encouraging criminal damage against Israeli weapons factories under s.44 of the Serious Crime Act (Kennard, 2024). The previous arrest of Barnard, his co-founder Huda Ammori, and eight other activists was also of "encouraging criminal damage", among other related charges, for blocking Elbit System's factory entrances, spray-painting Elbit's headquarters, and occupying the rooftop of Shenstone's factory. All activists, including Barnard, were acquitted of all charges by the jury; yet he was arrested under the very same offence for the same alleged *actus reus*, in addition to the terrorism charge. This follows the expanded use by the police of counterterrorism legislation to target pro-Palestine activists, which can mainly be observed in the case of the Filton 18 – Palestine Action political prisoners who are held for causing over £1 million in damage to Elbit Systems by dismantling weapons. Direct action activists have been arrested under unrelated counterterrorism charges; they have been placed in solitary confinement, repeatedly woken in the middle of the night and interrogated by counterterrorism police, denied visitations or communications, subjected to intrusive medical testing and prohibited from practising their religion (Hearst, 2025). UN experts have intervened in the case, stating that the conduct appears to be ordinary criminal offences, not terrorism (Saul et al., 2024). Applying international standards, the activists' conduct fails to meet the terrorism threshold properly defined, pointing out that the authorities have acted disproportionately under the name of national security. Mere property damage, without endangering life, causing serious injury or hostage taking, does not qualify as terrorism, they asserted. Nonetheless, Palestine Action has been proscribed by the Home Secretary as a terrorist organisation. It ought to be recalled that any measure seeking to restrict political activism must meet the legality, proportionality, and necessity conditions to avoid chilling legitimate political dissent. This requirement has been systematically breached to punish and silence expressions of solidarity with Palestine. In another manifestation of authorities' directed abuse of counter-

terrorism laws, 890 individuals protesting against the proscription of Palestine Action were violently arrested by the London Metropolitan Police largely under the Terrorism Act (Amnesty, 2025).

Upon normative analysis, the normalisation of the exceptional theory posits that where a measure is introduced to tackle an uncommon crime (often as a result of the legislator's unrealistic portrayal of a constant high level of danger), it is vulnerable to employment in common or minor offences; the exceptional measure essentially sets a trend and catalyses the evolution process towards its acceptance as the norm, institutionalizing it as accepted powers of the state (Flyghead, 2002). The 9/11 era had normalised and institutionalised the targeting and surveillance of Muslims as a suspect community (Pantazis & Pemberton, 2020). Similarly, the current crisis is being exploited to expand and criminalise all forms of advocacy for Palestinian rights, creating a chilling effect. The use of counterterrorism measures against pro-Palestinian activists and journalists creates a "slippery slope" for the erosion of civil liberties (Dyzenhaus, 2001), for it normalises the criminalisation of free speech and the use of lawfare to punish dissenters through intimidation and coercion.

#### *Immigration: Revocation, Detention and Deportation*

State authorities have been deploying immigration measures as a form of punishment for expressing political opinion supportive of Palestinian liberation or critical of Israel, which, by way of automatic association, criticises Western governments' foreign policies. Under the auspices of protecting public interest and national security, authorities have been weaponising immigration measures and abusing powers to harass, intimidate, and silence pro-Palestine activists. In the appeal heard before the UK Immigration Tribunals challenging a student visa revocation and deportation decision taken against statements made in support of Palestinian's right to resist occupation as enshrined in International Humanitarian Law (Dana AbuQamar v Secretary of State for the Home Department, 2023), it was revealed that since October 2023, almost all interventions by the Home Office were against Palestinian supporters, despite the equal rise in antisemitism and Islamophobia post-October 7.

Interpreting the unwavering support for Israel as a core element of "German values", Germany's immigration authorities have now made it a requirement for naturalisation to affirm Israel's right to exist (Tanno, 2024). Authorities recently ordered the deportation of four student activists for spreading "anti-Israel hatred" by participating in a sit-in at the Free University of Berlin. The arbitrariness and abuse of political power were checked by an administrative court, which held that the mi-



gration authority failed to “fulfil sufficiently its official duty of investigation” in taking these measures (Salfiti, 2025). In 2024, Germany enforced a Schengen-wide ban on pro-Palestinian speakers, most notably the British-Palestinian surgeon Ghassan Abu-Sitta (Serhan, 2024). Dr. Abu-Sitta was denied entry to Germany to attend a conference to which he was invited to give his testimony as a doctor who worked in Gaza during the genocide (Middle East Eye, 2024). He was questioned for 3.5 hours, asked to leave the country, and thereafter temporarily banned and threatened with imprisonment if he were to provide his witness statement virtually. Dr. Abu-Sitta describes this as an effort to “bury the evidence, silence, harass and intimidate” witnesses to a crime which Germany is complicit in, a claim which has been brought by Nicaragua before the ICJ on the *Alleged Breaches of Certain International Obligations in respect of the Occupied Palestinian Territory* (Nicaragua v. Germany, 2024). A similar case was that of Palestinian American journalist and executive director of Electronic Intifada, Ali Abunimah, who was detained by undercover Swiss police without charge

on his way to an event where he was set to address Palestine solidarity campaigners. He spent three days in an immigration jail under administrative detention and thereafter deported from Switzerland. Abunimah was later informed that on the day of his arrival, an entry ban had been issued “to safeguard the internal and external security of Switzerland”, despite having been extensively questioned upon arrival at the airport and permitted entry (Winstanley, 2024). The use of immigration powers to target journalists and activists is a disproportionate and discriminatory response to expressions of solidarity with a humanitarian cause. Resorting to the detention and deportation of such persons to intimidate and silence them is a blatant violation of international human rights law standards.

Marco Rubio, former Senator of Florida and current Secretary of State to the Trump office, had proposed to the Biden administration the deportation of pro-Palestinian student protestors, referring to them as “terrorist sympathisers” and “pro-Hamas radicals” (Erudera, 2024). Only ten days after his inauguration, Trump signed an executive order targeting

**Figure 2.** Security footage from the abduction of Rümeyşa Öztürk by Homeland Security agents on March 25, 2025, in Somerville, Massachusetts





pro-Palestine student protesters. In a significant blow to free speech, university students who participate in protests or speech activity critical of Israel, branded as anti-Jewish speech and pro-Hamas, are threatened with deportation. "To all the resident aliens who joined in the pro-jihadist protests, we put you on notice: come 2025, we will find you, and we will deport you," said Trump (The White House, 2025). This follows his "expanded travel ban" executive order, which requires extensive vetting of international students who support Palestine or criticise US policy upon entry to justify their ban. These orders seek to strong-arm government agencies and universities into policing, surveilling, isolating, purging, and punishing Palestine scholarship and activism, sending a chilling effect on speech critical of Israel or supportive of Palestinian rights (Palestine Legal, 2025). Since then, the legal statuses of around 1500 students have been impacted across 240 universities in the US for expressing support for Palestine (Al Jazeera, 2025).

In a severe blow to the First Amendment right of the US Constitution and a chilling echo of the McCarthyism era, Mahmoud Khalil, a lawful permanent resident of the US, has been placed through deportation proceedings for his Palestinian advocacy. His family were expelled by the Israeli forces from Tiberias, Palestine, during the Nakba, taking refuge in Syria. Khalil was born and raised in a Palestinian refugee camp in Syria and thereafter fled the Assad regime to Lebanon. He has since moved to the US and obtained his green card, where he undertook his graduate studies in international affairs at Columbia University. Khalil is an activist who helped lead and organise student protests and encampments, which aimed to pressure Columbia University to divest from institutions tied to Israel's unlawful activities and call for an end to the genocide in Gaza. In the late hours of the night on March 8, 2025, Khalil was ambushed and abducted by Department of Homeland Security (DHS) agents in plain clothes from his graduate housing. His 8-month pregnant wife, Noor Abdalla, a US citizen, who was also threatened with arrest for refusing to leave her husband's side, was told his student visa was cancelled; when she informed them that he was a legal permanent resident, they replied that, too, had been revoked. Khalil was taken to an Immigration and Customs Enforcement (ICE) detention unit in Louisiana, which has come under scrutiny for its systemic abuses and disappearances of immigrants (Misick, 2023; Finn, 2024). This follows the "forum shopping" strategy employed by the government to ensure that immigration detainees appear before conservative courts, which are notorious for rubber-stamping government decisions. Khalil has been threatened with deportation as accusations flood from the White House for "siding with terrorists", without any support for their claims.

The U.S. government relied on the obscure Immigration and Nationality Act of 1952, which gives the Secretary of State the power to deport migrants if they have "reasonable ground to believe that the alien's presence or activities in the United States would have potentially serious adverse foreign policy consequences for the United States." The very same act was used to block the immigration of Jews fleeing the Holocaust in Europe. It ought to be recalled that the national interests and foreign policy of Western governments have been strongly interlinked with that of Israel, hence any support for Palestinian liberation will inevitably be equated with compromising their "foreign policy". Although a New Jersey court temporarily blocked Khalil's deportation, a Louisiana judge approved it, asserting that his continued presence in the US posed "potentially serious foreign policy consequences" (Cline & Brumback, 2025). The unlawful and arbitrary detention and deportation order of Khalil, who was targeted for exercising his constitutional right of free speech and peaceful assembly in support of Palestinian rights, is part of a wider crackdown on pro-Palestine protestors, designed to intimidate the growing student movement opposing the genocide in Gaza.

Rümeysa Öztürk, a doctoral student of child development at Tufts University in Massachusetts, was arrested by 6 masked agents on her way to break her fast with her friends during the holy month of Ramadan. Öztürk was informed that her student visa had been revoked, and when she asked if she could call the cops, they replied "we are the cops". She had disappeared for hours before information surfaced that she had been shipped to Louisiana. Öztürk reportedly suffered five asthma attacks in detention and was denied access to her lawyer for 24 hours after her detention. It has been revealed that the DHS targeted her due to her co-authorship of an op-ed criticising her university's response, or lack thereof, to the divestment calls by students and failure to acknowledge the genocide in Gaza. Such speech, the government argued before the immigration court, undermines U.S. foreign policy, creates a hostile environment for Jewish students, and indicates support for terrorism (McCormack, 2025). The Trump administration has been targeting students through such abduction, detention, and deportation orders for attending pro-Palestine demonstrations or publicly expressing support for Palestinians. This pattern is evident with Dr. Badar Khan Suri, Yunseo Chung, Momodou Taal, Leqaa Kordia and others who have participated in pro-Palestinian student protests and expressed views on Israel's crimes in Gaza. Following the series of arrests conducted, Mohsen Mahdawi, a Palestinian student activist at Columbia and a green card holder who was ambushed in his citizenship interview in a Vermont immigration office, had been "in hiding" from ICE. The targeting of

international student activists for their Palestinian activism has created a climate of fear and intimidation amongst the student population, creating a chilling effect on the First Amendment right to free speech.

Beyond the crackdown on students, immigration powers have also been weaponized against other State officials. In September 2025, following the 80th session of the UNGA, the US State Department announced it will revoke the visa of Colombian President Gustavo Petro. President Petro had joined a pro-Palestine protest during his time in New York where he warned US Soldiers against being complicit in genocide. This also comes after his proposal at the UNGA to mandate a UN protection force for Palestine and enforce international justice by holding Israel to account for its crimes (*The Guardian*, 2025).

#### *Institutional repression*

In his book *Discipline and Punish: The Birth of the Prison*, Foucault (1995) illustrates the shift of punishment from a public spectacle to private detention. Public executions involved physical ceremonial displays; Foucault describes, “Set up scaffolds, stakes, drag out the guilty man to the public squares, summon the people with great cries” (p. 110). The reform, he argues, is manifested in the exercise of disciplinary powers which seek to manipulate individuals’ movements through space and time. This practice surpasses prisons and has been cultivated in societal structures marked by hierarchical observations and the exercise of disciplinary powers, thereby creating “docile bodies.” In studies examining the effectiveness of punitive discipline and corporal punishment in schools, punitive discipline has been defined as the deployment of various exclusionary tactics to deter or account for perceived misbehaviour (Duarte, 2023).

In academic institutions, those who misbehaved by engaging in peaceful protests at their university campuses have been met with police violence, legal and academic consequences. Universities have been taking disciplinary and punitive measures such as suspensions and expulsions of students, dismissal of academics, dissolving student groups, restrictions on campus meetings, blacklisting students, accompanied by threats to their prospects for future employment (Shaheed, 2024). Academics have faced severe consequences for their pro-Palestine stances. Maura Finklestein, a Jewish professor, was reportedly dismissed following social media posts critical of Israel, which were labelled antisemitic. Others have been suspended, dismissed, and censored for their pro-Palestine stances, fomenting a culture of fear and intimidation to suppress pro-Palestinian thought (Sainato, 2024). This repression has resulted in the suppression of academic speech such that more than 80% of American academics report they self-censor when involved in discussions

critiquing Israel (Lynch & Telhami, 2023), fearing loss of employment or disciplinary measures. The attack on universities, where open and free inquiry, diversity of thought, and dissent are celebrated and valued, is aimed at exerting ideological control and creating ‘docile bodies’ which conform to the system.

Despite the administrative crackdown on pro-Palestinian voices, the judiciary has been fulfilling its safeguarding duty of civil liberties. For instance, David Miller, an anti-Zionist academic at the University of Bristol who was wrongfully dismissed for his political beliefs, succeeded in proving discrimination against his employer. In *Miller v. Bristol* (2022), the employment tribunal ruled that anti-Zionism is a philosophical belief and, as such, a protected characteristic under Section 10 of the Equality Act 2010. The university had therefore acted unlawfully by taking disciplinary action against him for his pro-Palestine stance.

The repressive university responses and associated internal disciplinary proceedings appear to be dictated by the pressure exerted on administrators by external funders. Donors and government officials have threatened to withdraw funding from universities if administrators fail to suppress displays of Palestine solidarity on their campuses. In response to these threats, US university administrators have sent militarised police to tear down pro-Palestine encampments and violently arrest students – a response seldom seen in violent counterprotests. When counter-protestors armed with chemical irritants and sticks appeared at night in the University of California, Los Angeles (UCLA) encampment and began assaulting students, including shooting fireworks at the crowd, the university remained silent; police took 3 hours to appear at the university and thereafter stood by watching before eventually intervening (Bedi et al., 2024). Universities have taken their students to court, seeking evictions and injunctions over peaceful protests (Connolly & Pilgrim, 2024; ELSC, 2025).

The intersection of academic disciplinary procedures with immigration enforcement has introduced further legal and human rights concerns. Using threats and sanctions to place barriers on academic freedom, the Trump administration threatened universities with pulling federal funding to pressure them into facilitating ICE and DHS abductions in its crackdown on student activists. Only 3 days after the White House cancelled \$400 million in Grants to Columbia University, Mahmoud Khalil was arrested from university housing. In his letter to Columbia, Khalil accused the university of laying “the groundwork for [his] abduction”, writing that his targeting was “a direct extension of Columbia’s repression playbook concerning Palestine.” (Khalil, 2025; Helmore, 2025). Khalil had been subjected to disciplinary measures by Columbia under the aus-

pices of combating IHRA-antisemitism on campus. Columbia's administration had turned over student disciplinary records to Congress, which had then created a task force to target anti-Israel speech (Splaver, 2024), despite UN experts warning universities against surveilling their students who participate in peaceful assemblies or sharing students' personal data with State agencies (OHCHR, 2025).

The crackdown on academic freedom can also be observed in the enactment of Anti-Boycott laws which act in direct violation of the international legal obligation by Third States "not to recognize as legal the situation arising from the unlawful presence of Israel in the [Occupied Palestinian Territories], not to render aid or assistance in maintaining the situation," and take measures to prevent further violations including through economic and trade measures, e.g., sanctions (ICJ, 2024). In the UK, Sunak's government had introduced the *Economic Activity of Public Bodies (Overseas Matters) Bill*, which sought to restrict public bodies, including universities, from boycotting companies doing business with Israel, mirroring Margaret Thatcher's restrictions on 'political action' by local councils against Apartheid South Africa in 1988 (Anti-Apartheid Movement Archives, n.d.). In the United States, 38 States have enacted laws which prohibit State contracts and investments in individuals or entities that boycott Israel to support Palestinian rights. This is aimed at suppressing Boycott, Divestment, Sanctions (BDS) campaigns<sup>2</sup>, primarily led by students, which urges universities to divest from companies complicit in Israel's crimes.

Taken together, these developments have created a coercive environment in which students and academics face material risks, including disciplinary action, reputational harm, immigration penalties, and professional consequences for expressing support for Palestinian rights. Gina Romero, Special Rapporteur on the rights to freedom of assembly and association, warned that such brutal repression can result in "alienating an entire generation, damaging their participation and perception of their role in democratic processes", urging governments and institutions to revise policies targeting the pro-Palestinian solidarity movement (United Nations, 2024).

## Conclusion

The repression of pro-Palestinian solidarity by Western States is neither incidental nor reactionary, but a deliberate and structural strategy of coercion that may meet the threshold of punitive

torture. As this paper has argued, smear campaigns, political policing, lawfare, immigration enforcement, and institutional repression have inflicted serious psychological - and at times physical - harm on activists, journalists, and academics. These acts are not isolated incidents but part of a broader effort to stigmatise dissent, enforce ideological conformity, and shield colonial violence from public scrutiny.

By analysing these practices through the definitional lens of torture – particularly the elements of purpose, intent, and state involvement – this study has shown how such measures may satisfy the threshold of punitive torture, even when not accompanied by overt physical brutality. The systematic framing of Palestinian solidarity as a threat has enabled States to instrumentalise legal and administrative mechanisms to punish and deter dissent, thereby cultivating a pervasive climate of fear and intimidation.

This phenomenon must be understood within the wider architecture of settler-colonialism and racial hierarchy that underpins the West's unwavering support for Israeli state violence. Within this ideological and geopolitical context, the erosion of civil liberties and democratic space is not a deviation but a structural feature. To meet their obligations under international human rights law, particularly the absolute prohibition of torture and the protection of the rights to freedom of expression and peaceful assembly, States must confront not only discrete violations, but also the institutional and systemic conditions that enable and sustain such repression.

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2 Palestinian-led movement (launched in 2005) that urges individuals, institutions, and governments to boycott certain products and events, divest from companies, and push for sanctions—to pressure Israel to comply with international law as a way of non-violent pressure.

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