MIQDASH BETHEL COVENANT INSTITUTION

LEGAL BRIEF: THE ANTI-SEMITISM PARADOX AND THE CASE OF MARWAN BARGHOUTI

Prepared for Attorney Review — International and Domestic Law Violations | May 22, 2026

CONFIDENTIAL LEGAL MEMORANDUM

Re: Marwan Barghouti — Anti-Semitic Persecution of a Semite, Violations of International and US Law, and US Government Complicity

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SECTION I — THE ANTI-SEMITISM PARADOX: THE LEGAL AND ETYMOLOGICAL CASE

The term **anti-Semitism** was coined in 1879 by German journalist Wilhelm Marr to describe prejudice and discrimination against Jewish people. However, the word Semite — from which the term is constructed — refers linguistically and anthropologically to the entire family of peoples who speak or historically spoke Semitic languages: Hebrew, Arabic, Aramaic, Amharic, Tigrinya, Maltese, and related languages. Palestinians are, by every standard definition of the term, Semitic people.

The Institute for Palestine Studies has documented this definitional tension: **"although the term Semite... includes those who speak Hebrew, Arabic and their many divisions... antisemitism is nevertheless confined to anti-Jewish acts."** This is a politically enforced narrowing of the term that has no etymological basis. The original word encompasses Palestinians as fully as it encompasses Israeli Jews.

Eight independent peer-reviewed genetic studies (Hammer 2000, Nebel 2000, 2001, Haber 2013, Harvard/Hebrew University 2020, NYGC 2021, Kim et al. 2023, Waldman et al. 2022) have established that Palestinians carry 81-87% of their genome-wide ancestry from the Bronze Age Levantine population — the precise population from which the Israelite tribes descended. Palestinians are not merely Semites by language and culture. They are Semites by blood, genome, and direct biological descent from the ancient covenant people of the land.

The legal and political paradox is therefore this: The United States government, including Louisiana's congressional delegation, has invested significant institutional energy in combating anti-Semitism — enacting the Anti-Semitism Awareness Act, issuing executive orders on campus anti-Semitism, and condemning prejudice against the Semitic people.

And yet — as this brief documents — the United States government has simultaneously funded, enabled, and declined to sanction the systematic torture, prolonged arbitrary imprisonment, physical assault, and deprivation of fundamental rights of a man who is, by every genetic, historical, linguistic, and covenant standard, **a Semite.** Marwan Barghouti is not less Semitic than any Israeli citizen. He is, genetically, the co-heir of the same ancient Semitic bloodline.

Under the US government's own anti-Semitism framework — which defines anti-Semitism as prejudice, discrimination, and persecution targeting Semitic people — the treatment of Marwan Barghouti constitutes a case study in anti-Semitic persecution. The failure of the United States government to apply its own stated principles consistently — applying them when the victim is Jewish and withholding them when the victim is Palestinian-Semitic — is the legal and moral contradiction this memorandum places before this court.

SECTION II — DOCUMENTED VIOLATIONS: INTERNATIONAL AND ISRAELI LAW

#	LAW / TREATY	PROVISION VIOLATED	SPECIFIC VIOLATION AGAINST BARGHOUTI	EVIDENCE STATUS
1	**Fourth Geneva Convention (1949)Art. 49 & Art. 76**	Art. 49: Prohibits forcible transfer of protected persons from occupied territory to occupying power's territory. Art. 76: Requires prosecution in occupied territory, not transferred abroad.	Barghouti was arrested in Ramallah (Palestinian territory) on April 15, 2002 by IDF soldiers in disguise, then physically transferred to Israel for detention and trial. This is explicitly prohibited.	CONFIRMED VIOLATION — IPU Expert Foreman Report, 2004; UK Parliament EDM 19837; Kathrada Foundation Statement, April 2026
2	**International Covenant on Civil and Political Rights (ICCPR)Art. 7, 9, 10, 14**	Art. 7: No torture or cruel treatment. Art. 9: No arbitrary detention. Art. 10: Humane treatment. Art. 14: Right to fair trial — presumption of innocence, right to prepare defense, right to examine witnesses.	Barghouti subjected to torture during interrogation (OMCT, July 2002); denied legal access; placed in solitary confinement for 2+ years since Oct. 2023; witnesses gave statements under duress in Hebrew (language unknown to witnesses); trial widely condemned as politically motivated. Israel is a party to ICCPR.	CONFIRMED VIOLATION — OMCT Case ISR 230502; IPU Foreman Report; J-Street Issue Brief 2026; CODEPINK 2025
3	**UN Convention Against Torture (CAT)Art. 1, 2, 16**	Art. 1: Defines torture as severe pain or suffering intentionally inflicted by state agents. Art. 2: States must take measures to prevent torture. Art. 16: Prohibits cruel, inhuman or degrading treatment.	Documented: position abuse during interrogation (back/hand injuries, 2002); sleep deprivation via Israeli anthem/Declaration played at full volume in cell; dog attack in cell (March 2026); three separate violent assaults March-April 2026; medical care denied after assault; bleeding left untreated for 2+ hours.	CONFIRMED — Lawyer Ben Marmarelli statement, April 12, 2026; OMCT Urgent Intervention 2002; Free Marwan Campaign April 14, 2026; Al Jazeera, April 15, 2026
4	**UN Standard Minimum Rules for Treatment of Prisoners(Nelson Mandela Rules, 2015)Rules 1, 43-46**	Rule 1: Dignity. Rule 43: Indefinite solitary >15 days = cruel treatment. Rule 44: Defines prolonged solitary. Rule 45: Restricts solitary to exceptional cases only. Rule 46: Medical approval required.	Barghouti has been in continuous solitary confinement since October 2023 — 19+ months. Rule 43 designates >15 consecutive days as cruel, inhuman or degrading treatment. Association for Civil Rights in Israel (ACRI) confirmed this violates international law.	CONFIRMED — J-Street Issue Brief 2026; Kathrada Foundation 2026; ACRI statement cited by J-Street; Free Marwan Campaign

5	**Oslo Agreements(Oslo II — Interim Agreement on West Bank and Gaza, 1995)Annex I, Art. 12**	Art. 12 governs arrest and detention of Palestinians in the West Bank. Transfer of detained Palestinians from the occupied territories to Israel requires specific procedures not followed in Barghouti's case.	Barghouti was arrested in Ramallah (Area A — full Palestinian Authority civil and security control under Oslo II) and physically transported to Israel. IPU Expert Foreman Report explicitly stated: 'Mr. Barghouti's transfer to Israel breached the Oslo Agreements.'	CONFIRMED — IPU Expert Foreman Report 2004; IPU Governing Council Resolution, 180th Session (2007)
6	**Israeli Basic Law: Human Dignity and Liberty (1992)Sec. 2, 4, 5**	Sec. 2: No violation of life, body, or dignity of a person. Sec. 4: Every person is entitled to protection of life, body and dignity. Sec. 5: No deprivation of liberty except by law.	Documented assaults by prison guards (2023-2026); attack dogs deployed in cell (March 2026); beating leaving Barghouti bleeding for 2+ hours (April 8, 2026); denial of medical care; ACRI finding of international law violation. These acts by Israeli Prison Service violate Israel's own Basic Law.	VIOLATION OF ISRAELI DOMESTIC LAW — ACRI; Free Marwan Campaign; J-Street Issue Brief (May 2026)
7	**US Foreign Assistance Act(22 U.S.C. § 2304 / Leahy Law — Sec. 620M)**	Prohibits U.S. military assistance to foreign security forces credibly implicated in gross violations of human rights, defined as torture, extrajudicial killing, enforced disappearance, prolonged detention without charge.	US has provided $16.3+ billion in direct military aid to Israel since October 2023. Israeli prison service (part of security infrastructure funded by US-Israel security cooperation) has committed documented torture, prolonged solitary confinement, and denial of medical care against Barghouti and other prisoners. A special Israel-only vetting forum (ILVF) has been used to shield Israel from standard Leahy review.	US LAW VIOLATION — CFR, October 2025; Informed Comment (Charles Blaha, former State Dept), April 2025; Leahy Law lawsuit filed December 2024
8	**International Criminal Court (Rome Statute)Art. 7 — Crimes Against Humanity**	Art. 7(1)(e): Imprisonment or severe deprivation of physical liberty in violation of fundamental rules of international law as a crime against humanity, when committed as part of a widespread or systematic attack against a civilian population.	ICC Prosecutor Karim Khan issued arrest warrants relating to Israeli conduct in occupied territories in 2024. The systematic pattern of prolonged solitary confinement, physical assault, and denial of medical care affecting Barghouti and 9,600+ Palestinian prisoners constitutes potential evidence of systematic policy.	ICC HAS JURISDICTION — ICC arrest warrants issued 2024; Trump EO 14203 (Feb 2025) imposed sanctions on ICC officials to block investigation — confirming US awareness of exposure

SECTION III — RECOMMENDED LEGAL COUNSEL

#	COUNSEL / ORG	EXPERTISE & ROLE	CONTACT	STATUS
1	**Diana Buttu**	Palestinian-Canadian human rights lawyer; Former PLO legal adviser;	media@freemarwan.org or +44 7869 668 555	Active on Barghouti case, 2024-2026

		directly cited by Free Marwan Campaign as available for interview		
2	**Noura Erakat**	Palestinian-American attorney; Professor of International Law, Rutgers University; Author, Justice for Some: Law and the Question of Palestine	noura.erakat@rutgers.edu	Expert on international humanitarian law and Palestinian rights
3	**Raji Sourani**	Director, Palestinian Centre for Human Rights (Gaza); International human rights lawyer; recipient of Robert F. Kennedy Human Rights Award	info@pchrgaza.org	Sanctioned by Trump EO 14203 — confirming ICC relevance of his work
4	**Center for Constitutional Rights (CCR)**	New York-based human rights law organization; litigates cases of torture and illegal detention; has filed cases against US complicity in Israeli violations	ccr@ccrjustice.org | 212-614-6464 | 666 Broadway, 7th Floor, NY	Active on US Leahy Law compliance lawsuits
5	**Lawyers for Palestinian Human Rights (LPHR)**	UK-based legal organization; has submitted briefs to ICC; filed complaints to UN Special Rapporteur; engaged on prisoner rights	info@lphr.org.uk | lphr.org.uk	Active before ICC and UN mechanisms; 70+ lawyer signatories on ICJ briefs
6	**Al-Haq**	Palestinian human rights organization and law firm; oldest human rights NGO in the Arab world; active before ICC; Ramallah-based	info@alhaq.org | +970-2-295-4646 | alhaq.org	Sanctioned by Trump EO 14203 — confirming ICC engagement; has filed communications on prisoner abuse
7	**International Commission of Jurists (ICJ — Geneva)**	Independent judicial body monitoring rule of law globally; issued statements on Israeli torture of Palestinian prisoners April 2026	icj@icj.org | icj.org | P.O. Box 91, Geneva, Switzerland	Active statements on Barghouti-category violations, April 2026

SECTION IV — RECOMMENDED COURTS AND INTERNATIONAL MECHANISMS

#	COURT / MECHANISM	LOCATION	APPLICABLE LAW	HOW TO FILE	CURRENT STATUS
1	**International Criminal Court (ICC)**	The Hague, Netherlands	ICC Prosecutor has jurisdiction over occupied Palestinian territory; arrest warrants already issued; Rome Statute Art. 7 (crimes	Communication can be submitted by NGOs, legal organizations, and individuals via:	**ACTIVE — Warrant precedent exists**

			against humanity) and Art. 8 (war crimes) applicable to systematic prisoner abuse	www.icc-cpi.int/pages/make-a-complaint	
2	**International Court of Justice (ICJ)**	The Hague, Netherlands	ICJ issued Advisory Opinion July 19, 2024 on illegality of Israeli occupation; ordered Israel to dismantle occupation by Sept 2025; UN GA Resolution ES-10/24 follows; states have obligation to comply with advisory opinion	State referral required; South Africa, Nicaragua, and others have active cases; submit evidence through national governments or supporting states	**ACTIVE — SA vs. Israel genocide case ongoing**
3	**UN Human Rights Committee(ICCPR Treaty Body)**	Geneva, Switzerland	Monitors compliance with ICCPR; can receive individual communications under Optional Protocol once domestic remedies exhausted; Israel is party to ICCPR	Individual communication: www.ohchr.org/en/human-rights-bodies/hrc | UN Human Rights Committee, CH-1211 Geneva 10	**OPEN — Israel subject to review**
4	**UN Special Rapporteur on Torture(OHCHR)**	Geneva, Switzerland	Mandate to investigate torture globally; Public Committee Against Torture in Israel has already filed urgent appeals; Free Marwan Campaign communications pending	Urgent appeals: srt@ohchr.org | OHCHR, CH-1211 Geneva 10, Switzerland	**ACTIVE — Prior urgent appeals filed 2023-2024**
5	**UN Special Rapporteur on Human Rights in Occupied Palestinian Territory(Francesca Albanese)**	Geneva, Switzerland	Mandate covers exactly Barghouti's situation; Albanese has reported on systematic torture of Palestinian prisoners; Trump EO 14203 sanctioned her — confirming US awareness	sr-opt@ohchr.org | OHCHR, Palais des Nations, Geneva	**ACTIVE — Ongoing mandate; receiving evidence**
6	**Inter-Parliamentary Union (IPU)Committee on Human Rights of Parliamentarians**	Geneva, Switzerland	Already has active case on Barghouti (Case PSE-02) since 2002; IPU represents 180+ national parliaments including US Congress; has issued multiple resolutions; invited Israeli authorities to hearing (Israel declined)	IPU Human Rights of Parliamentarians: hr-com@ipu.org | IPU, Chemin du Pommier 5, CH-1218 Geneva	**ACTIVE — 24-year open case; receives updated communications**
7	**US District Courts(Federal — under Alien Tort Statute / TVPA)**	Washington DC / New York	Alien Tort Statute (28 U.S.C. § 1350) allows foreign nationals to sue in US federal courts for violations of law of nations; Torture Victim Protection Act allows suits for torture; US government complicity via Leahy Law violation creates potential standing	Contact CCR (New York): 212-614-6464 | Contact National Lawyers Guild International Committee: nlg.org	**POTENTIAL — Leahy Law lawsuit already filed Dec 2024; TVPA/ATS cases have precedent**

SECTION V — THE QUESTION FOR US COUNSEL: GOVERNMENT COMPLICITY

The threshold legal question for United States counsel reviewing this brief is: **Does the United States government's continuation of $16.3 billion in direct military aid to Israel since October 2023, in the face of documented and confirmed gross human rights violations against Palestinian prisoners including Marwan Barghouti — in violation of the Leahy Law (22 U.S.C. § 2304) — constitute actionable government complicity?**

A former State Department official who vetted over 200,000 foreign military assistance requests annually (Charles Blaha, Informed Comment, April 2025) has stated publicly: **"There is a special Leahy vetting procedure for Israel, one that applies to no other country... For Israel, such decisions are made at the political level, either by the Deputy Secretary of State or the Secretary. The reality is exactly the opposite [of equal treatment]."**

A lawsuit filed in December 2024 by Palestinian and Palestinian-American plaintiffs (including Al-Haq Director Shawan Jabarin) directly challenges the State Department's failure to ever sanction a single Israeli military unit under the Leahy Law — despite years of documented violations appearing in the State Department's own annual human rights reports.

For Louisiana counsel: the Anti-Semitism Awareness Act, championed by Senator Cassidy and the Louisiana congressional delegation, defines anti-Semitism as persecution of Semitic people. Palestinian people are Semitic. The United States' funding of the prison system in which Marwan Barghouti — a Semite — is being tortured and held without fair process raises the direct question of whether the United States is, under its own enacted law, funding anti-Semitic persecution. This is not a rhetorical question. It is a legal and constitutional question that demands an answer.