



Media Release

20 November 2023

### **Peak Palestinian advocacy organisations condemn allegations against visiting UN human rights expert**

The Australian Friends of Palestine Association (AFOPA) and the Australia Palestine Advocacy Network (APAN) condemn the [statement circulated by the Australia Israel and Jewish Affairs Council \(AIJAC\)](#) in response to the National Press Club address by the visiting UN Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, Francesca Albanese. The UN Human Rights Council appointed Ms Albanese to this function in April 2022 for a six-year term.

The 15 November statement by AIJAC's Executive Director, Colin Rubenstein, is "clearly defamatory of Ms Albanese and must be challenged," says AFOPA Chairperson Ms Christa Christaki.

AFOPA and APAN reject the outrageous assertions against Ms Albanese, including that 'she is a liar', and that everything she said at the National Press Club on 14 November consisted of 'absolute falsehoods'.

This egregious attack on a highly respected human rights lawyer and well published scholar, and now Special Rapporteur of the United Nations, seriously misrepresents and distorts key arguments made by Ms Albanese in her [Press Club presentation](#).

To claim that Ms Albanese 'repeatedly justified terrorism against Israeli civilians while arguing Israel has no right to self-defence against Palestinian violence' is an extraordinary distortion of her argument which is easily disproved by looking at the video of the Press Club event.

Firstly, Ms Albanese has never justified terrorism and this serious allegation should be retracted immediately.

Secondly, in relation to Israel's claim to the right to self-defence, Ms. Albanese referred to international law as reaffirmed by the International Court of Justice saying that self-defence - the right to use military force, and therefore the right to wage a war - cannot be invoked against threats emanating from the territory which the state, in this case Israel, occupies. International humanitarian law recognises that Israel has the right to protect itself and its citizens through law enforcement measures to restore law and order and pursue accountability.

Ms Albanese stands by her claim that Israel is an apartheid state, and notes that in doing so she is supported by the findings of her predecessor, Professor Michael Lynk, Human Rights Watch, Amnesty International, Israeli human rights organisation B'Tselem and others. Amnesty's report, published in February 2022, extends to 280 pages of documented evidence.

In August 2023, over 2,800 academics, clergy and other public figures, mostly from Israel denounced the "apartheid system in the occupied Palestinian territory as the "elephant in the room". Instead of accusing



the UN Special Rapporteur, it would be more honest to engage with the substance of her claims.

Ms Albanese did not call for the “dismantling and the complete removal of Israel.” She simply noted the need for the end of the apartheid practices by the State of Israel, which could be done by a constitution establishing the equality of all citizens inside Israel and the end of the settler-colonial occupation of the 1967 Palestinian territory, as preconditions to any political solution.

The suggestion in AIJAC’s statement that Gaza has been ‘exclusively under Palestinian and Hamas control over the last 16 years’ is specious. As Ms Albanese has amply clarified, Gaza remains occupied as defined by Article 42 of the Hague Regulations of 1907.

In fact, Israel retains effective control over Gaza’s airspace and territorial sea; with the exception of Gaza’s border with Egypt, Israel has unilaterally declared (not internationally recognised) ‘borders’, the so-called Access Restricted Areas (ARAs) on the land near the Green Line (‘exclusion zone’, ‘no-go zone’, or ‘buffer zone’). Israel also controls Gaza’s monetary system (based on the Israeli currency), customs, and construction industry (requiring Israel’s approval).

Israel also maintains the Palestinian population registry in the Gaza Strip, collects Palestinian taxes, and controls access in and out of Gaza, including any goods entering or exiting the Strip, such as food items and medical supplies. Israel also retains the right to carry out ‘preventive strikes’ within Gaza. The full blockade enforced in 2007 has only tightened Israel’s control. There can be no doubt that Israel has totally restricted the freedoms of residents and controlled all entry and exit of goods and services into Gaza over that period.

The suggestion that Ms Albanese is an anti-Semite, or spouts anti-Semitic tropes is slanderous and completely rejected. Criticism of Israel is not anti-Semitic. Her lifelong efforts for human rights and justice have been endorsed by numerous members of the global Jewish community, both overseas and in Israel. As Professor Avi Shlaim [remarked](#), "The three main pillars of Judaism are truth, justice, and peace. Ms. Albanese personifies these values to a remarkably high degree. And there will be many Jews worldwide, disturbed by Israel's departure from these core Jewish values, who may have reason to thank her for upholding them."

Many other [prominent Jewish scholars](#) have vehemently defended the Special Rapporteur against these unfounded accusations.

AFOPA understands that the overall thrust of AIJAC’s statement is to discredit Ms Albanese and her integrity and to cast doubt on her ability to fulfill her UN role as a Special Rapporteur.

AFOPA and APAN will recommend Ms Albanese seek legal advice to protect herself from this manifest and grave incidence of defamation as soon as possible.

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**Further Information:** AFOPA sponsored Ms Albanese’s visit to Australia to deliver the 2023 Edward Said Lecture in Adelaide. APAN, Free Palestine Melbourne and Palestinian Christians in Australia supported her visit to Victoria, ACT and NSW.