

# Witnessing and Testimony as Event

## Israeli NGOs, Palestinian Witnesses, and the Undoing of Human Rights Bureaucracy

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### Abstract

This article shows that human rights NGOs sustain their relevance not by producing testimony texts and witness subject positions, but rather through the social and performative dimensions of events in which witnessing is transformed into testimony. The interactional dimensions between witness and documenter are usually omitted from textual representations due to NGOs' rigid bureaucratic writing, and are also largely overlooked by scholars. Witnessing and testimony are analysed as spatio-temporal sites and occasions of contending with violence and colonialism. Through the peculiar case of Palestinian witnesses and Israeli NGOs' sustained commitment to witnessing and testimony, despite shared acknowledgement of the failures of human rights, *the event* is theorized as malleable enough to be reshaped by its participants. These additional interactional layers may undermine the very logics of human rights witnessing and testimony.

**Keywords:** bureaucracy, events, human rights, Israel/Palestine, NGOs, testimony, violence, witnessing

### Introduction: on the way to the event

In August 2013, I joined Sa'id, a Palestinian fieldworker from an Israeli human rights (hereinafter, HR) non-governmental organization (NGO) to collect the testimony of two brothers from the Suleiman family – Palestinians from a village near Nablus, in the north-east area of the Israel-occupied West Bank. The incident that was to be documented, and that the brothers were witnesses to, had occurred the night before: Jewish Israelis from a nearby notoriously violent settlement threw stones at Palestinians' homes in the village. After a relatively long (two-hour) drive from Jerusalem, Sa'id was navigating the narrow village roads up the hill to the Suleimans' home. He had to slow down to let a car driving down the hill squeeze



by us, on its way out of the village. After it passed, the mild-mannered Sa'id stopped the car, slammed his fist on the wheel, and shouted 'shit' (in English). 'The car that just drove by?' He quickly turned to me to clarify (in Hebrew). 'That was the fieldworker from [a rival NGO].' Sa'id deduced that the other fieldworker had already reached the witnesses and collected the Suleimans' testimonies. 'Because of the agreements [between Israeli anti-occupation NGOs], since this fieldworker got here first, [the other NGO] will represent the family.' This meant that Sa'id's NGO would not be able to use the Suleimans' testimonies in one of the standard HR advocacy actions taken by Israeli anti-occupation organizations: a legal petition submitted to various Israeli state extensions, as part of a research report, or through circulation in the media (as a journalistic report or via the NGO's own social media or website platforms).

'So we can leave,' I said, disappointed and impatient. 'No!' Sa'id replied decisively. 'The family expects their story to be heard, and we have a commitment to document everyone who wants to testify, even if we can't do anything about the case but archive it.' Sa'id was right: as I further detail below, the two witnesses hosted Sa'id, and he did write down their testimonies, but the Suleimans did not want either Sa'id's NGO or the other one to do anything with their testimonies.

Such a reserved commitment to being witnesses (before several NGOs) while eschewing the practical HR functions of testimony can be seen as an expression of Palestinians' suspicion and cynicism towards the HR industry (Allen 2013), which stem from the acknowledgement of NGOs' failures common in Israel/Palestine (see below). Still, the key bureaucratic function of NGO work – transforming witnessing into testimony – persists.<sup>1</sup> Why would witnesses and documenters go through a process that, as they knew well, involves a particularly demanding subjugation to HR 'regimes of truth' (Feldman 2004; Frosh 2006)? While there are certain practical reasons that are expressed by actors in the field,<sup>2</sup> they do not thoroughly clarify the persistence of these practices, despite documenters' burn-out and witnesses' recognition of the inefficiency of HR advocacy: what significances does the *transformation* of witnessing into testimony have, when the formal objectives of HR work are framed as irrelevant? How does the *recognition* of irrelevance coincide with the commitment of participating actors, to what appear to be the very same practices? What takes place in these events, other than the bureaucratic procedures oriented towards achieving the formal objectives of HR NGOs?

My focus here is on the inherent social dimension of producing bureaucratic artefacts (Hull 2012: 19–21), which in this context are HR testimonies in document form – usually as written text (more rarely they can also be recorded in video, though not in place of written documents). I suggest that the prevalence of witnessing and testimony can be located not in the testimony text and its (non) uses, or in witnesses establishing their subject positions as such, but rather in the spatial location and temporal stretch of social interaction, hereinafter referred to (and stylized) as *the event*. *The event* is when and where witnessing and testimony converge, as the subject position of witness and testimony as text are produced by a witness who narrates an experience, and a documenter who first inscribes the

experience as a text document. The additional practical and symbolic significances of *events* exceed the specific procedural strain that occurs within them – the narration of witnessing and its writing as testimony – even if the text document does not acknowledge these lived experiences. Such significances can parallel or overlap the strain of actions and interactions that pursue the formal objectives of *the event*, but may also differ and even contradict them.

While this schematic is likely applicable to other genres and processes of witnessing and testimony, this ethnography is concerned with HR NGOs' reliance on witnessing and testimony as their methodological and ethical *sine qua non* system of political and legal intervention (Givoni 2011: 66–67). The context of this article is Israeli HR NGOs in which I conducted extensive fieldwork research,<sup>3</sup> specifically organizations that rely on Palestinian witnesses' testimonies as their primary source of data and main mode of representation, in their efforts to bring to an end Israel's occupation of Palestinian territories, or at least curb Israel's use of varied forms of violence to control Palestinians and suppress resistance.

The article is organized into five sections. In the first, I more thoroughly define what I mean by *event*, with additional ethnographic clarity drawn from the Suleimans' *event*. This is followed by a literature review incorporating two essential contexts: the bureaucracy of witnessing and testimony in HR, and the peculiar combination in Israel/Palestine of HR prevalence as a go-to critical idiom, and mounting critiques and even vitriol towards NGOs. In the third section, I return to the Suleimans' testimony to convey how the violence of the occupation is contended with, and the bureaucracy of HR is subtly critiqued, through witnesses' complex engagement in *the event*. The fourth section shifts to a different *event*, in which I analyse how a witness explicitly challenges the moral validity of witnessing and testimony, and critiques those relying on HR as their mode of political engagement. The fifth section is the conclusion, where I list four manners of interaction that allow the practice of *the event* to simultaneously maintain relevance while the practices within it challenge and even undermine it.

## Staging the event

Moments after the fleeting yet telling encounter with the rival NGO fieldworker and our discussion about whether the testimony collection was moot or not, Sa'id and I reached the Suleimans' home at the top of the hill. The mukhtar – the elder Suleiman brother – and his wife walked with us from the car and welcomed us in. All of the windows in their home and the surrounding structures were covered in heavy gratings – 'a French NGO sponsored this,' Sa'id explained, 'since the settlers break the windows so often...' Inside the family's home, we were seated in the entry hall. There were two rows of plastic chairs facing each other, left there from the testimony collection that had just ended. This was a square, concrete structure that served as an extension to the stern brick house, visibly different in its bareness compared to the rest of the Suleimans' home. Sa'id and I sat with our backs to the outside wall, facing the mukhtar who sat with his back to two doors

leading to other rooms in the house. His brother joined us a bit later. Meanwhile, the mukhtar offered us soda, his wife walking towards us carrying cans on a tray. She then walked back to one of the doors behind him, entering an adjacent room hidden from our view. The mukhtar's wife quickly came back with coffee, and later more beverages, hot and cold, and chocolate bars and other candy.

The framings that enacted the implicit conventional scenario of *the event* and the roles we were to play (Turner 1979: 468) were denoted through the explicit assigning of certain places and options (or lack thereof) of movements to the participants. Gestures of hospitality demarcated that we were welcome in this house, while articulating the boundaries of 'the etiquette of the visit': this was 'a moral space' with 'a strong desire to receive visitors', that unfolded through 'precise containment', established 'to safeguard [the hosts'] own interiority' (Shryock 2004: 36–37). We were confined to this home's expanded threshold, which served as the meeting point – both in practice and symbolically – of different worlds: the space and time of *the event*, the recent violence experienced – an eruption of acute violence, an ever-looming threat that is a strategic element in the occupation's structural violence (Bornstein 2002) – and the witnesses' home (Bourdieu 1970: 164).

While interpellated as witnesses in a procedural interaction of bureaucratic writing, the Suleimans also set the framing (spatial, temporal, sequential, behavioural) of *the event* as a type of organized social experience – the context of *events* forms through repetition of coherent schemes of communication, participant roles, and choreography of place and movement (Silverstein 1997: 267–269). As cultural context, *this event* is part of the lifeworld of its participants that enables reflection through practice (Handelman 2004: 4).

It is important to clarify how my conceptualization of event relates to the enormous body of anthropological literature dealing with this elusive term and its affiliates/rivals (mainly: ceremony and ritual). My aim here should not be understood as adopting or challenging any definitional lineage; rather, the issue is witnessing-to-testimony understood as events. Witnessing/testimony have been studied as events primarily in relation to public performances or media texts (see Chua and Grinberg, this issue). Different witnessing-to-testimony events take different forms that require specifically adapted scholarly tool-kits. Subsequent studies might benefit from carefully matching between the witnessing-to-testimony context they are researching and the theory of event they apply to analyse it. In this article, I do not suggest that *events* in Israel/Palestine are 'critical moments in history' following mass violence. However, they are part of ongoing mass violence – whether as nodes or otherwise – and do share certain characteristics with such definitions: *events* entail hyper-relations between the local and transnational, and are simultaneously carefully embedded within the mundane yet clearly framed as distinct from it (Das 1995; Kapferer 2010). Put succinctly, and drawing on Stefanie Mauksch's recent overview of the study of events in anthropology and organizational studies, my framing of events is based on conceiving them as 'conjunctions ... moments in a dialectic between event and system' that contain both continuity and disruption in varying degrees (2020: 370–371).

In the case of HR NGOs in Israel/Palestine, the main analytical axis of identifying the significance of events requires identifying tensions between the event as an occurrence and the subsequent text that presumably represents it, that is, the testimony text. The dynamics of *the event* are crucial in shaping the testimony text, and can be indicative of the socio-political significance of the violence testified about. And yet event details are usually an absent presence in the narrative genres of witnessing (Dudai 2009). The testimony text explicitly represents the narrated experience, and not the event of its narration. Some insights about *the event* can be drawn from certain details and rarely from additional details, but the HR testimony text makes no commitment to tell us much about *the event* itself other than the date and place of its occurrence, and its participants.

Were I to analyse the Suleimans' testimony based on its textual representation authored by Sa'id's NGO, I would reduce dynamic sequences of interactions and the poetics of discourse to formulas of narration. Such a perspective situates the intended institutional addressees and uses of testimony as the sole significance of HR work, without acknowledging pluralities of intermediation and agency that amount to subjective and collective affirmation of critical contention with authority (Warner 2002: 82–84) – in this context, vis-à-vis both the sovereign (Israel as colonizing state) and HR NGOs.

I suggest one possible manner of avoiding these fallacies: differentiating between the public appearance of bureaucratic writing, and the creative ideological work of the very same bureaucrats in producing these texts in highly conflictual settings (Humphrey 2008). In *events*, the coherence of the cultural context is challenged and/or complemented by multiple and often parallel stretches of interaction that occur within *the event* – texts that unfold in context. While *the event's* contextual objective of producing testimony is fulfilled, several and often contradictory stretches of social text can be identified within *it*. Therefore, it cannot be assumed 'that [the] formal structure' of *the event* 'determines textual production' (Hanks 1989: 119), even if the resulting text document *is* determined. These determinations can be improvisational diversions or strict adherences to the known (or unknown) parameters of *the event*, with either accomplished through gesture and rhetoric of social dynamics that may intentionally or unintentionally stray from the context framing, subtly challenge it, or reluctantly commit to it (Silverstein 1997). In the following section, I provide the contexts necessary for understanding *events* in Israel/Palestine, namely the transnational standard bureaucracy of HR writing, and the political culture of witnessing and testimony in Israel/Palestine.

### **The bureaucracy of human rights in Israel/Palestine**

The practices that *the event* is comprised of serve as the basis for NGOs' pursuit of the formal objectives of HR documentation. The objectives include a bureaucratic procedure and its outcomes. The procedure entails processing experiences of violence and injustice into narrative testimonies clearly depicting specific categories of HR violations (Tate 2007: 21). The outcomes are the uses of testimonies in one of

the common modes of HR advocacy (see above). These uses depend on the initial entextualization from experience to document, that takes place in *the event* and is its formal purpose: *the event* is the starting point of a process of inscribing a written record as circulatable bureaucratic material, which requires uniformity of disciplinary writing and filing, and – if achieved (whether through actual circulation or the performance of legal-bureaucratic professionalism) – affirms the documenter's authoritative stature (Park and Bucholtz 2009). The testimony text is then further processed and examined.

The experience narrated by the witness is reified as testimony through the authoritative writing of NGO agents (Moon 2012), and the subject position(s) of the witness is affirmed through interpellation of one or more of the following actors: the narrator, the documenter (and other NGO actors that will be part of the testimony document processing), and the (tentative, potential) spectator (Crowe 2019: 411–412). As the fourth section of this article will show, participant-observers in *events* – whether journalists, activists, NGO workers other than the main documenter, or scholars – are also interpellated.

In the genre of HR written records, the interpersonal dynamics and documenters' interjections are commonly left out of testimony documents, to preserve their first-person narration and stylistic unity, and affirm the authoritative voice of NGOs in deciding what will be addressed through HR advocacy (McLagan 2003: 607; for an early discussion of Israeli NGO bureaucratic writing, see Cohen 1996). These rationalizations neutralize the significance and power relations embedded in the transformation of witnessing into testimony, and establish a dichotomy of violence/nonviolence that overlooks the permeance between violence and the mundane (Daniel 1996; Das 2007; Scott 1991). Witnessing and testimony cannot do away with the dual presence that these practices demand from witnesses: to have been there, both in the moment testified about and in the moment of testifying about it (Derrida 2000: 38).

In Israel/Palestine, the genres of representing violence often use immediation (Allen 2009): 'a political practice that, in the name of immediacy and transparency, occludes the potentialities and contingencies embedded in the mediations that comprise and enable social life' (Mazzarella 2006: 476). Israeli NGOs' main work axis thus follows the common bureaucratic mould of HR work, with added contextual intricacies: the witness testimony, spoken in Arabic, is designated from its inception to reach a destination language, Hebrew, which is the language of the occupier. Behind this process lies a dual assumption: first, that pain can be translated into writing; second, that Israeli NGOs can function as critical actors when this translation takes place *by* them, even as they work from within the language and legal and cultural perceptions of the colonizer (Golan and Orr 2012; Shammas 2017).

The HR vernacular of witnessing and testimony in Israel/Palestine has standardized *the event* as unfolding in witnesses' homes, usually with certain characteristics of a social gathering that parallel the inquisitive aspect of witnessing and testimony. The violence of the occupation that is testified about – a shadow under which Palestinians' everyday lives persist (Allen 2008; Kelly 2008) and that shifts between structural

pervasiveness and painful eruption – is coupled with and partially countered by such gatherings and practices. Witnessing and testimony are thus a dominant political idiom in Israel/Palestine (Aboubakr 2019; Bishara 2006; Collins 2004; Shalev 2016; Stein 2012): they are recurring (intimately known through individual participation) and mediatized (and hence widely familiar; cf. Paz 2018: 25). As such, *events* are political and have generally known conventions of interaction entailing explicit and implicit expressions and interaction – some are based on transnationally circulated expressions (communicated as verbal or physical gestures), others becoming customary through various scales of repetition, and always entailing unique elements that appear due to dynamic context or individual acts (cf. Lazar 2015).

The sustained prominence of these interactions is coupled with the seemingly contradictory growing rejection by Palestinians of the ‘human rights industry’ in Israel/Palestine, due to its formulaic bureaucratic work structures that de facto prioritize NGOs’ survival over the seeming principles of HR (Allen 2013: 3–4). The despair felt by many Palestinians and liberal Israelis (Givoni 2019; Roy 2007) stems from failures of NGOs that are widely acknowledged (by witnesses, NGO employees, activists and scholars): HR advocacy has not curbed Israel’s violence, advanced Palestinian nation-state aspirations, or achieved significant symbolic justice. HR rhetoric and ‘lawfare’ are appropriated by Israel, also due to the un/witting complacency of NGOs with colonial epistemics (Mann and Shatz 2010: 63; Perugini and Gordon 2015; Viterbo 2014; for an NGO’s perspective on these failures, see B’Tselem 2016).

In this historical-cultural context, the prevailing significance of HR work, despite its failures, can be partially explained through how *events* are arranged and enacted so that they function as ‘a mirroring of social and cultural order, as a declarative of how things are or as an imperative of what they should become’ (Handelman 2004: 17). *The event* paradoxically both sustains the critiqued practices of HR and provides opportunities for voicing and further explicating such critiques. Due to the combination of bureaucratic rigidity and lack of actual authority of NGOs over the witnesses, and since it takes place in the homes of Palestinian witnesses who act as hosts to the documenting agent, *the event* is a spatiotemporal setting that allows and even encourages critical reflection, whether explicitly or more subtly, and often includes negotiation and actuation of witnesses’ agency in determining the contours of the event, the uses by NGOs of testimony, and in critiquing both HR politics and Israel’s colonialism. As I will now show, the Suleimans had the agency to set specific framings because they were familiar with schemata of practice and interaction, having gone through *events* several times before, including at least once more on that specific day.

### Re-calibrating time in the event

Following the gestures of hospitality and some small talk, and after the mukhtar’s brother joined us, Sa’id explained the mandatory power of attorney form that witnesses sign before the testimony collection begins. In it, they provide their

personal details, and can mark what they want and don't want the NGO to do about their case. Sa'id handed the document to the two brothers while he himself filled out a form with basic information: where and when the testimony took place, his name, and the type of HR violation (as it was defined at that point). The testimony document is collated with additional forms and documents, whether in printed physical form or digital formats – the power of attorney document is always included (as a paper document), and the other documents can be photos of IDs, medical records, maps, other visual documentation or state-issued documents (orders, fines, correspondences). The testimony text is not a standalone document, but rather part of a file.

Sa'id explained to the Suleimans that the other NGO would represent them if they wanted it to, and that he was there only to write their testimonies. The Suleiman brothers already knew and understood this – they did not want the other NGO to do anything with the case either. The first few times they were attacked, the Suleimans did file complaints with the Israeli police, which caused them immense frustration: they missed workdays and contended with suspicious and hostile Israeli state agents. Seeking justice through Israeli authorities did not result in any charges filed and certainly did not deter the settlers from repeating these attacks. The Suleimans also knew this incident would not draw any media attention: similar incidents happen all the time, so this one certainly didn't count as news.

Due to their histories of dispossession living under sovereign colonial regimes, Palestinians recognize the practical and symbolic importance of the materiality of evidence and documentation of the past, and the significance of bureaucratic archives (Feldman 2008: 32–36). Israeli anti-occupation NGOs partake in these histories and their contemporary (and future) networks by producing additional documents and collating and archiving them. The Suleimans' *event* suggests they were content with these organizations' accumulation of their testimonies, but they were also critical of how NGOs used them, particularly in their channels of communication shared with Israeli state extensions. These reservations may point to witnesses' concerns about the appropriation of HR rhetoric and standards to serve purposes other than protecting HR (cf. Babül 2017). If testimonies do not circulate through such networks, the practice of witnessing still occurs, but the appropriation of HR through testimony is at least somewhat curbed.

In the Israel/Palestine HR vernacular of witnessing and testimony, there is a particularly complicated mode of interpellation, poignantly captured by an idiom voiced by the Suleiman brothers: '*La'min tashki wa'arimak elkachi?*' [To whom will you complain when the one who has wronged you is (also) the judge?]. This is a saying in Arabic that Palestinian witnesses often invoke when explaining why they do not want NGOs to make any use of their testimonies, particularly in appeals to the state of Israel, when Israeli NGOs ask to represent them.

This idiom critically unpacks a set of issues: characteristics of Israel's violence as depending on systems of law and legal discourse; the valiant rhetoric that obscures it; the practical inadequacy of HR advocacy; and certain interrelations between the two. Israel discriminates against and dispossesses Palestinians while its legal and

bureaucratic systems pretend to be just, fair and open to their appeals, appeals that are often submitted by Israeli NGOs on behalf of Palestinians (Hajjar 2005; Sfarid 2017). The Suleimans' specific utterance of the '*La'min tashki wa'arimak elkachi?*' idiom carried additional critical targets: it lays bare Israel's strategically lopsided legal and bureaucratic halls of structural violence, which complement its uses of acute violence as part of its means of controlling Palestinian populations and territories (Tawil-Souri 2011).

It is not only Palestinians who waste time in dealing with Israeli bureaucracy and spatial control (Peteet 2017), but also HR NGOs (Grinberg 2018). The intended uses of testimony include, as noted, arbitration by the very same tribunals that regulate the occupation. With such objectives, the argumentative force of testimony is neutralized, and its historical veracity destabilized from its very inception as a legal-bureaucratic document (cf. Lyotard 1988: 9–10). While NGOs stick to their witnessing- and testimony-centric modes of data collection and advocacy, the Suleimans (and other Palestinian witnesses) do not want to waste time by producing 'usable' testimonies – they can calibrate their time through control over the temporal characteristics of the testimony event, thus restoring previously oppressed agentive faculties (Ahmann 2018; Rea 2018).

Within *the event* and as witnesses, the Suleimans had little agentive influence on how the text inscribing their witnessing would be written. However, their decision to limit the circulation of the testimony document radically reframed the discursive fields of witnessing and testimony. This reframing is archived with the documenting NGO, awaiting potential future activation in tentative contexts (cf. Bell 2020). The Suleimans hoped that in these imagined futures, their witnessing and testimony might have more moral and practical significance than they would if used in the near future. As much as the testimony is future-oriented, my own analysis acknowledges that its authorship was significant *as practice* in and of itself (cf. Schiller 2009), beyond the written text it produced.

The invocation of the 'to whom will you complain...' idiom thus provides meta-commentary by witnesses about both state violence and HR bureaucracy. It sheds light on how, by compelling NGOs to collect their testimonies while refusing to let them put the documents into use, these witnesses displace the objectives of *the event* through its own legal-bureaucratic protocols imposed by HR professionalism (cf. Weld 2014).

*The event* is an informal bureaucratic setting: there will be no sanctions or repercussions for the witnesses if they do not comply with the bureaucratic force behind *the event*, as opposed to what contending with the structural violence of Israel's permit regime entails (Berda 2017). Interpersonal dynamics occur in bureaucratic state settings as well, offering bureaucracy agents creative leeway in their interactions (Bernstein 2017). A curious element in *the event* is how this creativity is utilized by the non-bureaucratic actors, and how it indexes and poignantly critiques both the omnipresent-yet-absent state bureaucracy, and the very much present bureaucracy of HR. As the next section will show, witnesses may also initiate an interpellation of documenters to shape *the event* as an ethical critique of HR NGOs themselves.

## Human rights as ‘talk ... talk ... talk’

On 9 July 2015, during the month of Ramadan, after a sleepless night and while fasting, Adel, a forty-year-old Palestinian resident of East Jerusalem, scheduled at least four *events* with humanitarian and HR organizations (Israeli, Palestinian and transnational – including UN agencies). One of these organizations was a prominent Israeli NGO that sent Fahd, a forty-year-old Palestinian fieldworker, to meet with Adel. At the time, I joined Fahd twice a week to attend *events*; he had a busy schedule since he covered the whole Jerusalem area, so I could tag along relatively often.

On that day, NGO agents had flocked to Adel’s home in a village in south-east Jerusalem following a worrying recent development: a night-time incursion of armed Israeli border police officers into his family’s compound, accompanying plain-clothed engineers who were surveying the premises, looking at buildings’ foundations, comparing what they saw to maps and charts they had brought with them. One of the apartments there was facing imminent demolition – it shared a wall with Adel’s family unit, a wall that Israel seemed to plan to demolish, as Adel deduced based on what the engineers had examined.

Adel and Fahd had met several times over the course of the previous ten months, right after Adel’s brother and their cousin carried out a deadly attack in a synagogue, before the two were shot and killed by security forces. Adel was then fired from a job he had held for over a decade in a West Jerusalem hospital, and Israel decided to demolish the units where the remaining family of Adel’s cousin and brother lived. This was a punitive measure: since the attackers were killed, the demolitions would impact their wives and children, who had played no role in the deadly attack. Since then, with the help of NGOs, through diplomatic and political channels, legal petitions to the Israeli High Court of Justice, and the media, Adel had been trying to cancel the demolitions, or at least minimize their collateral damage. Through these engagements, he gained considerable experience in the procedural and narrative genre confines of HR testimonies and being a witness. However, Adel’s engagement with the HR ‘industry’ proved to be far from the willing interpellation that occurs when Palestinians ‘become’ witnesses following prompts by transnational actors (Fassin 2012: 203). Rather, he was committed to producing testimony while thoroughly destabilizing what the categories of witness and documenter, audience and authority, mean in relation to HR.

Adel did so in *the event* with Fahd and me by challenging both Fahd’s ratified participant role as the testimony’s addressee (Goffman 1979: 8), and the assumptions attached to my presence there – namely, the ethical relevance and political significance of my sympathy towards his suffering. As Adel suggested, whatever HR do, it can be bracketed between witnessing as talking and the subsequent dissemination of testimony:

*Talk ... talk ... talk ...* [Adel placed his right hand behind his ear, turning his head around, as if trying to hear something or someone]. Everyone is talking, but it’s all

in vain, they only hear the echoes of their own words. The government doesn't hear anyone, the occupation doesn't listen to anyone but itself. ... Everyone can talk, the NGOs, the UN ... doesn't help, doesn't matter. Someone from the UN, another fieldworker, came over, he said they will *publish a statement* ... [emphases added].

Adel was talking *to and at us* – he was speaking to me, and performatively leaving Fahd, who was not fluent in Hebrew, out of the conversation. Adel was not narrating his experience, but rather imposing an element of reflection about what it was that we were actually doing there, in that testimony event. What mattered was how *we* – Fahd and I as subjects, and the publics we stood for – confronted these different kinds of violence in the future. We were those who had to answer a set of questions that, though phrased differently, concerned our level of complicity with the occupation's violence, and what we were, or were not, doing to oppose it: did we consider empathy or documentation as political action? Was HR activism a political and/or an ethical form of critical intervention in the violent everyday of Israel/Palestine?

Rather than interpellating himself as an affectively distant 'documenter', which would also affirm Adel's critique of the futility of empathy, Fahd responded by displaying an engaged emotional commitment to Adel and his family. Fahd spoke as if he was confessing, telling us that after he first met Adel, he broke down in tears while talking to his wife, and that he had to talk to a colleague to make sense of this experience. Fahd completely overlooked the question of HR NGO practices and their political merit by talking of emotions and frustrations, conveying the extent of the biographical journey he had been through with Adel's family, and animating his utterances by bringing in his own family to emphasize the psychological impact of the documentation and Fahd's empathetic identification with Adel. Furthermore, by bringing his colleague into the conversation (cf. Irvine 1996), Fahd subtly signified his commitment to the field in which they worked, displaying that this was more than an income but an experience he and his colleagues were deeply affected by and, hence, cared about. In this *event*, Fahd minimized the performed presence of his virtue of bureaucratic objectivity that his professional habitus demands, since it was contextually less significant (cf. Assor 2021). This confessional mode placed Fahd in a dual role: as both documenter and witness, the latter word he himself used (in English).

These 'talk ... talk ... talk' gestures are the sort of utterance that is not usually inscribed in testimony texts, yet shape witness subject positions and, when observed from within *the event*, are clearly critical. These interactions display and stress that to have eye-witnessed does not make one a witness, nor does being a witness depend on going through an administrative in/validation of veracity (Feldman 2004; Frisch 2004). Rather, the transformation of witnessing into testimony – and, as part of it, the interaction between documenter and witness – is a practice fraught with tensions and indeterminacy about its own consequences and what is at political and ethical stake (Givoni 2014: 128–129).

## Conclusion

As this ethnography suggests, there is a commitment to witnessing and testimony by witnesses and NGO agents, a commitment that can be understood through what remains outside of testimony and, at times, remains unsaid in *the event* (cf. Kidron 2009). NGOs do not yield the same power and authority as state legal and bureaucratic systems – they have no way to impose on witnesses to testify or to make them grant the NGOs authority to use testimonies for advocacy purposes. There is an awkward gap between the bureaucratic character of *the event* and its routinized conventions, and its inconsequential stakes if witnesses do not commit to its purposes. Through this gap, witnessing and testimony *events* are re-appropriated as dynamic process of compromise and critique, of commitment and seriousness and playful cynicism. These and other contradicting binaries (suspicion/trust, sincerity/manipulation, power/vulnerability) can exist concurrently in functioning bureaucratic sites and processes in specific halls (Kravel-Tovi 2017: 168–169), as they do here. When such contradictions arise, they do not prevent *the event* from occurring, but do destabilize its logical and logistical foundations. Rather than provide material for the use of NGOs, witnessing-to-testimony events are reframed by the participants as meta-testimonial commentaries (Givoni 2016). Such commentaries remain within the boundaries of the event itself, since they are usually not inscribed in the testimony text, but still challenge the ethics and politics of HR NGOs' bureaucracy of writing testimony. Some of the insights of such reflection can be deduced from the power of attorney documents, but only to a certain narrow extent.

For such interactions to routinely occur without rendering witnessing practices irrelevant, there are at least four ways in which witnesses and documenters manage the delicate balance between critique and cancellation. *First*, witnesses' mode of appropriation is a tactical practice that affirms certain stability within particular bureaucratic engagements, even while what occurs beyond them – in terms of the subsequent iterations of testimony and the violence of occupation – remains uncertain (Feldman 2008: 14). Narrating experiences of violence in a conscripting genre provides the witness-host with an opportunity to re-see what they have been through while also exerting significant control over *the event* of narration and hospitality. The processual engagement entails a solidifying of a distinction between the public-ness of the violence experienced and the testimony produced, that which is outside and beyond, and the intimate and mundane of the inside-home that persists through this violence (Bate 2009: 75).

*Second*, and specifically in relation to HR NGOs in Israel/Palestine, *the event* is framed by the witnesses as a sign of both perseverance and despair. This is a practice of persistence comprised of simultaneous submission to the bureaucratic discipline of HR NGOs, and rejecting both its strategic premise and the objectives it imposes. This simultaneity of producing testimony while challenging the political and legal relevance and ethical legitimacy of its intended uses can be read as a manifestation of Palestinians' creative steadfastness – *sumud*, holding onto home, to

land, and to hope in the face of Israel's violence – which is a personal and collective virtue (Khalili 2007: 103; Tamari 1991).

*Third*, the reciprocal commitment in *the event* – of witness to speak and host, and of documenter to document, listen and be a guest – establishes that within its spatiotemporal boundaries there is little relevance to the value of testimony document as HR artefacts (cf. Mittermaier 2014: 67). Rather, *the event's* reciprocity both further establishes, and is the result of, social solidarity; the persistence of reciprocal engagement, even when there is seemingly no practical reason for an NGO agent to commit to it, paradoxically affirms the relevance of HR NGOs because *the event* takes place despite witnesses' critique of HR advocacy and ethics (cf. Bornstein 2012). The rigid façade of bureaucracy proves malleable enough to sustain these tensions through interactional performances.

*Fourth*, and lastly, is Palestinians' performance of witnessing and testimony as a particular kind of petition that is not intended for the colonizing state as its addressee, in contrast to how Israeli NGOs predominantly frame the purposes of witnessing and testimony (cf. Kidambi 2019; Paz 2019). Rather, *the event* is a practice oriented towards both the ethics of its own formation, to produce historical documentation without imminent specific objectives, and a site of formulating and expressing moral critiques of colonial violence in Israel/Palestine. *The event* has the potential to mobilize the colonial-tinged bureaucracy of HR to affirm *events* as sites of two complex modes of communication: through archival traces, and through the accumulation of instances in which Palestinian witnesses – and not NGOs or Israeli state actors – are the authoritative agents.

As recent critiques of anthropologies of witnessing and testimony suggest (Dean 2017; Guilhot 2012), the political subjectivity of witnesses does not depend on outside interpellation – either in terms of whatever status the perpetrator bestows upon them, or on documenters' decisions about whether the testimony is relevant. The common omission of *the event* from analytical consideration obscures the complexity of theatricality and translation, and destabilizing binaries of sincerity and play, that typifies even the most disciplined bureaucratic encounters between victim/witness and bureaucratic actors, whether NGOs or state agents (cf. Giordano 2014: 22; Krael-Tovi 2017).

The critical faculties of HR witnessing and testimony do not necessarily depend on the contents of data, but on the manners of data production: NGOs remain relevant largely in spite, rather than because, of the practical significance attributed to HR advocacy and formal uses of testimony documents. This contradictory engagement is an ethical intervention made possible through *the event*: the tension between commitment and reluctance makes palpable the disorder wrought by the violence testified about, a lived chaos that witnessing and testimony aim to organize as coherent text. In enacting the contradiction and sustaining its tensions, participants in *the event* – especially witnesses – perform a creative undoing of what is commonly disciplined through NGO professionalism (cf. Dave 2012).

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## Notes

1. Statistics provided by Israeli NGOs suggest that many Palestinians still turn to them so that the NGOs will transform witnessing into testimonies. For example, a prominent anti-occupation NGO collected 413 testimonies between 2013 and 2015 about one of the several HR violations it documents – 30 per cent of the witnesses wanted the NGO to collect and archive their testimonies, without putting them to any further use (Yesh Din 2016); another NGO collected 900 testimonies in 2015 alone; and a third opened 663 new cases in 2015, in addition to 1,500 ongoing cases (personal e-mail communications, 14 and 16 November 2016).
2. The Suleimans' testimony occurred on the second day of my participant-observation research, during extensive fieldwork about Israeli anti-occupation NGOs. This was the third of about two dozen witnessing-to-testimony events I attended, and the first but not the last time I would attend an event in which an agent from an Israeli NGO was compelled to collect the testimonies of Palestinian witnesses, even though there seemed to be little practical sense in doing so. I gathered and deduced several reflexive and emic explanations for this seeming contradiction between acknowledging the failure of witnessing and testimony-based HR advocacy, and insisting on witnessing and testimony practice. These include NGOs' need to maintain communication with Palestinians and express solidarity, and the necessity of counting statistics (without narrative testimonies) for internal uses and donor reports and funding applications. For witnesses, the reasons include the fact that talking is their only remaining mode of action, and the need to contribute to an archive documenting Israel's violence and the significant practice of Palestinians' persistence in the face and shadow of violence (including persistence to tell history from their perspective).
3. Research was conducted in June–August 2013, January 2015–June 2016, and then sporadically until June 2018. It consisted mainly of participant observation in four NGOs, but also included interviews, archival research and discourse analysis. All names are pseudonyms, and most other identifying information is changed, or blurred.

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