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Israeli human rights groups: Anti-boycott law effectively a legal annexation of the West Bank

A new Israeli law passed on Monday prohibits boycott of businesses, universities, and social and cultural institutions based in Israel and the illegal settlements, and imposes heavy financial sanctions against civil society organisations and businesses that participate in boycotts.

A new law passed Monday, 11 July 2011, by Israel's Knesset seriously harms freedom of expression and freedom of association, said leading human rights groups in Israel today. Moreover, it gives protection to the illegal West Bank settlements in Israeli law, by penalizing their opponents, they said.

According to the organizations, the law will in effect oblige individuals, companies and organisations to support the illegal settlements by doing business with them. 'The bill seeks to enforce legal protection for an illegal project,' said Hadas Ziv of Physicians for Human Rights-Israel. 'In other words, it signals a *de jure* annexation of the Israeli settlements in the West Bank.'

According to Attorney Hassan Jabareen, Director of Adalah, 'Defining boycott as a civil wrong suggests that all Israelis have a legal responsibility to promote the economic advancement of the settlements in the OPT. This means that Israeli organisations opposing the settlements as a matter of principle are in a legal trap.'

On Monday, Israeli human rights organisations wrote an urgent letter of protest to the Israeli Ministers of Justice and Finance and to the Knesset Chair, stressing that irrespective of their own positions regarding the tactic of boycott, outlawing it severely restricts freedom of expression, by targeting non-violent public expressions of opposition to Israeli policies.

Immediately following the Knesset vote on Monday night, the organizations declared they would challenge the law in Israel's High Court of Justice. The Board of Directors of Physicians for Human Rights-Israel issued a harsh statement against the law, undertaking to disobey it and calling on others to use civil disobedience in order to defend freedom of expression in Israel.

According to Dr. Ishai Menuhin of the Public Committee Against Torture in Israel, the law's wording specifically targets those who promote boycott for political reasons due to their opposition to Israeli government policies and the occupation. It will harm freedom of expression through intimidation. 'The law could lead state-funded institutions such as theatres to pressure their employees not to express their positions regarding the settlements, for fear of having their state funding withheld,' he said.

Eilat Maoz of the Coalition of Women for Peace said, 'This is a clear case of political persecution. The law will create an atmosphere of fear and seeks to incite the entire Israeli public against peace and

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human rights activists and organisations. Members of the Knesset are responsible for the further isolation of Israel as a country that intentionally violates human rights and civil liberties.'

The law will also affect freedom of association, said the organisations, since it will expose organisations engaging in public campaigning against the settlements and other human rights violations to legal and financial sanctions and costly compensations claims by settler organisations. 'The EU and other foreign governments will no longer be able to fund human rights work in Israel if our organisations' tax exempt status is revoked,' they said.

The anti-boycott law

The 'Law for Prevention of Damage to the State of Israel through Boycott – 2011,' which was approved last night by a majority of 47 to 38 Members of Knesset, prohibits the public promotion of boycott by Israeli citizens and organisations, and, in some cases, agreement to participate in a boycott. It forbids not only a boycott of Israeli institutions but also of the illegal Israeli settlements in the Occupied Palestinian Territory (OPT).

The law defines public boycott as a new type of 'civil wrong' or tort. It will enable settlers or other parties targeted by boycotts to sue anyone who calls for boycott, and the court may award compensation including punitive damages, even if no actual damage is caused to the boycotted parties.

Further, the law will revoke tax exemptions and other legal rights and benefits from Israeli individuals and groups, as well as academic, cultural and scientific institutions which receive any state support, if they engage in boycott.

Israeli businesses and industries will also be penalised by the law, if they work with the Palestinian Authority and Palestinian companies and accept their conditions that exclude trade with businesses that also trade with settlements. A recent example of this is the plan to build the new Palestinian city of Rawabi. Israeli contractors wishing to participate have been asked by Palestinians to refrain from also doing business with settlements. The law seeks to penalise such contractors and may in effect deter Israeli businesses from trading with Palestinian businesses more generally.

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