

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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ISRAEL/OPT: RELEASE HUMAN RIGHTS DEFENDER MAHMOUD NAWAJAA

Israeli authorities must immediately and unconditionally release Palestinian human rights defender Mahmoud Nawajaa, 34, the General Coordinator of the Boycott, Divestment and Sanctions movement (BDS) in the Occupied Palestinian Territories (OPT), Amnesty International said today. He has been detained solely for exercising his rights to freedom of expression and association and is therefore a prisoner of conscience.

Israel must immediately stop the campaign of harassment, intimidation and reprisals against human rights defenders and political activists who peacefully advocate for the rights of Palestinians. The international community must also step up its efforts to protect human rights defenders in Israel and the OPT. Governments that criminalize or unduly restrict BDS activities should end such measures and instead ensure that BDS advocates are free to express their views and take forward their campaigns without harassment or threats of prosecution.

On 30 July, at approximately 3.30am, Israeli forces raided the home of Mahmoud Nawajaa in the city of Ramallah in the occupied West Bank and arrested him. According to his wife, Ruba Alayan, armed soldiers forced the door of their home open, entered and immediately handcuffed Mahmoud Nawajaa. The soldiers did not present an arrest warrant and did not provide information about why Mahmoud Nawajaa was being arrested or where he was being taken. A video taken by Ruba Alayan shows Mahmoud Nawajaa being led away, handcuffed and blindfolded, by around 20 soldiers.¹ He was subsequently taken to Kishon prison, also known as al-Jalama detention centre, in the city of Haifa in northern Israel, in violation of international humanitarian law, which prohibits the transfer of detainees from occupied territory into the territory of the occupying power. Mahmoud Nawajaa has been denied access to a lawyer or contact with his family since the arrest.

According to Mahmoud Nawajaa's lawyer, appointed by Palestinian NGO Addameer Prisoner Support and Human Rights Association, Israel's Internal Security Agency (ISA) alleges that Mahmoud Nawajaa belongs to an "illegal" organization and provided services to it. However, no formal charges have been presented yet.

On 2 August, Israel's Samaria Military Court, near the West Bank city of Jenin, ordered that the detention of Mahmoud Nawajaa be extended by 15 days. His lawyer appealed against the decision and, on 4 August, Israel's Military Court of Appeals reduced the period of extended detention to eight days. Mahmoud Nawajaa's next court hearing is on 9 August.

Since 2014, Mahmoud Nawajaa has been working for the BDS movement, a grassroots movement established in 2005 that campaigns "to end international support for Israel's oppression of Palestinians" through non-violent means. He has led on multiple campaigns calling for global actions to pressure Israel to comply with their obligations under international law. The BDS's most recent campaign called for targeted sanctions in response to Israel's plan to annex further territory in the occupied West Bank, which would be a breach of international law and exacerbate decades of systematic human rights violations against Palestinians.

An escalation² of acts of intimidation by the Israeli government has created an increasingly dangerous environment for human rights defenders and other voices who criticize Israel's continuing military occupation in Israel and the OPT. The Israeli authorities have used a range of measures, including arbitrary detentions and movement restrictions, as well as abuses of criminal laws to target and harass such individuals. In maintaining its 53 year-long military occupation, Israel has implemented discriminatory legal systems and policies that have resulted in systematic human rights abuses against Palestinians.³

¹ Boycott, Divestment and Sanctions (BDS) Movement, "Israeli occupation forces arrest BDS coordinator Mahmoud Nawajaa during night raid", 30 July 2020, www.facebook.com/watch/?v=602542913971282

² Amnesty International, *Israel and occupied Palestinian territories 2019* (Annual report, February 2020), <https://www.amnesty.org/en/countries/middle-east-and-north-africa/israel-and-occupied-palestinian-territories/report-israel-and-occupied-palestinian-territories/>

³ Amnesty International, *Israel's occupation: 50 years of dispossession* (Campaign, June 2017), www.amnesty.org/en/latest/campaigns/2017/06/israel-occupation-50-years-of-dispossession

The Israeli authorities must end their long-standing attacks on Palestinian human rights defenders and halt the climate of intimidation against them. Israel has an obligation to respect human rights in the OPT, including the right to freedom of expression, without discrimination. The authorities must put an end to the arbitrary detention of Mahmoud Nawajaa, and ensure he is able to safely exercise his rights to freedom of expression and of association without fear of reprisals.

Some governments, particularly those that include human rights protection within their foreign policies such as EU member states, have occasionally condemned such arbitrary measures. However, the international community as a whole has generally failed to take concrete action to pressure Israel to stop such practices. This has been interpreted by Israeli officials as a green light to continue them. The international community should make it clear that Israel's attacks against human rights defenders and other voices who criticize Israel's occupation will not be tolerated.

CRACKDOWN ON THE BDS MOVEMENT

In recent years, the BDS movement has grown in prominence worldwide. Its mass global support and a growing record of successes led Israel to declare BDS a strategic threat in 2015 and mobilize against it accordingly. Over the years, Amnesty International has expressed concerns over the safety of its co-founder Omar Barghouti; Israeli officials have made statements threatening him with physical harm, revoked his permanent residency in Israel and deprived him of the right to travel freely.⁴

In 2011, Israel enacted laws to make it an offence to call for boycotts against Israel, including illegal Israeli settlements in the occupied West Bank.⁵ In 2017, Israeli authorities amended the Entry into Israel Law, banning to anyone supporting or working for an organization that promotes a boycott of Israel or Israeli entities, including settlements, from entering into Israel or the OPT. On this basis, the authorities have subsequently denied entry to human rights defenders, lawyers, students and doctors, among others.

Laws that criminalize BDS exist or are being discussed in states across the USA⁶. In May 2019, the German parliament (Bundestag) adopted a motion that labelled the BDS movement as anti-Semitic. The Austrian parliament adopted a similar motion in February 2020. Cities in both countries have also adopted motions that unduly restrict BDS activism at the local level. In December 2019, the UK government announced its intention to pursue measures⁷ that would criminalize or restrict BDS activism. On 11 June 2020, the European Court of Human Rights ruled⁸ that the conviction of 11 activists in France for organizing actions calling for a boycott of Israeli products violated their right to freedom of expression.

Amnesty International does not take a position on boycotts and has never called for or endorsed specific ones in any part of the world. It is up to individuals and organizations to determine which peaceful strategies to use in furtherance of human rights. Advocating for boycotts, divestment and sanctions is a form of non-violent advocacy and of free expression that must be protected. Advocates of boycotts should be allowed to express their views freely and take forward their campaigns without harassment, threats of prosecution or criminalization, or other measures that violate the right to freedom of expression.

⁴ Amnesty International, *Israel: End the arbitrary travel ban on human rights defender Omar Barghouti* (Index: MDE 15/9811/2019), www.amnesty.org/en/documents/mde15/9811/2019/en

⁵ Amnesty International, *Israel Anti-Boycott Law an attack on freedom of expression* (Press release, 12 July 2011), www.amnesty.org/en/press-releases/2011/07/israel-anti-boycott-law-attack-freedom-expression

⁶ Palestine Legal, *Ten things to know about anti-boycott legislation*, 17 January 2020, <https://palestinelegal.org/news/2016/6/3/what-to-know-about-anti-bds-legislation>

⁷ Independent, *Boris Johnson government to ban public bodies from boycotting Israel and other countries, in crackdown on BDS movement*, 19 December 2019, <https://www.independent.co.uk/news/uk/politics/boris-johnson-israel-boycott-ban-bds-queens-speech-a9253651.html>

⁸ Amnesty International, *France: Landmark ECtHR judgement finds boycott campaign against Israel cannot be* (Press release, 11 June 2020), <https://www.amnesty.org/en/latest/news/2020/06/france-landmark-ecthr-judgment-finds-boycott-campaign-against-israel-cannot-be-criminalized/>