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Israel anti-boycott law an attack on freedom of expression

A law passed by the Israeli Knesset (parliament) making it an offence to call for a boycott against the state of Israel or its West Bank settlements will have a chilling effect on freedom of expression in Israel, Amnesty International said today.

The controversial law, passed on Monday night, makes it a civil offence to call for an economic, cultural, or academic boycott of people or institutions in Israel or the Occupied Palestinian Territories (OPT) for political reasons. Anyone making such calls could face a lawsuit and other financial penalties.

Sponsors of the bill, originally proposed in July 2010 by Knesset member and coalition chairman Ze'ev Elkin, have made it clear that one of the main aims of the law is to penalize those using boycott calls to campaign against Israel's illegal settlements in the OPT or highlight the ongoing violations of Palestinian rights caused by the settlements.

"Despite proponents' claims to the contrary, this law is a blatant attempt to stifle peaceful dissent and campaigning by attacking the right to freedom of expression, which all governments must uphold," said Philip Luther, Amnesty International's Deputy Director for the Middle East and North Africa.

"The broad definition of boycott could apply to anyone seeking to use this non-violent means of dissent to criticize any individual or institution involved in human rights violations or violations of international law in Israel or the Occupied Palestinian Territories."

Promoted and supported by the Netanyahu government, the law was passed by 47 votes to 36, even though top legal advisers to the Knesset and Israel's Attorney General said it was "borderline illegal". Several Israeli human rights NGOs have indicated that they plan to challenge the law in Israel's High Court of Justice.

Parties filing lawsuits would not have to prove that a call to boycott has resulted in actual damages, as courts can order people or organizations calling for a boycott to pay compensation independently of the damages caused.

The law also allows the Minister of Finance to revoke the tax-exempt status of NGOs calling for a boycott, which threatens the funding on which many Israeli human rights NGOs rely. Companies or organizations participating in a boycott could also be disqualified from applying for government contracts.

This is only one of many laws recently passed or being considered by the Knesset which have been criticized by Israeli human rights NGOs for restricting freedom of expression, the work of Israeli civil society organizations, or the rights of Palestinian citizens and their political representatives.

Israel's policy of establishing settlements in the occupied West Bank, including East Jerusalem, violates the Fourth Geneva Convention and is considered a war crime, according to the statute of the International

Criminal Court.

Amnesty International has repeatedly called on the Israeli authorities to end settlement construction as a first step towards completely removing unlawful Israeli settlements from the Occupied Palestinian Territories.

Amnesty International has taken no position on boycotts anywhere in the world, but fears that this law will lead to violations of the right to freedom of expression of those calling for boycotts.