



Mission permanente d'Israël
auprès de l'Office des Nations Unies
et des Organisations Internationales à Genève

משלחת ישראל
ליד משרד האומות המאוחדות
והארגונים הבינלאומיים בג'נבה

OHCHR REGISTRY

19 DEC. 2011

Recipients :.....SPD.....
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Jane Connors
Chief
Special Procedures Branch
OHCHR
Palais des Nations
CH-1211 GENEVE 10

Geneva, 15 December 2011

Re: Communication from special procedures allegation letter AL/GSO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9) ISR 7/2011

Dear Jane Connors,

In reference to your communication dated 29 August 2011, regarding the special procedures allegation letter sent by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on the situation of human rights defenders, I have enclosed the following information provided by the relevant authorities in Israel.

Yours sincerely,

Walid Abu Haya
Counselor

OHCHR REGISTRY

19 DEC. 2011

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On 11 July this year, the Israeli Parliament enacted the Law for the Prevention of Harm to the State of Israel through Boycotts. The Law is designed to protect private Israeli citizens and institutions from attempts to cause them harm and undermine their ability to carry out cultural, academic and commercial exchanges by virtue of their Israeli citizenship or their connection to Israel, and to ensure that public funds would not support campaigns designed to harm Israeli citizens as such. Accordingly, the definition of boycott in the Law refers to the deliberate avoidance from ties with another person in a way that may cause him such damage.

To that end, the Law provides civil and administrative mechanisms, enabling citizens to file civil lawsuits against wrongdoers who knowingly publish a call for a boycott for the damages they incurred; and authorizing the government to limit the grant of certain economic benefits and contracts to those who knowingly publish a public call for boycott or commit to take part in one.

While the Law sets certain oversight mechanisms, it does not determine any automatic sanctions; nor does it include any criminal law implications, monitoring of calls for boycott, or limitations on the choice of individual citizens as to what goods or services to purchase and from whom.

Let me assure you that the legislative process prior to the enacting of the Law included a vibrant public debate which led to significant changes in the text, as is appropriate within Israel's democratic tradition which allows for freedom of expression in its fullest sense, especially in legislative initiatives and other political processes in the Knesset.

The Law is currently under the judicial review of Israel's High Court of Justice following several petitions filed against it. Israel's Supreme Court of Israel has been at the forefront of Israel's human rights mechanisms, monitoring and safeguarding the protection of the rule of law, and has gained considerable international recognition and respect throughout the years. It is expected that the Supreme Court will decide on the questions raised with regard to the Law, and until this decision is rendered, it is preferable to avoid speculation with regard to the interpretation and applicability of the Law.