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## Anti-Semitism and the Silencing of Debate on Palestinian Human Rights

by Edward C. Corrigan / April 20th, 2018

While militarily strong and facing no existential threats, Zionism and Israel's policies toward the Palestinians has been taking a beating in world opinion.<sup>1</sup>

### **The UN passed six new resolutions against the Jewish state, including one denying Israeli sovereignty over Jerusalem 151-6.**

The United Nations General Assembly in New York passed six resolutions on [November 30, 2017] affirming Palestinian rights and condemning Israeli violations of international law, *Middle East Monitor* reported.

According to one resolution ('Jerusalem'), "the Assembly reiterated that any actions by Israel, the occupying Power, to impose its laws, jurisdiction and administration on the Holy City of Jerusalem were illegal and therefore null and void."

This resolution was adopted by 151 votes in favor to 6 against (Canada, Federated States of Micronesia, Israel, Marshall Islands, Nauru, United States), with 9 abstentions (Australia, Cameroon, Central African Republic, Honduras, Panama, Papua New Guinea, Paraguay, South Sudan, Togo), the Monitor said.

Israel's delegate condemned the resolutions, claiming that the UN "continued to annually adopt biased resolutions and devote precious resources...to politicized bodies whose sole purpose was to attack and denounce Israel". The US representative "echoed that opposition."<sup>2</sup>

Even in North American public opinion, both Jewish and non-Jewish, Israel is losing support.<sup>3</sup> For example, here is a quote from an article in *Jewish Forward* magazine: "Where Zionism used to be a given among American Jews, it is increasingly being viewed with skepticism by Jews who see where the political ideology has led us. Startlingly only 40% of American Jews age 18-34 said they were 'comfortable with the idea of a Jewish State.'"<sup>4</sup>

Israel has been resorting to lawfare in an attempt to hold back the tide of negative opinion building against the "Jewish State" for its treatment of the Palestinians and its 50 year illegal Occupation of the West Bank.

An Israeli legal group is suing two New Zealanders, one Jewish and one Palestinian, for allegedly convincing the pop singer Lorde to cancel her performance in Israel. This appears to be the first lawsuit filed under a contentious 2011 Israeli anti-boycott law. The Israeli law opens the door to civil lawsuits against anyone calling for a boycott against Israel, including of lands it has occupied, if that call could knowingly lead to a boycott. The law, which is part of Israel's fight against a global movement calling for boycotts against the "Jewish State," allows for courts to impose damages against defendants. Critics said the law would stifle free expression.<sup>5</sup>

Amnesty International has condemned the law in unequivocal terms:

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", he added.<sup>6</sup>

The Israeli anti-BDS law has not yet been tested in court. Even the Shurat Hadin leader Darshan-Leitner has said that the law poses a challenge, "because proving a link between a boycott and a call for one is difficult". She said in this case the connection is clear, claiming that the first time Lorde brought up her reservations on the Tel Aviv performance was after the Sachs and Abu-Shanab's open letter, and that the two women "took credit" for Lorde's decision to cancel the concert on social media and elsewhere.<sup>6</sup>

Israel is now proposing to enforce its anti-BDS law against Amnesty International, after the human rights organization embarked on a campaign calling for a boycott of products from Judea and Samaria and a weapons embargo on Israel. Amnesty International has also accused Israel of committing war crimes.

Under its "Israel's Occupation: 50 Years of Dispossession" campaign, Amnesty calls for "governments to stop enabling the economy that keeps these illegal settlements growing and fuels the suffering of Palestinians ... and help put an end to the cycle of violations suffered by Palestinians living under Israel's occupation."

Israel Finance Minister Moshe Kahlon and Public Security Minister Gilad Erdan have proposed amendments to the anti-BDS law to enable the sanctions. They are going to have a public hearing at which Israeli citizens can voice their objections.

Before imposing sanctions on Amnesty International, Kahlon is expected to invite senior officials from the organization to a hearing. Amnesty International could also be sued for damages for violating the anti-BDS law.<sup>7</sup>

In what was described as "an unprecedented victory" for the Boycott, Divestment and Sanctions (BDS) movement, a federal judge has blocked Kansas from enforcing a state law which punishes those who express support or engage in the boycott of Israel. The anti-BDS law, required that all Kansas state employees sign a certification guaranteeing they do not participate in the boycott of Israel.

The Federal Judge, issued a preliminary injunction prohibiting the state from enforcing the law until resolution of a lawsuit filed in October 2017 by the American Civil Liberties Union (ACLU) on behalf of Esther Koontz, a public school teacher. The lawsuit is based on Koontz's adherence to the Palestinian call for BDS. Following her fellow members of the Mennonite Church USA and in solidarity with Palestinians, she decided to boycott all consumer

products from both Israeli companies and those that operate in Israel's illegal settlements in the occupied West Bank.

In a statement, Micah Kubic, director of the ACLU of Kansas, called the judge's ruling a "notable victory for the First Amendment" and protected speech. The ACLU Director said, "The government has no right telling people what they can and can't support, and this preliminary injunction will protect other Kansans from enduring the First Amendment violation that Ms. Koontz has endured." The ruling was the first of its kind on the judicial level to counter an escalation of anti-BDS measures passed by state lawmakers in twenty-four states with bipartisan support. Activists in several states have stopped similarly proposed legislation from becoming law. However, there are several federal anti-BDS bills that are before Congress.<sup>8</sup>

Another defeat for the Israeli anti-Boycott, Divest and Sanction (BDS) campaign occurred where an attempt to force state contractors in Massachusetts to prove that they were not boycotting Israel. To quote the Palestine Legal press release on this topic, "Though not on its face an anti-BDS bill, as the coalition stated, "a substantial public paper trail shows that its actual target was the Palestinian civil society movement for Boycott, Divestment, and Sanctions (BDS). As such, it was intended to inhibit the first amendment right to free speech through boycott action, a peaceful expression of dissent."<sup>9</sup>

There also is a recent judgement of the Ontario Court of Appeal that approved a libel decision against Canadian journalist Ezra Levant for calling a young Muslim law student a terrorist and an anti-Semite. The award of \$80,000 against Levant was upheld.<sup>10</sup>

Another public relations setback for Israel's campaign against BDS is the nomination of the BDS Campaign for the Nobel Peace Prize.<sup>11</sup>

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1. See, for example, "[Israel accuses U.N. rights forum of bias over Palestinians](#)," by Stephanie Nebehay, Reuters, January 19, 2018. See also "[Israel gets flak over human rights record in Geneva](#)," by Barbara Bibbo, *Aljazeera*, January 23, 2018. The South African representative said "Israel is the only state in the world that can be called an apartheid state." [🔗]
  2. "[UN votes 151-6 against Israel, an 'occupying power' with no rights to Jerusalem](#)," United With Israel, 1 December 2017. [🔗]
  3. "[Vast Numbers of Progressive California Jews Are Disengaging From Israel, Survey Finds: Only a minority of young Jews in San Francisco's Bay Area believe a Jewish state is important and only a third sympathize more with Israel than the Palestinians](#)," by Judy Maltz, *Haaretz*, 14 February 2018. See also "[Realization Is Growing That American Jews and Israel No Longer Share a Moral and Ethical Worldview](#)," by Allan C. Brownfeld, *Issues*, Spring-Summer 2017; See also "[Netanyahu does not speak for all American Jews \(COMMENTARY\)](#)," by Rebecca Vilkomerson, *Washington Post*, 25 February 2015. [🔗]
  4. "[American Jews Have Never Needed Israel](#)," by Michael Robin, *Forward*, 21 February 2018. [🔗]
  5. "[Israelis sue New Zealanders over Lorde boycott](#)," by Tia Goldenberg, Associated Press, 31 January 2018. [🔗]
  6. "[Israel anti-boycott law an attack on freedom of expression](#)," Amnesty International Release, 12 July 2011. [🔗] [🔗]
  7. "[Israel to apply anti-BDS law to Amnesty International](#)," by Sean Savage JNS, *Cleveland Jewish News*, 16 February 2018. [🔗]
  8. "[Federal judge blocks Kansas law punishing BDS supporters](#)," by Jesse Rubin, *Mondoweiss*, January 30, 2018. Link downloaded on February 12, 2018. [🔗]
  9. Palestine Legal Press Release, 8 February 2018, [Victory! Anti-Boycott Measure Defeated in Massachusetts](#). [🔗]
  10. "[Ontario Court of Appeal confirms \\$80,000 libel judgment against Ezra Levant: Saskatchewan lawyer brought suit in response to blog posts](#)," by Alex Robinson, *Canadian Lawyer*, January 6, 2017. [🔗]
  11. "[BDS movement nominated for the Nobel Peace Prize](#)." On February 8, 2018. Norwegian parliamentarian Bjørnar Moxnes officially nominated the BDS movement for Palestinian rights for a Nobel Peace Prize. He did so with the support of his party, the progressive Rødt (Red) Party, explaining why BDS "should be supported without reservation by all democratically-minded people and states." *Mondoweiss*, 8 February, 2018. [🔗]
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