



July 28, 2017

Senator Ben Cardin
509 Hart Senate Office Building
Washington DC 20510

Re: Amnesty International USA Opposes S. 720

Dear Senator Cardin:

On behalf of Amnesty International USA (“AIUSA”) and our more than one million members and supporters nationwide, we write to express our serious concerns with the “Israel Anti-Boycott Act of 2017” (S. 720). AIUSA strongly supports the right to protest and therefore opposes any legislation that seeks to suppress, criminalize, or in any way thwart freedom of speech, association, or assembly.

I. S. 720 would directly violate U.S. legal obligations to respect and protect freedom of expression and association guaranteed by the International Covenant on Civil and Political Rights.

While AIUSA does not take a position on the Boycott, Divestment, Sanctions (“BDS”) movement and historically has never supported or opposed consumer boycotts, we do defend people’s right to participate in and advocate for boycotts. The BDS is a global movement that seeks to increase pressure on Israel for what it considers to be violations of international law. AIUSA supports the right of individuals to express their conscientiously held beliefs through non-violent actions.

The Senate has ratified the International Covenant on Civil and Political Rights (“ICCPR”) and therefore has a legal obligation to adhere to and protect these rights. Article 19(2) of the ICCPR states, “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”

In addition, Article 22(1) and (2) provide, “Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests. ... No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others. ...”

Section 4 of S. 720 would criminalize nonviolent behavior that is a means of protest such as the use of boycotts to oppose practices and policies of the Israeli government. The bill would bar U.S. persons from supporting boycotts against Israel and would stiffen current law to include penalties for simply requesting information about boycotts. As such, individuals could face up to 20 years in prison and as much as \$1 million in criminal penalties for simply furnishing or requesting boycott-related information, even if they were not participating in boycotts. This would violate U.S. legal obligations to protect freedom of expression and association as set forth by Articles 19 and 21 of the ICCPR.

II. S. 720 would violate U.S. legal obligations under the Fourth Geneva Convention by implying recognition of an illegal situation and directly or indirectly facilitating that situation.

In addition to violating legal obligations related to freedom of expression and assembly, S. 720 would violate U.S. obligations not to recognize, indirectly or directly, or assist illegal situations in other countries. As a signatory to the 1946 Fourth Geneva Convention (“Convention”) which refers to the Protection of Civilian Persons in Time of War and defines humanitarian protections for civilians in a war zone, the U.S. is under a legal obligation to “ensure respect” for the Convention which defines Israel’s settlement building as unlawful. The international community and expert bodies, including the United Nations Human Rights Council and International Court of Justice, have long recognized Israel’s settlement building as unlawful. Despite recent rhetoric, U.S. policy also does not recognize the illegal, unilateral annexation of East Jerusalem by Israel, which is considered an impediment to peace. Illegal Israeli settlements and industry are the driving force behind serious violations of international human rights and humanitarian law.

Pursuant to customary international humanitarian law, the U.S. must not encourage violations of international humanitarian law. Rather, it is under an obligation to exert influence to stop such violations.

Yet Sections 2 and 3 of S. 720 would constitute a direct violation of the Convention, as it calls for protecting and condoning investment in Israeli-controlled entities. In other words, S. 720 would encourage economic and technological partnerships with not only the State of Israel proper, but also with Israeli settlements in the occupied West Bank. This not only recognizes and normalizes an illegal situation, but also directly assists in the financing of the illegal settlement enterprise. The U.S. cannot, without acting in violation of its legal obligations, support a law that encourages maintaining and enhancing relations with illegal entities like the Israeli settlements built in occupied territory.

For the foregoing reasons AIUSA opposes S.720 and we respectfully urge you to reconsider your efforts to pass this bill. Please do not hesitate to contact me at jlin@aiusa.org or 202/509-8151. Thank you for your attention.

Sincerely,

Joanne Lin
Senior Managing Director
Advocacy and Government Affairs

cc. Co-sponsors of the bill S. 720