

**Excerpts of the Petition to the Supreme Court against the Law for  
Prevention of Damage to the State of Israel through Boycott**

**HCJ 2072/12**

**The Supreme Court  
Sitting as the High Court of Justice**

- 1. Coalition of Women for Peace**
- 2. The High Follow Up Committee for Arab Citizens in Israel  
By its Chairman, Mohammad Zeidan**
- 3. The Jerusalem Legal Aid and Human Rights Center**
- 4. The Association for Civil Rights in Israel**
- 5. The Public Committee Against Torture in Israel**
- 6. Hamoked - Center for the Defence of the Individual**
- 7. The Reform Center for Religion and the State - The Israel Movement for  
Reform and Progressive Judaism**
- 8. Yesh Din – Volunteers for Human Rights**
- 9. Adalah – The Legal Center for Arab Minority Rights in Israel**

**Petitioners**

- V.-

- 1. The Minister of Finance**
- 2. The Minister of Justice**
- 3. The Knesset**

**Respondents**

**Petition for *Order Nisi* and interim injunction**

This is a petition for an *order nisi*, whereby the Honorable Court is requested to order the Respondents to show cause why the Law for Prevention of Damage to the State of Israel through Boycott 5771 – 2011 should not be struck down.

**Introduction**

1. This petition concern the constitutionality of the Law for Prevention of Damage to the State of Israel through Boycott 5771 – 2011 (hereinafter: the boycott law). This law defines a "call for a boycott" as a deliberate and public call for refraining from economic, cultural or academic ties with an individual or another party only because of their tie with the State of Israel, one of its institutions or an area under its control. The specifications of the law are subject to broad interpretation, but it is clear that its intent is to harm the employment of a political, cultural and academic boycott as a non-violent instrument in the struggle against the policy of the Occupation and/or the policy of discrimination against the Arab minority in Israel [...]
2. In practice, the boycott law makes it possible to impose sanctions against parties that call for refraining from the purchase of products from the settlements or the participation in cultural events that take place within them. Any call for boycotting a government entity, a government enterprise and even an "Israeli"

entity or business could lead to a lawsuit and to the imposition of a significant compensation payment.

3. In addition to the above civil wrong, the boycott law also imposes severe economic sanctions on groups that call for a boycott. Moreover, it "punishes" diverse public institutions and bodies by absolutely revoking their eligibility for funds they are entitled to by law. In these cases the law views a commitment to take part in a boycott, and not the actual call for a boycott, as sufficient justification.
4. The boycott law was sharply criticized both prior to and following its enactment by the Knesset. Civil Society organizations fiercely castigated the substance of the law, its values, objective and its disproportionate violation of constitutional rights. Harsh criticism of the law was also voiced in the international arena...The Knesset's legal advisor also expressed his strong stance against the law stating:

"Under these circumstances, we believe that the broad definition of a 'boycott against the State of Israel', in addition to the tort wrong, constitute an injury to the core of the freedom of political expression in the State of Israel, which pushes **these elements** of the bill to the edge of unconstitutionality and possibly even beyond it" (bold highlight in original)

5. In essence, the law violates the constitutional rights of freedom of expression, equality and human dignity. It limits free political expression that opposes the opinions and viewpoint of the majority of the public and imposes a "price tag" on expressions regarding the most controversial issues of the debate within Israeli society [...]
6. To support the arguments of the petition concerning the violation of the freedom of political expression, the petitioners also rely on comparative law from various democratic states...The courts in these states disqualified the violation of the freedom of expression and ruled that a call for a boycott or its employment as a means of non-violent struggle against public and political policy, is part of the core of the freedom of political expression which is entitled to constitutional protection.
7. The law also violates the right to equality as it sets limits on the freedom of expression of a minority group and harms the equal application of civil rights. Thus, for example, it denies budgetary and economic benefits to parties that promote a boycott, and causes them financial harm by preventing them from taking part in public tenders and by revoking the right of associations to receive a 35% tax benefit for donations they receive – all because of their political and ideological views regarding the call for a boycott. These measures are contrary to the dominant purpose of the laws of tenders, tax ordinances and the budget laws, which is based on principles that forbid discrimination and promote equal opportunity for all.
8. The law, in addition, violates the right to dignity in that it attaches a negative value to a specific ideology and imposes sanctions based on it. The law silences, represses, persecutes and degrades parties that take an action that clearly constitutes a form of political expression and, hence, violates the right to

dignity. When the state allows actions against an individual because of his political opinions, it transmits a harsh message that affirms that, because of his political views, this person is less worthy in the eyes of the state, and that, unfortunately, his opinions do not warrant the respect and protection of the state.

9. The purpose of the boycott law is not appropriate in a democratic state as it is punitive and seeks to impose sanctions on political expressions on the basis of their content, particularly in light of the fact that these expressions are at the core of public and political debate in Israel. The law defines the call for a boycott as a civil wrong and makes it possible to file multiple lawsuits against the parties involved in absence of the need to establish specific damages, and in absence of a definition of damage because the proof of the wrong is independent of the proof of the damage. The law, in addition, imposes penal compensation rendering this the most costly of civil wrongs. This law, therefore, contradicts the basic objectives and principles of tort law which require a concrete, causal relationship between the perpetrator of the damage, the victim and the actual damage itself.
10. It must be emphasized that in contrast to the sanctions on the call for an illegal and criminal actions such as incitement to violence, disobedience etc., the boycott law imposes sanctions on the call for a boycott itself, although both a call for a boycott and actual boycott action are unequivocally legal. The law is, therefore, contrary to basic democratic values which mandate that the articulation of all political opinions be allowed as part of the right to freedom of expression.
11. And finally, due to the grave sanctions imposed by the boycott law on political expression as described in this petition, a "chilling effect" is created that, *a priori*, deters all those who wish to peacefully express a political stance against government policy by calling for a boycott [...]

#### **The Petitioners**

12. Petitioner no. 1, the **Coalition of Women for Peace**, is a women's rights organization that unites women from various sectors and takes peaceful action against the Occupation and for a more just society... The organization runs a special research project under the name "Who Profits from the Occupation?" that provides a unique database on...Israeli and international companies that benefit economically from the Israeli occupation of Palestinian territory and the Golan Heights [...]  
[...]
15. Petitioner no. 2, the **High Follow-up Committee for Arab Citizens in Israel**, is a public body that incorporates all Arab public representatives in Israel...and which openly calls for a boycott of Israeli settlement products, which it views as a legitimate means of a non-violent struggle [...]  
[...]
17. Petitioner no. 3, the **Jerusalem Legal Aid and Human Rights Center**, believes that the people of East Jerusalem are allowed to oppose the Occupation

peacefully and, as part of a legitimate, non-violent peaceful resistance, called for a boycott against settlement products. Almost all of the Palestinian organizations in Jerusalem and the West Bank joined this call.

18. Petitioners no. 4-9 are human rights organizations...registered in Israel.

**The Law under Consideration**

19. On 13.7.11, the Law for Prevention of Damage to the State of Israel through boycott 5771 – 2011 (hereinafter: "the law") was published in Reshumot [the official law registry]. The law creates a new civil wrong that enables an individual or an entity that was injured by a boycott imposed against it on the basis of its tie to the State of Israel or to an area under its control to sue both for compensation that is not dependent upon the damage or for damage that was caused in practice to the target of the boycott. The law empowers the Minister of Finance to limit the participation in tenders of parties that committed to participating in a boycott...and to formulate regulations that impose administrative and budgetary sanctions on organizations that are partners in a call for a boycott.

20. Article 1 of the law defines a boycott against the State of Israel as follows:

"a boycott against the State of Israel' – deliberately avoiding economic, cultural or academic ties with another person or another factor only because of his ties with the State of Israel, one of its institutions or an area under its control, in such a way that may cause economic, cultural or academic damage."

21. By means of this broad definition, the law on the one hand requires intent and awareness of a call for a boycott so that the damage caused cannot be considered the result of negligence and, on the other hand, the broad definition of a boycott includes a wide range of actions  
[...]

22. Article 2 of the law defines the basis of the wrong in the following terms:

"A. Knowingly publishing a public call for a boycott against the State of Israel will be considered a civil wrong to which the civil tort law [new version] applies, if according to the content and circumstances of the publication there is reasonable probability that the call will bring about a boycott and he who published the call was aware of this possibility.

B. In regards to clause 62 [A] of the civil tort law [new version], he who causes a binding legal agreement to be breached by calling for a boycott against the State of Israel will not be viewed as someone who operated with sufficient justification.

C. If the court will find that a wrong according to this law was deliberately carried out, it will be authorized to compel the person who did the wrongdoing to pay damages that are not dependent on the damage (in this clause – damages, for example); in calculating the sum of the damages for example, the court will take into consideration, among other things, the circumstances under which the wrong was carried out, its severity and its extent."

23. Article 3 of the law empowers the Minister of Finance to determine regulations restricting the participation in a tender of a party that knowingly published a public call for a boycott or who committed to participate in the aforementioned boycott.
24. Article 4 empowers the Minister of Finance to set regulations that will deny benefits to anyone who knowingly published a public call for a boycott or anyone who committed to participate in the boycott. These benefits include tax benefits to public institutions...the entitlement to receive funds in keeping with clause 9 of the law regulating sports gambling...support for public institutions...guarantees on behalf of the state...and benefits accorded to encourage capital investments. This article does not set a ceiling on the budget cut, but does allow the denial of full support even if this amounts to all of the institution's budget, and without requiring a direct relation to expenditures that originated from state funds.
25. Consequently, the above articles 3-4 grant politicians great powers for harassing public institutions, including civil society organizations, on account of their political expressions.  
[...]

#### **History of the Legislation of the Law and the Objections Raised against it**

26. On 11.7.11 the Knesset approved...the Law for Prevention of Damage to the State of Israel through Boycott 5771 – 2011 by a majority of 47 to 38.
27. According to the explanation attached to the law proposal:
 

"The objective of this law is to prevent damages caused by the phenomenon of boycotts that are imposed against various entities due to their tie to the State of Israel. The boycotts may directly harm business, cultural or academic activities of the boycott's target and cause him significant damages both economically and to his reputation and good name."  
[...]
30. Human rights organizations voiced their opposition to the enactment of the law and appealed to the relevant authorities demanding that it not be approved as it disproportionately violates human rights [...]
32. The Israel Democracy Institute, on 13.2.11, appealed to the chairman of the Knesset Constitution, Law and Justice Committee, MK David Rotem, demanding to refrain from supporting and approving the law [...]
33. On 14.7.11, a petition against the law signed by 36 law professors was published [...]
34. The European Union expressed concern for the freedom of expression of Israeli citizens subsequent to the legislation of the law. The United States State Department published an exceptional statement according to which the freedom of association and protest are fundamental democratic values that the USA and Israel have shared throughout history.

35. Human Rights Watch published... a statement according to which, by approving the law, the Israeli legislators violated the constitutional right to freedom of expression and that this violation is chiefly aimed at civil society organizations.
36. A coalition of international human rights organizations including APRODEV, The Observatory for the Protection of Human Rights Defenders, Euro-Mediterranean Human Rights Network, Quaker Council for European Affairs, Frontline – Protection of Human Rights Defenders and the International Federation for Human Rights proclaimed fierce criticism of the law... In its statement, the coalition appealed to the European Union demanding it publicly condemn the bill and defend constitutional rights in Israel... A similar statement of condemnation of the law proposal was published by "Article 19", an international organization whose principal activity and occupation is the defense of the freedom of expression throughout the world.  
[...]

### **The Legal Arguments**

#### **Violation of Constitutional Rights**

#### **The violation of the freedoms of Expression, Association and Occupation**

38. Freedom of expression is one of the first rights acknowledged as a basic right by the Supreme Court and was recognized in case law following the enactment of the Basic Law: Human Dignity and Liberty [...]
39. ...The boycott law is, first and foremost, directed against a group of activists that constitutes a minority group in the state which seeks to publicly challenge government policy particularly concerning the issue of the Occupation and the settlement enterprise. [...]
40. ...A large number of Supreme Court rulings disqualified the limitations imposed on the freedom of expression despite arguments that were raised regarding the harm to the public consensus, social cohesion, the public's feelings or the foreign relations of the State of Israel [...]
41. As aforementioned, the subjective aim of the boycott law is, *inter alia*, to prevent the defamation of the party injured by the boycott. Even this harm does not justify limiting the freedom of expression as the issue regarding which the boycott was imposed concerns a decades long public debate and, therefore, the claim regarding slander is questionable. From the point of view of the critics of government policy, the call for a boycott is in no way defamatory as it is directed at an overall political policy. In any case, there exists a legal means specifically designated for the imposition of fines on grounds of slander – the Defamation (Prohibition) Law, 5725-1965 – that regulates special statutes on the examination of libel for defamation... and there is, hence, no legal or rational justification for restricting the freedom of expression for a vague, potential injury [...]
42. Furthermore, the additional means employed by the boycott law for the restriction of the freedom of expression by the denial of budgetary and

economic benefits, causes financial harm to those who promote a boycott and prevents them from participating in public tenders. This economic burden is illegal and does not meet the test of case law concerning the restriction of the freedom of expression. [...]

43. The petitioners are not aware of any tort lawsuits having been submitted on the basis of the law. However...the enactment of the law which creates a threat of multiple civil lawsuits...creates a chilling effect on political expression in a manner that justifies rendering a decision on the petition under consideration in advance of the application of the law in practice.
44. In this matter, the restriction of the freedom of expression also violates the **freedom of association**. A deluge of civil lawsuits for tort wrongs and the imposition of budgetary sanctions such as the restriction on participation in public tenders will cause economic hardship to petitioners 1-3 and other parties who will be harmed by the law, and may result in the halt of their activity leading to their possible dissolution. The restriction is especially grave in relation to non-profit organizations, as article 4(1) of the boycott law denies them recognition as a "public institution" under article 46 [9(2) in Adalah's translation of the law- Orah] of the Income Tax Ordinance....which, in practice, enables donors to these organizations to receive a tax benefit for their donation...revoking this tax benefit may lead to both a loss of existing donations and/or future donations [...]
45. The law also violates the right of the public to hear diverse arguments regarding crucial political issues, violates the right of the public to make political and democratic decisions after having heard the relevant arguments, and violates the dignity not only of those who had been silenced but also of the public as a whole. [...]
46. The constitutional right to **freedom of occupation** is also violated by the limitation of the freedom of expression as a result of the restrictions on the participation in public tenders. The law stipulates the participation in public state tenders on the political and ideological outlook of the bidder and sets these extraneous and irrelevant considerations as prerequisites...The outcome is the curtailment of the activity of companies and organizations contrary to the Basic Law: Freedom of Occupation and the practice which defined the status and scope of the constitutional right to freedom of occupation [...]

#### **Prohibiting the Restriction of the Promotion of Boycotts in Comparative Law**

47. A survey of the principal rulings handed down in the United States, Germany and Canada in cases in where the courts were asked to award compensatory damages against parties calling for boycotts reveals that the courts determined that the damages caused by political boycotts, or boycotts that have a political motive, are not liable for compensation because the protection of these actions lies at the core of the legitimate aim of the protection of the right to freedom of expression.

For additional details see:

[http://www.adalah.org/upfiles/2011/Adalah\\_Boycott\\_Paper\\_Comparative\\_Law.pdf](http://www.adalah.org/upfiles/2011/Adalah_Boycott_Paper_Comparative_Law.pdf)  
[...]

### **The Violation of the Right to Equality**

54. The distinction the law makes between recipients of support and benefits on the basis of their social or political viewpoint is in no way relevant to the eligibility for these benefits and illegally distinguishes between groups that apply to the state for support which are not unlike in any pertinent way. Therefore, the limitation of the freedom of expression on the basis of political outlook and content in practice leads to the **violation** of the constitutional right to equality. [...]
55. ...the Doctrine of Fairness has become a part of the system of law in Israel. According to this doctrine, the equal promotion of diverse ideas and opinions must be allowed in order to grant an appropriate and equal opportunity to varied opinions in a democratic society ...In practice, the law permits the promotion of political boycotts that are consistent with the political opinions of the majority in the Knesset...and forbids political boycotts that oppose the viewpoint of the majority....This distinction violates the right to equality and constitutes illegal discrimination against the minority's right to political expression [...]
56. In practice, the law seeks to create a link between funding and the realization of the freedom of expression ignoring the right to equality [...]
57. ...The boycott law will bring about the revocation of the entitlement of non-profit organizations to a tax exemption for donations they receive...beyond the violation of the freedom of association, the denial of this benefit...violates the right to equality. [...]
58. ...The limitation imposed by the boycott law on participation in public tenders that are published under the Mandatory Tenders Law, 5752 – 1992 leads to discrimination in violation of the Mandatory Tenders Law itself. [...]
59. The rulings of the Supreme Court emphasized the importance of upholding the right to equality in public tenders in order to protect fair competition between contenders, and determined that in order to achieve a matter of importance to the public interest relating to administrative efficiency and the saving of public funds, the quality of a bid, its price and stipulations must be considered. Political opinion was never considered a relevant criterion for the realization of this matter of public interest [...]
60. ...The boycott law denies parties that call for a boycott or commit to engage in it the right to receive funds according to the law for Regulation of Sports Gambling, 5727 – 1967. The significance of this measure is a revocation of the entitlement of these parties to receive funds from Mifal Ha'paysis [lottery] [...]
61. ...The boycott law revokes the entitlement to receive budgets from the state under the Budget Foundations Law 5745 – 1985 and, hence, sanctions the allocation of this important public resource according to political and ideological outlook which is extraneous and irrelevant to the distribution of funds under the law [...]

[...]

63. The boycott law revokes the entitlement to state guarantees under the State Guarantees Law, 5718-1958. In relation to this matter, the boycott law also determines the absurd principle according to which a state guarantee for a loan will be given according to political stance. This consideration is contrary to the purpose of the State Guarantees Law [...]
65. ...Eligibility for benefits under the Encouragement of Capital Investments Law 5719 - 1959 will also be revoked in breach of the purely economic aim of the law [...]
66. ...The denial of the above benefits violates the right to equality on the basis of political and ideological stance. This violation is contrary to the constitutional right to equality. At any rate, the actual distinction between recipients of the above benefits on the basis of social or political viewpoint is wholly irrelevant to the reception of the benefits and it **illegally distinguishes between groups** that request support from the state which are not dissimilar in any relevant manner [...]

#### **The Violation of the Right to Dignity**

67. ...The violation of the freedom of expression by the law also violates the constitutional right to dignity in light of the Supreme Court ruling which determined that, according to our concept of law, freedom of political expression is bound "by a firm and straightforward tie to human dignity".  
[...]
70. ...In this context, it is appropriate to note the writings of Professor Daniel Statman who defines the right to dignity in relation to degrading treatment asserting that "the key characteristic of humiliation is the feeling of social exclusion. When a person is humiliated, he is made to understand that he does not belong, or is not worthy of belonging, to a particular group when being part of that group is of importance to the self-esteem of the victim." [...]
71. The law under consideration renders deeds that constitute clear political expression into a civil tort and allows awarding compensation independently of the damage caused. The law, therefore, declares that these deeds are morally flawed and excludes and slanders those who execute them. The law imposes penalties on the basis of political outlook on those who, like petitioners no. 1-3, call for a boycott as part of their political identity, their "creed" and their definition of themselves [...]
72. Petitioner no. 1 has for years acted according to a feminist ideology that opposes all forms of violence and believes that the continuation of the Occupation is wrong for both Israeli and Palestinian society. The promotion of a boycott constitutes a non-violent tactic for advancing its aim. However, now, after the enactment of the law, if it employs this means, it may find itself and its members having to defend themselves from civil lawsuits in all that this entails, for example orders preventing their existence from the country,

confiscation of property, forced execution of payments etc... This may suspend its activities, deter its members from taking a stance and threaten its very existence as an organization should it not succumb and cease the promotion of a boycott. In practice, even if petitioner no. 1 capitulates and refrains from peacefully calling for a boycott because of the law, in practice it will be hopelessly affected – it and its members will lose their "reason d'etre" and will be silenced, humiliated and scorned.

73. Petitioner no. 2, who boycotts the settlements and views Arab citizens as victims of institutional discrimination, *inter alia* because of the continuation of the Occupation, is in a similar position. Its members will, for example, find themselves owing compensation payments to many individuals and entities that support both the continuation of the Occupation and the discrimination of Arab citizens [...]
74. The law under consideration, therefore, silences, represses, persecutes and degrades those who take an action that clearly constitutes political expression and thus violates the right to dignity in breach of the Basic Law: Human Dignity and Liberty. As described above, this violation of the right to dignity results from the combined violation of the freedom of political expression and the right to equality [...]
75. When the state permits sanctions against an individual because of his political opinions, it sends a grievous message saying that this person's beliefs are worth less to the state and, unfortunately, are less worthy of respect and protection by the state.  
[...]

#### **The Law does not have a Proper Purpose**

77. The law does not uphold the condition of the limitations clause according to which the purpose of a law that seeks to limit basic rights must be appropriate and legitimate in a democratic state.
78. The purpose of the law as noted in the law proposal is as follows:
- "The purpose of this law is to prevent damages caused by the phenomenon of boycotts imposed against various entities because of their ties to the State of Israel. The boycotts may harm business, cultural or academic activities of the target of the boycott and cause him serious damages, both **economic and to his reputation and good name.**" (Emphasis not in original).
79. The basis for examining "proper purpose" is whether it is vital to a democratic society that promotes human rights and grants vast importance to basic rights. President Barak indicates two criteria for examining the question of what is a proper purpose of a law:

"A purpose is appropriate if it seeks to balance between the interests of the general public and the harm to the individual... In examining the question of whether a purpose is appropriate two criteria must be examined: one, the purpose is proper if it is a social purpose that is sensitive to human rights, or if it was meant to achieve social aims such as a welfare policy or the protection of

the public interest; the second criterion concerns the extent of the need for the realization of the purpose, and a purpose is proper if the need for its realization is important to the values of the society and the state."

**H CJ 5028/04 Design 22 v. Head of the Sabbath work permits Department**  
[...]

80. As the purpose of safeguarding an individual's good name is protected by law, there is no social **need** or urgency whatsoever for additional legislation limiting basic rights in order for this purpose to subsist [...]
81. Moreover, the purpose at the basis of the law under consideration in this petition is not a purpose that serves the public interest of the public as a whole....The protection of economic interests of specific sectors from threats that are created by the realization of the freedom of expression was not recognized as a proper purpose. The freedom of expression, by its nature, creates risks for third parties. The threat as of itself does not constitute grounds for violating the freedom of expression... [...]  
[...]
83. In practice, the flaw of the law derives, *inter alia*, from the fact that the law intends to restrict political freedoms relating to issues that by definition are at the hub of public debate so that it is very difficult to indicate a direct, concrete and definite causal relationship between the "call for a boycott" and the damage that will result from this call. [...]  
[...]
85. It is not by chance that the law clashes with the principles of tort law regarding both substance and remedy and leading to the unequivocal conclusion that the **purpose of the law is punitive**. Tort laws rely on the triangle of **perpetrator, victim and damage**, and are based on the principle that there is no compensation if there is no damage. However, the law under consideration in this petition does not relate to a specific injured party or to specific, defined damage [...]
86. The outcome of the law under consideration is that in the absence of a victim and of damage, the promoter of a boycott may find himself facing multiple law suits for "the wrong". This result is unrecognized and is not in keeping with tort law.  
[...]
88. In addition to all of the above, the law under consideration seeks to impose punitive compensation in spite of the fact that punitive compensations are awarded after proof of damage and the determination of the extent of payment for existing damage, and that only in exceedingly exceptional cases are these payments awarded for the purpose of deterrence and the punishment of actions that most members of society abhor. [...]
89. The law establishes the call for a boycott as the most costly civil wrong and grants it preferential treatment that is unique in comparison with other wrongs...The "wrong" according to the law allows for multiple lawsuits, the absence of proof of specific damage, the absence of a definition of damage

and, moreover, the remedy for this wrong is punitive compensation. In this manner the law violates the right to equality and distributive justice which are the basis of tort law in all that is related to the definition of civil damages, equal treatment in relation to them, and the distribution of the burden of the damage that was sustained.

90. The law is not content with defining the act of calling for a boycott as a civil wrong but adds severe economic sanctions to it ....In this manner, the wrong is accorded a status similar to that of criminal offences that are designated as civil wrongs. This justification for this measure would be the recognition of a call for boycott as the type of deviation from the behavioral standards which the public is entitled to punish through administrative mechanisms. However, and as noted above, it is not possible to point to a substantial behavioral deviation that may denigrate a party that promotes a boycott as the issue itself is part of a legitimate public debate. Fundamental rights which may be contravened continue to be in force in this matter as an **exclusionary reason** [...]
91. The addition of sanctions to the definition of a call to boycott as a civil wrong and the distinction accorded to it testifies to the fact that the law's intent is **punitive**...The radical distinction the law accords to the call for a boycott discloses the motives of its aim as political motives that are unrelated to public interest. Offences that seek to protect the human rights of various groups, such as the criminal offence of incitement to racism ...although they are criminal offences, do not have the status of a civil wrong as does the call for a boycott to which administrative sanctions have been affixed [...]

Based on these arguments, the Honorable Court is requested to grant an *order nisi*, as requested at the outset of this petition and, following the reception of the respondents' reply, to make it absolute.

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Hassan Jabareen, Adv.

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Sawsan Zaher, Adv.

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Dan Yakir, Adv.

Counsel of the Petitioners

March, 2012