

**Professor John Dugard**

**Jozef Israelsplein 24**

**2596 AT**

**The Hague**

**Netherlands**

**To : His Excellency Administrative Court of Oldenburg - 3rd Chamber**

I have been asked by Lawyer Mr. Ahmed Abed, who is currently representing Mr. Christopher Glanz in the administrative proceeding against the City of Oldenburg, to intervene in support of the applicant. In the present statement I argue that the BDS is a civil society movement which acts in full compliance with international law and cannot be regarded as antisemitic.

My name is John Dugard and I am a South African who lived and worked – as an academic, director of a human rights centre (the Centre for Applied Legal Studies) and a practicing lawyer – in South Africa during the apartheid era. Later, from 2000 to 2009, I chaired international fact-finding missions concerned with the violation of human rights in occupied Palestine and served as United Nations special rapporteur on human rights in Palestine.

I can affirm that Israeli policies and practices in occupied Palestine – East Jerusalem, the West Bank and Gaza – may be compared to those of apartheid South Africa. Indeed, today it is widely accepted that the term Apartheid may be used to describe political systems in other countries that practice racial discrimination and political repression. As a proof of this, this brutal regime has been defined by art. 7(2)(h) of the Rome Statute of the International Criminal Court as a universal crime involving “*an institutionalized regime of systematic oppression and domination by one racial group over any other racial group*”, with no mention made of geographical location.

For further information on the serious similarities between apartheid in South Africa and apartheid as practiced in occupied Palestine, see

John Dugard, *Confronting Apartheid. A Personal History of South Africa, Namibia and Palestine*, Jacana, Johannesburg, 2018;

John Dugard and John Reynolds "Apartheid, International Law and the Occupied Palestinian Territory" (2013, 24 *European Journal of International Law* pp. 867-913

As a lawyer concerned about human rights and the inequalities of apartheid, and as a liberal who believes that the pen and the voice are mightier than AK – 47, I fully endorse the core mission of the BDS movement to carry out nonviolent campaigns of boycotts, divestment and sanctions as a means to compel Israel to comply with its human rights and international humanitarian law obligations in occupied Palestine and to respect the right to self-determination of the Palestinian People, including the right to return of the refugees. In this regard, the BDS acts in accordance with the international law's obligations of non-recognition and non-assistance of the unlawful occupation of the Palestinian territory. Therefore, by taking inspiration from the South African Anti-apartheid Movement and the U.S. Civil Rights Movement, BDS practices can be considered fully legitimate.

Sincerely yours

The Hague, 24.03.2019

A handwritten signature in black ink, appearing to be 'John Dugard', with a long horizontal stroke extending to the right.

**John Dugard,**

Emeritus Professor of International law at the Universities of Leiden (Netherlands) and the Witwatersrand (South Africa) ; former U.N. special rapporteur on human rights in the occupied Palestinian territory