

## BDS data

link to BDS National Committee data:

<https://visualizingpalestine.org/collective-action-timeline#timeline>

This table lists the 17 rulings by courts of law in various countries that BDS advocacy is legal and is not antisemitic. (The table includes the Harvard Law School Review opinion that comes to the same conclusion.) There are also more than 80 recorded cases in the same countries of regional and national legislatures passing resolutions to that effect. There are literally hundreds of cases of local authorities, pension funds, trade unions and universities practicing BDS in procurement, investment and curtailing joint activities with Israeli institutions.

### Court rulings supporting legality of BDS advocacy

year	CoE*	UK	USA	Germany	Spain	Canada
2021					1	
2020	1	1	2	1		
2019			4	2		1
2018			1	1		
2017		1				
2016		1				
2015						

\*Council of Europe

## List

11 January 2021

**SPANISH PROVINCIAL COURT DISMISSED THE LEGAL PROCEEDING FOR THE CRIME OF INCITEMENT OF HATRED AGAINST ACTIVISTS IN SOLIDARITY WITH THE PALESTINIAN PEOPLE**

On Monday 11 January 2021, the Provincial Court of Valencia (Audiencia Provincial de Valencia) dismissed the judicial investigation... against eight activists in solidarity with the Palestinian people... The Court acknowledged that the activists' conduct did not constitute a hate crime as their questioning of the singer was a political criticism, protected by the right to freedom of expression, as recently affirmed by the judgement of the European Court of Human Rights, *Baldassi and others v. France* (2020).

link: <https://res.cloudinary.com/elsc/images/v1615576201/ELSC-Executive-Summary-Rototom-Eng/ELSC-Executive-Summary-Rototom-Eng.pdf>

17 November 2020

## GERMAN COURT RULES IN FAVOR OF BDS GROUPS' RIGHT TO HOST EVENTS

A German administrative court in Bavaria ruled that City of Munich must not deny public spaces to BDS groups for its events. The court said that calls for boycotts by the BDS movement are not a danger to peaceful public debate, and that by denying public space simply because it opposes BDS, the City has violated freedom of opinion and other fundamental rights.

Link: <https://bdsmovement.net/news/german-court-bavaria-rules-munich-cant-deny-public-spaces-bds-groups>

6 July 2020

## ISRAEL LOBBY LOSES APPEAL AGAINST AMERICAN STUDIES ASSOCIATION

A three-judge panel of the US Court of Appeals in Washington, DC, unanimously affirmed an earlier dismissal of a lawsuit brought against the American Studies Association over its support of an academic boycott of Israel. The ASA was sued in 2016 by the Louis D. Brandeis Center, a pro-Israel group that engages in "lawfare" to silence and intimidate Palestinian rights groups.

Link: <https://bdsmovement.net/news/israel-lobby-loses-latest-appeal-against-american-studies-association>

11 June 2020

## EUROPEAN COURT OF HUMAN RIGHTS RULES THAT FRENCH CONVICTIONS OF BDS ACTIVISTS VIOLATED THEIR RIGHTS UNDER THE EUROPEAN CONVENTION OF HUMAN RIGHTS

The European Court of Human Rights (ECHR) unanimously rules that the French highest court's 2015 criminal conviction of 11 BDS activists violated article 10 of the European Convention on Human Rights on Freedom of Expression. The decision reinforces a 2016 European Union position defending the right to call for BDS against Israel to achieve Palestinian rights under international law.

Link: <http://opiniojuris.org/2020/06/16/baldassi-and-others-v-france-criminal-convictions-of-bds-activists-violate-freedom-of-expression-under-the-european-convention-on-human-rights/>

28 April 2020

## UK SUPREME COURT UPHOLDS RIGHT OF LOCAL COUNCILS TO DIVEST IN LANDMARK CASE

The UK Supreme court rules in favor of the Palestine Solidarity Campaign in a landmark case defending the right to boycott. The case challenged UK government regulations which effectively banned Local Government Pension Schemes from divesting from companies involved in Israel's human rights violations. The case has been ongoing since 2017.

Link: <https://www.palestinecampaign.org/palestine-solidarity-campaign-defeats-uk-government-over-pensions-divestment/>

10 February 2020

## HARVARD LAW REVIEW SAYS BDS "CANNOT BE CONSIDERED DISCRIMINATORY"

An article in Harvard Law Review publishes a note titled "Wielding Antidiscrimination Law to Suppress the Movement for Palestinian Rights." The note concludes that "anti-BDS laws cannot properly be viewed as combatting discrimination", that "BDS cannot be considered discriminatory even on a philosophical basis", and that anti-BDS laws reflect a "goal of chilling a disfavored political movement." (Note: While this is not a court ruling, it is an authoritative legal opinion.)

Link: <https://harvardlawreview.org/2020/02/wielding-antidiscrimination-law-to-suppress-the-movement-for-palestinian-rights/>

13 September 2019

## ADMINISTRATIVE COURT IN GERMANY RULES IN FAVOR OF BDS SUPPORTERS

The Administrative Court of Cologne ruled that the German-Palestinian Women's Association (as well as two other Palestinian Solidarity Movements) must be allowed to participate in the Bonn cultural festival. Festival organizers had previously informed these groups that they would not be allowed to participate, following a motion from the German parliament in September 2018 condemning BDS. The court declared that the anti-BDS motions "do not constitute legislative acts" and "cannot justify, from any legal perspective, the restriction of an existing legal right." The court further declared that the attempt to exclude these groups constitutes "unequal treatment" and is "not even remotely" justified.

Link: <http://www.alhaq.org/advocacy/16098.html>

06 August 2019

## JUDGE ORDERS FORDHAM UNIVERSITY TO RECOGNIZE STUDENTS FOR JUSTICE IN PALESTINE CLUB

Five Fordham University students win a landmark legal victory against Fordham University, which sought to prohibit them from forming a Students for Justice in Palestine (SJP) club at their university. *Awad, et al. v. Fordham University* is the first lawsuit in the country challenging institutional censorship of students advocating for justice in Palestine, and marks the first major legal victory for free speech for advocates of Palestine on US college campuses.

Link <https://ccrjustice.org/home/press-center/press-releases/fordham-university-students-win-landmark-fight-establish-palestine>

29 July 2019

## FEDERAL COURT OF CANADA RULES AGAINST "PRODUCT OF ISRAEL" LABELS ON ISRAELI SETTLEMENT GOODS

The Federal Court of Canada rules that "Product of Israel" labels on wines produced in Israel's West Bank settlements are "false, misleading and deceptive" and that "as such, they contravene the requirements of subsection 7(1) of the Consumer Packaging and Labelling Act and subsection 5(1) of the Food and Drugs Act."

Link: <https://dimitrilascaris.files.wordpress.com/2019/07/kattenburg-fc-decision-july-29-2019.pdf> 23

23 July 2019

## LAWSUIT AGAINST REVISED TEXAS ANTI-BOYCOTT LAW ADVANCES

Judge Pitman of the Western District of Texas rules that H.B. 793, an amended version of H.B. 89, a Texas anti-BDS law "does not ameliorate the constitutional defects the Court identified." After H.B. 89 was struck down as unconstitutional in April 2019, the Texas state legislature tried to amend the law in a way that would prevent judicial scrutiny, but judge Pitman stated, "no amount of narrowing its application will cure its constitutional infirmity."

Link: <https://cairhouston.com/good-news-alert-federal-judge-advances-cairs-challenge-to-latest-version-of-texas-anti-bds-law/>

25 April 2019

## TEXAS COURT STRIKES DOWN ANTI-BDS LAW

Judge Pitman of the Western District of Texas rules that a Texas anti-BDS law, H.B. 89, is unconstitutional. The Council on American-Islamic Relations (CAIR) brought the First Amendment lawsuit on behalf of Bahia Amawi, a Texas speech language pathologist who lost her job because she refused to sign a "No Boycott of Israel" clause. The Attorney General of Texas is no longer permitted to include or enforce "No Boycott of Israel" clauses in any state contract.

Link: as above

02 April 2019

## GERMAN COURT RULES IN FAVOR OF BDS EVENT IN CITY OF OLDENBURG

The Higher Administrative Court of Lower Saxony overturns the verdict of the lower court and rules that the City of Oldenburg must provide its halls for the 2019 Israeli Apartheid Week events of BDS Oldenburg. The City, which was convicted in 2018 for violating the right to freedom of expression and assembly by cancelling a contract with BDS Oldenburg, refused to grant space for the event. The City was ordered to cover the plaintiff's legal costs for the proceeding.

Link: <https://bdsmovement.net/news/bds-victory-german-court-city-oldenburg-must-host-israeli-apartheid-week-event>

05 February 2019

## JUDGE DISMISSES LAWSUIT AGAINST AMERICAN STUDIES ASSOCIATION OVER ISRAEL BOYCOTT

A district court in Washington D.C. dismisses a lawsuit against the American Studies Association (ASA) over its adoption of an academic boycott of Israel. ASA members passed the boycott resolution in 2013 by a 2 to 1 margin after months of open debate. They were sued in 2016 by the Louis D. Brandeis Center, a pro-Israel group that engages in "lawfare" to silence and intimidate Palestinian rights groups. The court held that "nowhere" could the plaintiffs explain how they were injured by the boycott.

Link: <https://palestinelegal.org/news/2019/2/5/asa-lawsuit-dismissed>

27 September 2018

## GERMAN CITY COURT CONFIRMS THAT BDS ADVOCACY IS PROTECTED UNDER FREEDOM OF EXPRESSION AND ASSEMBLY

After the City of Oldenburg shut down a BDS event, the Administrative Court-Oldenburg rules that the city's cancellation of the event was unlawful. The court's reasoning is that calling for BDS falls under the fundamental rights to freedom of expression and assembly which are protected by the German constitution.

Link: <https://bdsmovement.net/news/german-court-confirms-bds-advocacy-protected-freedom-expression-and-assembly>

31 January 2018

## FEDERAL COURT STRIKES DOWN KANSAS LAW THAT PUNISHES SUPPORTERS OF BOYCOTT

In a major victory litigated by the American Civil Liberties Union (ACLU), a federal court strikes down a Kansas law that sought to silence human rights defenders who boycott Israel. The court rules that the law is an unconstitutional denial of free speech. In response to the ruling, Kansas no longer requires individuals paid by the state to certify that they do not boycott Israel.

Link: <https://theintercept.com/2018/01/31/kansas-bds-law-free-speech/>

22 June 2017

## UK HIGH COURT UPHOLDS RIGHT OF LOCAL COUNCILS TO DIVEST

A UK court originally rules that the UK government acted unlawfully by attempting to restrict local councils from divesting from companies complicit in Israel's violations of Palestinian human rights. However, on June 22, 2017, the UK Court of Appeals overrules the original decision in this case. The new ruling fails to protect the right of pension holders to make ethical decisions regarding the investment of their funds. In 2020, the UK Supreme Court rules in favor of PSC.

Link: <https://www.palestinecampaign.org/government-suffers-defeat-court-palestine-campaigners-boycott-divestment-sanctions-2/>

28 June 2016

## ISRAEL BOYCOTT BAN: THREE COUNCILS CLEARED OF ANTI-SEMITISM OVER ISRAELI GOODS BOYCOTT

Three UK councils have been cleared of anti-semitism by the High Court after they imposed boycotts on Israeli goods, a ruling pro-boycott campaigners have described as an "important victory". The charity Jewish Human Rights Watch (JHRW) brought judicial charges against Leicester City Council, Swansea City Council and Gwynedd Council for discrimination, but the claims

were dismissed. All three local authorities had passed motions to boycott any produce coming into the cities from “illegal Israeli settlements in the West Bank, until such time as Israel complies with international law and withdraws from Palestinian occupied territories”.

Link: <https://www.independent.co.uk/news/uk/israel-boycott-ban-three-councils-cleared-of-anti-semitism-over-boycott-of-israeli-goods-a7107691.html>

February 2021

European Jews for a Just Peace