

# **Press release - The Swiss Press Council's release on BDS and Swiss Federation of Jewish Communities (SIG) reaction**

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Categories: Angriffe gegen BDS, Antisemitismus

## **BDS Switzerland press release**

During the last local elections in Basel, the online media "Prime News" described the Boycott, Divestment and Sanctions (BDS) movement as anti-Semitic in an article dated 30 October 2020. The defamatory accusation had even gone so far as to draw parallels between the BDS movement and Nazi Germany's policy of racial persecution. "Prime News" had referred to opinions that describe BDS as anti-Semitic, but failed to cite qualified expert opinions and court decisions that contradict this assessment.

In response to this misleading attack, a Basel-based BDS Switzerland activist filed a complaint with the Swiss Press Council, which approved it at its meeting on 7 June 2021.

Following the statement of the Swiss Press Council in the "Prime News" case and the blame attributed to the newspaper for violating its duty of truthfulness with its biased presentation of the BDS movement, the Swiss Federation of Jewish Communities (SIG) has taken up the cause.

The latter insists on portraying BDS as having "antisemitic patterns of action" and "antisemitic overtones". Given the effectiveness of the BDS movement's non-violent campaigns based on international law, its detractors try to delegitimize it at all costs by using the accusation of antisemitism. The fight against anti-Semitism is now unfortunately instrumentalized by the Israeli government and its supporters in order to silence Palestinian rights organizations. The BDS movement has always had a clear stand against all forms of discrimination including anti-Semitism and is based on the values of equal rights for all, including in Israel/Palestine.

BDS denounces Israeli ethnic cleansing, apartheid and occupation as crimes under international law. International NGOs such as Amnesty International, Human Rights Watch and Israeli NGOs such as B'tselem have recently condemned Israel for its unacceptable practice of apartheid. This legitimate criticism has nothing to do with antisemitism, as it attacks a discriminatory political and colonial philosophy - Zionism - and does not represent any threat to the existence and equal rights of Jewish people in Israel or elsewhere. This right to criticize a political system is guaranteed by the laws protecting freedom of expression.

The European Court of Human Rights (ECHR) recognized in 2020 the right of supporters of the BDS movement to express their views and conduct their campaigns without fear of harassment, threats of prosecution, criminalization or other measures that violate the right to freedom of expression.

The SIG bases its case against BDS primarily on the International Holocaust Remembrance Alliance's (IHRA) definition of antisemitism. This definition, which is more than problematic, equates, in its examples, any criticism of Zionism and the State of Israel with anti-Semitism. The use of this definition in recent years shows that it is mainly used by organizations defending or trivializing the systematic violation of Palestinian rights by the State of Israel.

The IHRA definition and the examples it incorporates have been criticized by international lawyers and academics as well as by prominent Israeli lawyers and academics. The Jerusalem Declaration on Anti-Semitism (JDA), published on 25 March 2021, challenges the IHRA definition and presents itself as an alternative and corrective to it. It was signed by 200 of the world's leading scholars in antisemitism studies and related fields, both Jewish and Israeli.

The SIG is concerned that the IHRA definition that Switzerland recently adopted was not taken into account by the Press Council. This definition is not only weak, it is also legally non-binding and non-operational. And, as has already been noted, in the integrated examples, it conflates condemnable discriminatory attitudes with legitimate criticism of political structures, which is clearly protected by the right to free expression of political opinions (as the ECHR has noted). When it comes to the prosecution of alleged racist acts, however, Switzerland already has clear and undisputed legal instruments in the form of Article 261bis of the Criminal Code and Article 171c of the Military Criminal Code. Therefore, cases of antisemitism in Switzerland are dealt with by the Swiss penal code and anti-racist laws and not with the IHRA definition.

"We have to talk", says SIG President Jonathan Kreutner, addressing the Press Council, whose decision he blames. Yes, we have to speak out, but not in the sense of instrumentalizing the accusation of anti-Semitism or intimidating critical voices. The media and journalists should dare to speak out more clearly, calling Israel's policy towards the Palestinians for what it is: a regime that practices apartheid and systematically violates their fundamental rights. We also hope that the Press Council's decision will encourage the media in Switzerland to produce fair and well-founded articles on the BDS movement in the future and to take into account the opinions of prominent lawyers, human rights activists and NGOs who affirm the legitimacy of the BDS campaign as a free expression of political opinion against an unjust and discriminatory political regime.