

FAQs on the Omar Shakir Case: Countering HRW's Spin

On Thursday, July 25, 2019, the Israeli Supreme Court, sitting as the High Court of Appeals, will hear the Human Rights Watch (HRW) "Israel/Palestine Director" Omar Shakir's lawsuit against Israel. HRW is demanding that the Court overturn the Israeli Ministry of Interior decision against renewing Shakir's work visa, because of his leading role in BDS campaigns against Israel.

HRW, Shakir, and their NGO supporters (such as Amnesty International) have made a number of false and distorted claims in public statements and in documents submitted to the Israeli government and courts.

NGO Monitor joined the case as a "friend of the court" (amicus) to provide a factual record of Shakir's and HRW's promotion of BDS (boycott, divestment, and sanctions) campaigns against Israel, and to counter the lies and obfuscations that Shakir, HRW, and their lawyer Michael Sfard were telling Israeli authorities and the courts.

Below, we examine the main claims made by HRW and Shakir in the appeals process:

Claim: Human Rights Watch and Omar Shakir are not engaged in BDS activity. Their work related to Israel is no different than their advocacy on business and human rights around the world.

Very few bigots are open about their hatred, instead justifying their discrimination with moral rhetoric. As NGO Monitor research shows, HRW has a long-standing and deep-seated ideological bias against Israel, systematically singling out the Jewish state with false allegations of legal and human rights violations.

HRW lobbies for boycotts of, divestment from, and sanctions against Israeli institutions and businesses and companies doing business in Israel, including in the UN ("BDS blacklist"), FIFA, and Congress. Even if HRW can point to a handful of isolated calls for businesses to cease their operations in other places due to human rights concerns, there is no parallel in terms of the zeal, intensity, language, and continuous campaigns regarding Israel.¹

Before joining HRW, Shakir was a vocal proponent for BDS, and given HRW's bias toward Israel, this appears to be qualification in HRW's decision to employ him. Indeed, the Jerusalem District Court determined that Shakir "is using his status in the organization [HRW] in order to spread boycott ideology, which he has supported for years... his claim that he only represents the organization's position is an effort to hide behind the organization and 'whitewash' his boycott activity."

HRW misleadingly portrays its support for BDS against Israel as "[calling](#) on businesses to uphold their human rights' responsibilities by cutting settlement ties." First, there is no such obligation under international law, and every national court that has looked at these issues has rejected attempts to bar or criminalize such activity (for example, France, the UK, Canada, the US, and Israel). Second, HRW does not limit itself to BDS against settlements, seeking to have Israel sanctioned by FIFA and targeting Israeli banks, among other campaigns.

Finally, this claim is irrelevant. At the end of the day, HRW and Shakir are calling for boycotts in a way that expressly and directly meets the criteria in the Israeli law.

¹ Illustrating this point, earlier in July, HRW called on the UN Office of the High Commissioner for Human Rights to publish a database of companies doing business over the 1949 Armistice line ("BDS blacklist"). The NGO did not call for any such measures in other occupied zones, and remained completely silent on the Russian occupation of Ukrainian territories.

Claim: Israel is attempting to prevent criticism of the occupation. If Shakir loses his appeal, this will significantly impact the ability of human rights organizations to operate in Israel and the West Bank. There are over 350 NGOs in the field of human rights listed with the Israeli Registrar of Non-Profits, and an additional 400+ Palestinian and international groups that are active in the West Bank. Many of these strenuously and stridently oppose Israeli policy, with some deploying BDS and antisemitism in their campaigns. They get significant media coverage in Israel and internationally, as well as platforms in the UN and national parliaments. None of this will change, regardless of the court's decision on Shakir.

In addition, the visa law is only relevant to non-Israelis and non-Palestinians, and as previously decided by the Israeli Supreme Court, is only applicable to active leaders of BDS. HRW, which has other employees in the region and is not in danger of disappearing, could replace Shakir with an Israeli or a Palestinian. If they hire an international staffer, they can select an individual who is not a long-time leader of demonization and BDS.

Claim: Omar Shakir is entitled to an unending work visa.

Since arriving in Israel (and before), Omar Shakir has been attempting to harm the State's economy, targeting local businesses and international companies and organizations that do business in Israel.

In addition, Shakir was granted a one-year work visa, which expired more than one-year ago. Even if he did not promote BDS, Israel is under no obligation to renew his visa.

Claim: This case exposes Israel's eroding democracy, and in not allowing Shakir to stay, Israel would join countries such as Cuba, North Korea, and Venezuela that have banned HRW.

Over the past three years, Omar Shakir has been afforded full due process and fair treatment above and beyond legal requirements from Israeli authorities – first when his initial request for a work visa was denied and then accepted, and then during lengthy bureaucratic and legal appeals, which have lasted nearly two years. Throughout this time, even though he did not have a valid work visa, Israeli courts have allowed him to freely exit and enter the country.

It is also possible that the High Court will overrule the Minister of Interior – itself a strong indication of the vibrancy of Israeli democratic institutions. If not, this will only happen after court hearings and extensive written briefs, followed by detailed consideration by the High Court of the relevant Israeli laws and precedents – also a strong reflection of the vibrancy of Israeli democratic institutions.

Rather, the attacks on Israeli democracy in the context of the Shakir case are not being made in good faith. HRW is taking advantage of Israeli democracy and the courts to advance its demonization campaign against Israel.

Claim: Some of Shakir's NGO and activist allies express concern about Israel's reputation and warn that it will be irrevocably damaged.

This is a form of extortion against Israel and the Court, as HRW, Shakir, and their allies are precisely those who will smear Israel's reputation internationally if the Court decides against them.

Some of these NGOs, such as Amnesty International (which belatedly sought to join the case as “friend of the court”), are themselves proponents of BDS and use antisemitic tropes. Others, including various Israeli NGOs that have voiced support for Shakir, strategically pursue international “pressure” against Israel – even if they are careful not to explicitly use the term “BDS” to describe their approach.