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**A failed attempt to criminalise political protest: a victory for freedom of speech.**

During the 2008 Edinburgh Festival five members of Scottish PSC interrupted a concert by the Jerusalem Quartet (JQ) in the Queen's Hall. The JQ has been sponsored by the State of Israel and its members designated 'cultural ambassadors' for Israel. The protesters were arrested, detained in police cells, and later charged with "breach of the peace". Their trial was due in March 2009 but one week before the due

[bricup@bricup.org.uk](mailto:bricup@bricup.org.uk)

date the Procurator Fiscal (PF) dropped that charge and indicated that the new charges would be that the protestors were "racially motivated" as indicated by "new evidence". The charge was that they "made comments about Jews, Israelis, and the State of Israel... evincing malice and ill will" towards the musicians because of "their membership or presumed membership of an ethnic group". The legal debate began on Jan 21<sup>st</sup> and 22<sup>nd</sup> 2010 and the courtroom was packed on both days. The accused challenged the charge, arguing that it was against their freedom of expression for legitimate criticism of Israel to be considered racist. The police had interviewed the quartet and audience members and nothing racist was reported. But actually, the whole event had been recorded by the BBC and although the defendants had to push hard for the BBC to hand over the recording when it did so the transcript attributed the following to the protestors:

*They're Israeli Army musicians;*

*Genocide in Gaza;*

*End the Siege of Gaza;*

*Boycott Israel;*

*These musicians are representatives of the state of Israel.*

*Daniel Barenboim refused to take part in Israel 60 celebrations;*

*The Jerusalem Quartet celebrates ethnic cleansing;*

*They're sponsored by the state of Israel;*

*Daniel Barenboim is an Israeli of conscience;*

*We support all Israelis of conscience, but not if they celebrate ethnic cleansing.*

*They're killing people in Gaza;*

*And you with your silence are killing people as well;  
Israel is killing people, killing Palestinians every  
day;*

*We should stand for human rights; we shouldn't be  
silent.*

The recording forced the PF to strike the word, "Jews" from the charge. This left a problem since neither Israelis nor the State of Israel could be described as an "ethnic group". When this point was made, the PF proposed that the term "or nationality" be added to the charge. Unfortunately for the PF, and for many Israelis, there is no such thing as Israeli nationality. The proposal was not opposed.

A JQ spokesperson made a defensive speech arguing that:

*...politics it's not our field; we are here under the  
name of the Jerusalem Quartet to bring music; to  
show you that there is art in Israel [...] of course we  
have an army to defend ourselves, and nothing is  
perfect in life, but at least we have music.*

It was clear that the spokesman understood that the protest was political, not racist, and also that he understood his role as a cultural ambassador of the State of Israel.

The defence referred to a range of European Court rulings that had overturned lower court decisions when these had interfered with political freedom of expression. "Where interference is not necessary in a democratic society, it must be deemed disproportionate [...] Democracy requires freedom of political expression." The debate was scheduled to last two days, but after the defence case had been made, there was little time left to hear the Crown's case; the Sheriff also accepted that the PF might want time to research the defence arguments.

The final hearing was on Monday 29<sup>th</sup> March when the PF argued that the rights of the accused are not unfettered. For the five to be charged with harassment the action must be repeated and in this

case he argued the harassment was repeated on five occasions within a period of one hour by five people who were acting together and were linked by their actions. Further, the action was racially aggravated because it was directed at a racial group as defined by its nationality or citizenship. Israel, he claimed, is such a group. It was important to establish that their conduct was partly or wholly motivated by malice or ill-will and that, he argued, is determined by the context and the tone with which the comments were uttered. The PF accepted that the protesters held genuine and sincere beliefs but the malice and ill-will was shown by the tone and mode of repetition which made the remarks 'racially aggravated'. (*Laughter from the public gallery*). The context was different from that of a football match where boisterous shouting is part of the norm. The issue is whether the conduct, in this case, went beyond the acceptable norm which, in a concert, is silence; but, he added, in a street it would still be an offence to utter those words.

Counsel for the defendants then restated their case briefly arguing that malice or ill-will are critical to the charge but have not been shown. In the context, the legal action was neither necessary nor proportionate in order to maintain order. The PF has not shown that the comments were racist *per se*. In fact the words used were devoid of malice and none of the comments was racist. To maintain its case the Crown must prove malice or ill will beyond any doubt. The demonstration was clearly not a matter of race but of conscience. Nowhere was there any evidence of malice or ill will. The shouts were political rhetoric which may have been irritating but were not racist. Nothing that had been presented was sufficient to make a prosecution necessary. As one barrister put it "If the Israeli members of the JQ have political rights then so does my client".

On April 8<sup>th</sup> Sheriff Scott gave his judgement on the charge of a "racially aggravated course of conduct which amounted to harassment" The Sheriff said that it was alleged that, while acting together, on five separate occasions, they shouted at the players, made comments about the State of Israel which evinced malice towards them based on their membership or supposed membership of an ethnic group or nationality, disrupted the concert and struggled with

security and other staff.

During the legal debate earlier in the year, counsel for the accused had challenged the relevancy of the charges and claimed that under the European Convention of Human Rights the prosecution represented an unnecessary, illegitimate and disproportionate interference with their freedom of expression, speech and peaceful political protest. The Crown held that the charges were relevant and that the rights of the accused under the Convention were "not unfettered" as the rights of one person might impinge of the rights of another.

Sheriff Scott said it was clear the accused were engaged in political protest against the Israeli State and an organ of that state, the Israeli Army, concerning crimes allegedly committed by the Israeli State and its army in Gaza. The Crown, he said, claimed the accused were acting in concert on five separate occasions. But he was unable to infer the five had been acting in concert and held that the disruptions had been carried out by the five individually in just under an hour during the same performance. Continuation of the prosecution was therefore not proportionate. The Sheriff also stated that the protesters' comments had been clearly directed at the State of Israel and Israeli Army. The State of Israel was not a person and the members of the quartet were not targeted as presumed citizens of Israel, but as presumed members of the Israeli Army. "It seemed to me," he said "that the procurator fiscal's attempts to squeeze malice and ill will were rather strained". Sheriff Scott added that if persons on a public march designed to protest against and publicize alleged crimes committed by a state and its army were afraid to name that state for fear of being charged with racially aggravated behaviour it would render their rights under the Convention worthless. Their placards, he said, would have to read "Genocide in an unspecified part of the Middle East", "Boycott an unspecified state in the Middle East". He said that the prosecution in its present form was unnecessary and, having concluded it was not necessary or proportionate and therefore incompetent it had to be dismissed. He discharged the complaint simpliciter. Fiscal Depute, Graham Fraser announced that The Crown would be appealing the decision.

On the same day as the final hearing in Edinburgh, March 29<sup>th</sup>, 2010, a lunchtime performance by the

JQ at London's Wigmore Hall, was being broadcast live on BBC Radio Three when, about five to ten minutes into the music, pro-Palestinian protesters who had bought tickets for the concert began singing, shouting and heckling the Israeli musicians. They shouted: "The Quartet, who are cultural ambassadors for the state of Israel, are promoting the interests of Israel and all its policies against the Palestinians, to the British public." The demonstrators were escorted out by Wigmore Hall security officers but no arrests were made. John Gilhooly, director of the Wigmore Hall, said "It is such a pity that music has become politicised."

No doubt the Palestinian people also have a dislike of politics.

David Pegg

*Sources: The SPSC Website, personal presence on March 29<sup>th</sup> and the Edinburgh Evening News*

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**The PACBI column**

### **UCU: Upholding Palestinian Rights, Renewing Hope to End Israel's Impunity.**

It is May again. By the time this column is published, British will have elected their Parliament. Palestinians everywhere will have started their commemoration of the Nakba, Israel's campaign of ethnic cleansing that led to the forced displacement of more than 800,000 Palestinians and the willful destruction of more than 500 villages to prevent those refugees' return. Of special importance to Palestinians is another date on the British May calendar -- the upcoming Congress of the British University and College Union (UCU). For several years now, heeding appeals by Palestinian civil society, the UCU has been nourishing Palestinian hopes of seeing an end to Western complicity in buttressing and abetting Israel's occupation and apartheid.

But what does UCU Congress have to do with British elections or the Nakba? Since last May, 2009, several trade unions across the UK and Ireland have reaffirmed their commitment -- in diverse, at times

“legally-sensitive” ways -- to implement in deeds, not just words, campaigns that support the Palestinian civil society Boycott, Divestment and Sanctions (BDS) Call. Such effective and morally consistent forms of solidarity with the Palestinian people across the world, and the Western parts of it in particular, are “laying the predicate of abandonment,” as AIPAC’s Executive Director famously warned last May, in reference to the impressive spread of the global BDS movement into the Western mainstream. While the British Government, along with its European partners, is entrenching its complicity by supporting Israel’s bid to join the Organization for Economic Cooperation and Development (OECD), thereby betraying the most basic principles of human rights and the international rule of law, British trade unions and civil society at large are applying unprecedented grassroots pressure on government to uphold Palestinian rights and “abandon” support for Israel’s criminal impunity. It is crucial, in this context, to remember that the UCU predecessor, the AUT, was the very first trade union in the West to adopt a BDS-inspired policy and lay the groundwork for later BDS achievements in the whole British -- and indeed Western -- trade union movement.

Commemorating the Nakba this year, Palestinians are therefore more hopeful than ever that the legitimacy of Israel’s regime of occupation, colonization and apartheid, is wearing thin, foretelling an eventual collapse of this colonial system of oppression, as occurred to its South African apartheid predecessor. The Scottish Trade Union Congress (STUC) in its recent annual conference reaffirmed its BDS policy and adopted practical measures to implement it; so did the Irish Congress of Trade Unions (ICTU) a week before it. The British TUC has also launched with the Palestinian Solidarity Campaign (PSC) an important campaign aimed at implementing a wide boycott of Israeli colonies’ products and services, as a first step towards a more comprehensive application of BDS, as called for in the TUC’s last congress. Creative and effective realization of BDS policies has become a theme among trade unions and TU federations from South Africa’s COSATU to Canada’s union of postal workers. Artists of the caliber of Gil-Scott Heron are becoming increasingly aware of the Palestinian BDS

Call and progressively more respectful of its criteria, refusing to cross our “picket lines.” Academic boycott campaigns, inspired by the PACBI Call and the persistent and most principled work of BRICUP, continue to grow and gain momentum in the US, Catalonia, Italy, Spain and France.

Palestinian academics, academic unions and many other Palestinian organizations and social movements represented in the BDS National Committee (BNC) look forward this May to another successful UCU Congress that will, again, overwhelmingly endorse motions that unequivocally support Palestinian rights; condemn Israel’s occupation and apartheid and the complicity of the Israeli academy in sustaining both; and build on the successful BDS conference organized by UCU last year to further the international trade union movement that is among the leading forces of the BDS struggle across the world to hold Israel accountable to international law and human rights principles. This May, we hope UCU will make it a Palestinian spring of sorts.

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### **Letter from BRICUP to each of the winners of the Wolf prize**

**To: Sir David Baulcombe**, University of Cambridge, UK; **Shing-Tung Yau**, Harvard University, USA; **Dennis Sullivan**, Stony Brook University, USA; **Axel Ullrich**, Max Planck Institute of Biochemistry, Germany; **John F. Clauser**, J.F. Clauser & Assoc. Walnut Creek, U.S.A; **Alain Aspect**, Institut d’Optique, Palaiseau, France; **Anton Zeilinger**, University of Vienna Austria; **Peter Eisenman** Eisenman Architects USA; **Sir David Chipperfield**, David Chipperfield Architects Ltd, London UK.

Dear... The award of the 2010 Wolf Foundation prize for the arts places you in most distinguished company, which we are sure is as gratifying as it is deserved. There are however implications of accepting such an honour from a prominent Israeli foundation, indeed from the hands of the President of the State of Israel in the Israeli Knesset: in effect an Israeli award.

Israel’s troubled and problematic present situation puts it in an almost unique category, as an occupying power over territory and people in violation of many

United Nations resolutions and the settled opinion of the international community. For some more detail on this background we have provided a note, which is attached.

In 2005 virtually the entirety of Palestinian civil society issued a call for boycott, divestment and sanctions to be applied to Israel (see <http://www.pacbi.org/etemplate.php?id=66>).

The previous year representative Palestinian organisations made a similar call specifically for the boycott of Israeli academic and cultural institutions. We hope that you will give thought to ways in which you can respond to this appeal for non-violent pressure to be put on Israel to end the occupation and the human rights abuses which inevitably accompany it.

We realise that for you to respond to this appeal may put you in an embarrassing situation – for example with those to whom you have made commitments. But consider whether you would have accepted the award of a similar prize from a South African foundation in the days of Apartheid. Yet that is a regime recognisably similar to present-day Israel (as many South Africans including Archbishop Desmond Tutu have acknowledged – see <http://news.bbc.co.uk/1/hi/1957644.stm>).

We hope that you will wish to decline this award and make public your reasons for doing so.

If however you should decide to accept the prize, please bear in mind the opportunity available to you to distance yourself from the political context of the award ceremony.

Yehudi Menuhin, who received the Wolf Foundation prize for the Arts in 1991, used his acceptance speech in the Knesset to denounce Israel's continued occupation of Palestinian territories:

"This wasteful governing by fear, by contempt for the basic dignities of life, this steady asphyxiation of a dependent people, should be the very last means to be adopted by those who themselves know too well the awful significance, the unforgettable suffering of such an existence. It is unworthy of my great people, the Jews, who have striven to abide by a code of moral rectitude for some 5,000 years, who can create and achieve a society for themselves such as we see around us but can yet deny the sharing of its great

qualities and benefits to those dwelling amongst them." (*Jerusalem Post*, 6 May 1991)

Daniel Barenboim, who received the Wolf Foundation Prize for the Arts in 2004, issued a similar protest in his acceptance speech:

"Can a situation of occupation and control of another people be reconciled with (Israel's) Declaration of Independence?" he asked. "Is there logic to the independence of one people at the cost of a blow to the basic human rights of another people?"

"Can the Jewish people whose history is a record of continued suffering and relentless persecution, allow themselves to be indifferent to the rights and suffering of a neighboring people?" (<http://www.Israelforum.com>, 5 December 2004)

Barenboim devoted the prize money to support music education for Israeli and Palestinian youth.

David Mumford, co-winner of the Wolf Foundation prize for Mathematics in 2009, announced at the ceremony that he would donate the prize money to Bir Zeit University in the Occupied West Bank, and to Gisha, an Israeli organization dedicated to promoting the freedom of movement of Palestinians in the Occupied Territories.

"I decided to donate my share of the Wolf Prize to enable the academic community in occupied Palestine to survive and thrive. I am very grateful for the prize, but I believe that Palestinian students should have an opportunity to go elsewhere to acquire an education. Students in the West Bank and Gaza today do not have an opportunity to do that." (<http://www.Haaretz.com>, 23 June 2009)

The Israeli government hopes to burnish Israel's image as a bastion of culture and scientific progress by associating itself with you through the Wolf Foundation prize. The award, however, offers you the opportunity to demonstrate your commitment to justice and human rights including the rights of Palestinians denied to them by Israel. The signatories of this letter along with many other academics, scholars and artists earnestly count on you to do so.

With our best regards

(for) *British Committee for the Universities of Palestine* <http://www.bricup.org.uk/> Signed by Dr. Robert Boyce, London School of Economics and Political Science

(for) *Association des Universitaires pour le Respect du Droit International en Palestine*

<http://www.aurdip.fr/> (signed) Ivar Ekeland, Former President, Université de Paris-Dauphine  
president@aurdip.fr

(for) *Campagna per il Diritto allo Studio e la Libertà Accademica in Palestina*

<http://dirittostudiopalestina.wordpress.com/> (signed) Professor Danilo Zolo, Università degli Studi di Firenze  
diritto.studio.palestina@gmail.com

(for) *Comissió Universitària Catalana per Palestina*

<http://cuncap.wordpress.com/> Aitor Carr, Public Policies and Government Institute (IGOP), Universitat Autònoma de Barcelona (UAB)  
cuncap@gmail.com

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## **An open letter from BRICUP to Amitav Ghosh**

Dear Amitav Ghosh:

It can't have escaped your notice that Margaret Atwood, with whom you're sharing one of this year's Dan David prizes, has received a number of public appeals, from Palestinians, Israelis, and others, to refuse the prize, or not go to Tel Aviv to receive it, or at least to speak out against Israeli war crimes (those in Gaza are just the most recent). We thought you shouldn't be left out.

It's surprising to have to raise Israeli colonialism with a writer whose entire oeuvre seems to us an attempt to imagine how human beings survived the depredations of colonialism. Even the Dan David judges like the way you evoke 'the violent dislocations of people and regimes during the nineteenth and twentieth centuries'.

Can it be possible you think Israeli colonialism hasn't involved any 'violent dislocations'? That it's softer, kinder, nicer somehow than the colonialism that shattered the ancient polities of India, stole their land, smashed their industries, absconded with their wealth, and so on? You surely know it isn't. You surely know that to drive out half the Palestinian population, and keep the rest under subjugation,

requires ruthlessness and cruelty - the same ruthlessness and cruelty and imperial chutzpah with which the British ruled India.

'At the stroke of the midnight hour, when the world sleeps...' -- some of us still can't hear Nehru's great speech without getting tears in our eyes.

But what about 'life and freedom' for the Palestinians? Don't they, after more than sixty years of ethnic cleansing, torture, collective punishment, siege, bombardment, destruction of their houses, their olive groves, their businesses, their hopes for their children, their children's hopes – don't they, at the very least, deserve to have writers of the stature of yourself and Margaret Atwood refuse to collude with their oppressors?

What can you be thinking of? Please, think again.

Yours sincerely,

Professor Haim Bresheeth  
Mike Cushman  
Professor David Pegg

Professor Hilary Rose  
Professor Steven Rose

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## **Amitav Ghosh and the Israeli Dan David literary award**

The Times of India has noted that Amitav Ghosh, writer of the award-winning novels *The Shadow Lines* and *The Hungry Tide* has won the million-dollar Dan David Prize for "Rendition of the 20th Century." The prize will be shared with author Margaret Atwood ( see BRICUP Newsletter 27). But their acceptance of the prize has stimulated strong protest from groups supporting the academic and cultural boycott of Israel. Because the award is partly funded by the Tel Aviv University, the writers have received 'open letters' and emails urging them to refuse it, including one from BRICUP (see above) Ghosh responded, making the same point as Atwood that "this prize is awarded by a university in conjunction with a private foundation: it is not awarded by the state of Israel." He further writes, "I

do not believe in embargoes and boycotts where they concern matters of culture and learning,"

The press report continues " BRICUP, an organization of UK based academics, set up in response to the Palestinian Call for Academic Boycott," didn't let it pass. They wrote another letter on April 23. They've done their homework. Of Tel Aviv University, they write, "The University is built on the land of the destroyed Palestinian village Sheikh Muwanis, whose residents were deported. Its University Review for Winter 2008-9 boasts of 55 joint technological projects with the Israeli army. The head of TAU's Security Studies Program was a former head of the R&D Directorate of the Israel Ministry of Defense.... The university appointed as a Law lecturer the colonel who provided the legal justification for Israel's unrestrained assault on Gaza in 2008/9 - who could be eligible for prosecution for war crimes according to the Goldstone Report."

Source: The Times of India

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### **Support for boycott of the Dan David prize from Indian intellectuals**

Fifty Indian intellectuals have written to Amitav Ghosh asking him to reconsider accepting the Dan David prize (to be awarded on 9th May by Israeli president Shimon Peres) and to respond to their appeal to support the Palestinian call for boycott, divestment and sanctions. Their letter reads:

Dear Amitav Ghosh,

Many of us who count ourselves among your readers, admirers and friends have been saddened by your choosing to accept the Dan David prize which you are sharing with Margaret Atwood this year. Both you and Atwood have written extensively on social and political issues, and your positions are important in the ongoing debate on the economic, cultural and academic boycott campaign in support of the Palestinian cause.

In rejecting the appeals of a number of organisations, including those from Palestinian Campaign for the Academic and Cultural Boycott of Israel (PACBI), students' organisations and some

Israeli groups, you have argued on two different counts. One is that a boycott of Israel is tactically wrong; the other is that cultural and academic institutions should not be boycotted or embargoed.

Let us take the first point. We are sure you agree that the present situation calls for response – to the continuing siege of Gaza; the brutal occupation regime in which Palestinians have to cross military checkpoints every day; and the policies of the apartheid state of Israel in which Arab and Jewish members have different rights. The options for resistance open to the Palestinians are limited, given this situation on the ground. But in any case, the tactics to be attempted is for the Palestinians to decide; and the overwhelming majority of Palestinian civil society is calling for a boycott of Israel. We, who are neither participants in their struggle nor living under occupation, can best respond by being part of the international solidarity backing their struggle.

The late Tanya Reinhart, the distinguished Israeli academic, made this point quite clearly: "If continuing support to the Israeli academia is what the Palestinian academia considers best for its future, we should hear it from them. What I hear from my comrades in the Palestinian academia is only a full and unequivocal support for the boycott."

The second point you raise is that cultural and academic institutions should not be boycotted because they are independent of the state. Apart from the complicity of Tel Aviv University in the occupation regime (which has been chronicled by the PACBI in their letter to you ), the Dan David prize is presided over by Shimon Peres, the President of Israel.

The boycott call is restricted to the boycott of Israeli academic institutions. Nobody is arguing that individuals should be boycotted as you seem to believe. Nor is there a call for not travelling to Israel. So the comparison that you make between travelling to Myanmar and accepting the Dan David prize does not appear relevant. Also, if we are to accept your argument against the boycott of cultural and academic institutions, we would then have to condemn the academic boycott used against South Africa. We are sure that this is not an argument you

would advance, knowing the value this boycott had for the South African movement.

In fact, responding to their call for a boycott is one clear way to let the Palestinians know that we have heard their call for support from the international community. This is definitely something we can indeed do to assure the Palestinians that they are not alone. There is still time for you to reconsider accepting the prize. We do hope you will respond to our appeal to support the Palestinian call for boycott, divestment and sanctions.

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## **An open letter from BRICUP to Gil Scott-Heron**

Dear Gil Scott-Heron:

Those of us for whom 'Winter in America' as one of the great premonitory songs of the 1970s are so glad to have you back. It was harrowing to see you swallowed up for a time 'in a nation that just can't stand much more'.

But Gill Scott-Heron, please, tune your old struggle antennae a little more finely. You've agreed to play a gig in Aviv on May 25. Tel Aviv is not a neutral location. Whose ghosts stalk the streets if not the ghosts of the Palestinian society that was smashed to smithereens in 1948. It's not for nothing the Palestinians call what happened to them in 1948 the Nakba - the Catastrophe. In the Barbie club in Tel Aviv, you'll be playing for their conquerors - the victors. It's like playing for Andrew Jackson in Alabama in 1814, or Robert E. Lee at Harpers Ferry - only even worse...

Because, for the Israeli government, the war against the Palestinians is not yet over. Just this week, Israel has promulgated two military orders which, says Israeli newspaper Ha'aretz, 'will allow army officers to carry out mass expulsions' of Palestinians from the Occupied Territories (Ha'aretz, 12 April 2010). Some of those army officers might be in the Barbie on May 25 -you won't know.

But what you have in your hands right now is the power to act publicly in support of the Palestinians. They're asking musicians and other performers not to play in Israel. 'From South Africa to South Carolina'

- you've always made it clear that struggles are connected. And you surely know that what you think and say matters to a lot of people. Please, don't lend your credibility to a state still practising ethnic cleansing. Please don't go.

Professor Haim Bresheeth, Mike Cushman,  
Professor David Pegg, Professor Jonathan  
Rosenhead

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## **Gil Scott-Heron decides to boycott Tel Aviv and sends a powerful message to Israelis.**

The ground-breaking artist, poet and musician, Gil Scott-Heron has cancelled his Tel Aviv show, planned for May 25<sup>th</sup>, for political reasons. During a show in London, he announced from the stage that he would not be coming to Israel. Scott-Heron is a political man. He came out against US Presidents, reached against nuclear energy, and asked the new generation of Hip-Hop artists to write meaningful lyrics rather than merely attach words to music. His most famous piece, "The Revolution Will Not Be Televised," is considered the anthem of alternative culture. But in the last few days, Israelis who awaited the show in Tel Aviv filled Scott Heron's website and Facebook pages with angry comments such as "music brings people together; politics pulls them apart"; one must distinguish between the government of Israel and the citizens; it is hypocrisy and double standards to boycott Israel when there are so many more horrible governments and deadlier regimes in the world.

It seems that what hurts the Israelis most is not the anti-Israeli stance of Scott Heron and others like him, but the choice to specifically boycott them, the public that is for peace, loves Soul and Hip-Hop, and sees itself more in touch with Detroit and Chicago than the Tomb of Rachel and Elkana. Israelis visualise themselves through American culture, Italian cuisine and French novels.



Extracts from the full article by Noam Sheizaf.

See his Promised Land blog at:

<http://theonlydemocracy.org/2010/04/gil-scott-heron-boycotts-tel-aviv-sends-powerful-message-to-israelis/>

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## **Thank you Gil!**

On behalf of BRICUP I want to tell you we are delighted that you have decided to respond positively to Palestinian and worldwide requests not to play in Israel.

Campaigners to Palestinian rights welcome your stand on the side of the oppressed; the side we always believed you would stand on.

Mike Cushman for BRICUP

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## **Conference: “The threat to Israeli and American National Security in the Age of Terrorism”**

On April 27, 2010, Fordham University School of Law, New York, held a conference to consider attacks allegedly being made to undermine protection of the Jewish state and all democracies from the scourge of terrorism. Such attacks were claimed to embolden the enemies of democracy and encourage the intolerance and antisemitism that is supposed to be at the root of the terrorist and anti-Zionist agenda. In particular, the organizers alleged that the Goldstone Report has been given an undeserved legitimacy and has inspired a plethora of further mechanisms intended to demonize and delegitimize the state of Israel.

A letter rejecting this position was delivered to the conference by a number of groups of lawyers and was signed by Richard Falk and other organizations, including BRICUP. The letter argued that the conference organizers were ignoring the rights of civilians living under military occupation and questioned the legitimacy of Israel’s self-defense claim. In essence, both

Israel and Hamas had entered into an Egyptian cease-fire in June of 2008 but despite this, on November 4, 2008, Israeli forces launched a surprise aerial and ground attack on Gaza, killing six Hamas members, in response to which Hamas launched a barrage of rockets and Israel then ordered ground and air forces into Gaza, culminating in its massive aerial attack on December 27, 2008.

In addition, the U.N. Mission, headed by respected South African Justice Richard Goldstone, prepared its U.N. Report based on months of investigation of events which preceded, and took place during, Israel's Operation Cast Lead, The U.N. Report called for independent and impartial investigations to be conducted by both the Israeli government and Hamas into prima facie war crimes and potential crimes against humanity. The facts presented in the U.N. show that Israeli political and military leaders intentionally targeted civilians and civilian infrastructure, used clearly disproportionate force or deployed weapons in a manner that failed to meet the test of distinction such that avoidable civilian deaths and injuries were caused on many occasions, failed to care for the wounded, interfered with Palestinian human rights workers, and used Palestinian civilians as human shields, all in violation of the requirements of the Fourth Geneva Convention.

The signatories expressed their concern that this conference was being used to distort international law by rejecting the requirements of distinction and proportionality that are meant to protect civilians from the use of military force. The attack on such provisions degrades international law, which exposes the Israeli government and its supporters not only to severe criticism but also undermines any future reliance by Israel on international law for its own protection.

None of what Israel is accused of can conceivably be defended on the basis of fighting the war on terror, just as indiscriminate attacks on Israeli civilians by Palestinians cannot be defended on the basis of their struggle for self-determination, nor will accountability for these

acts and omissions on either side make civilians any less safe from individual or state acts of terrorism in the future - the contrary is much more likely: the rule of law is far more likely to lead to a regional breakthrough than continued lawlessness.

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## **Financial support for BRICUP**

BRICUP needs your financial support.

Recent meetings and lobbying activities have been expensive. We need funds to support visiting speakers, book rooms for public meetings, print leaflets and pay the whole range of expenses that a busy campaign demands.

Please do consider making a donation .

One-off donations may be made by sending a cheque to the Treasurer, at BRICUP, BM BRICUP, London, WC1N 3XX, UK or

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