



[www.bdsberlin.org](http://www.bdsberlin.org)

June 24, 2015

## **The Max Boegl Group is involved in violations of the Fourth Geneva Convention - project of the fast train construction A1 Tel Aviv - Jerusalem**

### **Open Letter to the persons responsible**

BDS Berlin as part of an international law based global campaign to enforce the rights of the Palestinian people addressed you with a letter in April 2015, because you are [involved](#) in a sub-project of the fast train construction A1 from Tel Aviv to Jerusalem. Unfortunately, we did not receive a response so far.

We must assume that you are ignoring our letter and thus, we are compelled to make our concerns public in an open letter.

With your participation in the planning and construction of a track section of the A1 you are taking part in an illegal infrastructure project and are de facto complicit in violating international law.

The construction of the railway line which crosses the Armistice Line of 1967 and is partially on Palestinian territory outside the Green Line is illegal under international law.

Under international law, the resources in the occupied Palestinian territories may not be used by an occupying power for the exclusive benefit of its own citizens. The A1, however, will be provided for the use of Israeli citizens exclusively. The Palestinians, whose land will be crossed by the tracks, [will be excluded](#) from using the A1.

With the construction of permanent infrastructure in the occupied Palestinian territories under Israeli control a permanent status will be created contrarily to international law, which corresponds to a de facto annexation. The colonization of occupied territories is prohibited by the Fourth Geneva Convention.

Concerning the construction of the rapid transit route Tel Aviv - Jerusalem, the reference to difficulties with international law is nothing new. Already in October 2010, the Israeli organization Who Profits drew attention to this problem in its [report](#): Crossing the Line The Tel Aviv - Jerusalem Fast Train A1.

Members of the German Bundestag [Inge Hoeger](#) and [Heike Haensele](#) filed a minor interpellation to the Federal Government in November / December 2010 on this issue.

*The German Coordination Committee Palestine Israel | For an end of the occupation and a just peace (Kopi) demanded the Federal Government in an [open letter](#) in December 2010 to pull out itself from the rail project with the Israeli state railroad through Palestinian territory and to stop planned investments immediately.*

In March 2011, [the Federal Ministry of Transport, Building and Urban Affairs](#) confirmed Inge Hoeger (MP THE LEFT): " *The German government has pointed out that for German foreign policy, the railroad project by the Israeli state, traversing occupied territory, is problematic and potentially a violation of international law, concerning the issue of status. The position of the German government and EU, differentiating between the territory of the Israeli nation and the territories occupied since 1967 has been explained.*

*.... In the meantime the management of DB International, as a subsidiary of the Deutsche Bahn AG, has also confirmed in writing that, in regards to this politically very sensitive project, DB International would be engaged in no further activities".*

[The UN Guiding Principles on Business and Human Rights](#), adopted by the UN Human Rights Council and supported by the EU and the Federal Republic of Germany, demand international companies to respect human rights and international humanitarian law in its economic activities and to conduct appropriate due diligence. Companies are encouraged to take appropriate measures to prevent adverse human rights impacts.

[The UN Human Rights Council](#) adopted the Report of the Independent Commission of Inquiry of the UN Human Rights Council on the impact of Israeli settlements on Palestinian human rights in March 2013. The report urges private companies to consider the impact of their activities on the human rights of the Palestinians. It further urges to take necessary steps in accordance with international law and the UN guiding principles on business and human rights to prevent adverse impacts. This includes stopping involvement in settlement projects of any kind.

[Municipal Landspensjonskasse](#) (KLP), Norway's largest life insurance company, has decided to exclude HeidelbergCement from its investment portfolios with effect from June 1, 2015. In an 8-page report, KLP considers that operations of HeidelbergCement in the occupied Westbank are associated with violations of fundamental ethical norms.

Many European countries, including the [Federal Republic of Germany](#), are warning companies of business and legal risks as well as an impending loss of good reputation in connection with business links to illegal Israeli settlements.

We would like to draw your attention to legal and economic consequences through the participation of the Max Boegl Group in the construction of the high-speed railway Tel Aviv - Jerusalem and in particular to the negative reputational consequences.

The decision of the Max Boegl Group to participate in the project for the construction of the A1 seems to ignore all this and amounts to a political decision to participate in the illegal practice of Israel in the occupied territories and to back violations of international law and the suppression of the rights of Palestinian civilians by the State of Israel.

Your company would become thereby a legitimate aim for a broadly based boycott and divestment campaign or for appropriate protests in order to make public your participation in an illegal project according to international law. You risk economic losses similar to those of the [French company Veolia](#) because of its participation in settlement projects or the [British security company G4S](#) due to the support of illegal practices of the occupation.

The global BDS movement [has successfully criticized](#) in recent years Israeli and international

companies such as SodaStream, G4S, Ahava, Mekorot, Elbit, Veolia, Caterpillar and Israeli banks which are involved in the occupation, the settlements, and other violations of international law by Israel. The image damage by the disclosure of involvement in illegal practices and the resulting economic and financial losses have partly persuaded these companies to reconsider their illegal practices. Many banks, insurance companies, churches, and other institutions have moreover withdrawn their shares in the companies mentioned.

The signatories of this letter urge you to reconsider your participation in the planning and construction of the A1 and get out of this project against international law.

For queries and further information do not hesitate to contact us: [kontakt@bdsberlin.org](mailto:kontakt@bdsberlin.org)

Signatories:

AG Palästina-Israel der Attac Hamburg  
AK Nahost Berlin  
AKtion Gerechter Frieden Nahost  
Arbeiterfotografie, Bundesverband  
BDS Austria  
BDS Berlin  
BDS-Gruppe Bonn  
BDS Italia  
BDS Schweiz  
Boycott! Supporting the Palestinian BDS Call from Within (Israeli citizens for BDS)  
Coalizione italiana "Stop That Train" - *Italian Coalition "Stop That Train"*  
Deutsch-Palästinensische Gesellschaft e.V. (DPG)  
DocP | Stichting Diensten en Onderzoek Centrum Palestina, Netherlands  
Frauen in Schwarz (Wien)  
Gesellschaft für Österreichisch-Arabische Beziehungen(GÖAB)  
ICAHD Deutschland (Israeli Committee Against House Demolitions)  
Iniciativa Ne naším jménem! – Za spravedlivý mír na Blízkém východě, ČR - *Initiative Not in Our Name! -- For a Just Peace in the Middle East, Czech Republic*  
Iniciatíva za spravodlivý mier na Blízkom východe - *Slovak Initiative for a Just Peace in the Middle East*  
Jüdisch-Palästinensische Dialoggruppe München  
Jüdische Stimme für gerechten Frieden in Nahost e.V.  
Kampania Palestyna - *Polish Palestine Solidarity Campaign*  
Mezinárodní hnutí solidarity ČR (ISM ČR) - *International Solidarity Movement (ISM), Czech Republic*  
Palästinakomitee Stuttgart  
Palestinský klub v ČR - *Palestinian Club in the Czech Republic*  
Přátelé Palestiny, ČR - *Czech Friends of Palestine*

## Links

- <http://www.gtai.de/GTAI/Navigation/DE/Trade/maerkte.did=1182630.html>
- <http://whoprofits.org/content/crossing-line-new-israeli-train-line-through-occupied-palestinian-areas>
- <http://whoprofits.org/sites/default/files/Train%20A1.pdf>
- <http://dipbt.bundestag.de/extrakt/ba/WP17/317/31737.html>, p. 51f

- <http://dipbt.bundestag.de/extrakt/ba/WP17/323/32321.html>, p. 3f
- <http://www.kopi-online.de/joomla/index.php?limitstart=30>
- <http://www.inge-hoeger.de/start/regionalesnrw/detail/browse/64/kategorie/inge-hoeger-1/zurueck/regionalesnrw/artikel/bundesregierung-findet-israelisches-bahnprojekt-politisch-sensibel/suchen/>
- [http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf)
- <http://www.eccpalestine.org/un-human-rights-council-passes-resolutions-on-israeli-settlements/>
- [http://english.klp.no/polopoly\\_fs/1.31195.1434009511!/menu/standard/file/Heidelberg%20og%20CEMEX%20be-slutning%20om%20utelukkelse%20ENG.pdf](http://english.klp.no/polopoly_fs/1.31195.1434009511!/menu/standard/file/Heidelberg%20og%20CEMEX%20be-slutning%20om%20utelukkelse%20ENG.pdf)
- [http://www.auswaertiges-amt.de/EN/Aussenpolitik/Laender/Laenderinfos/01-Nodes/Israel\\_node.html](http://www.auswaertiges-amt.de/EN/Aussenpolitik/Laender/Laenderinfos/01-Nodes/Israel_node.html)
- <http://www.bdsmovement.net/2015/veolia-sells-israel-businesses-targeted-by-bds-13081>
- <http://www.bdsmovement.net/2014/largest-us-protestant-church-divests-from-g4s-12151>
- [http://www.tiki-toki.com/timeline/entry/28282/BDS-Movement#vars!date=2012-12-18\\_23:12:55!](http://www.tiki-toki.com/timeline/entry/28282/BDS-Movement#vars!date=2012-12-18_23:12:55!)