



US Campaign for Palestinian Rights

28 February 2017

Meg Whitman, Chief Executive Officer
Hewlett Packard Enterprise
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Dear CEO Meg Whitman,

We are a coalition of more than 350 organizations around the United States working in pursuit of freedom, justice, and equality from the U.S. to Palestine/Israel, and beyond. We work in close partnership with many Palestinians, Israelis, Americans, and organizations in dozens of countries across six continents. We are part of a large and growing international network of human rights organizations beginning a systematic campaign of boycotts and divestment targeting HP companies due to your complicity in enabling Israel's grave violations of international law and Palestinian human rights.

We write with strong concern over the role that Hewlett-Packard Co. and, to our knowledge, its successors Hewlett Packard Enterprise and HP Inc. have played in these violations, as well as potential legal concerns. Israel's regime is characterized by systematic and widespread denial of basic rights and freedoms based on ethnicity and religion through racial profiling, institutionalized racial discrimination and segregation, forcible transfer of populations, mass incarceration, torture, and state violence.^{1 2 3} Many of the Trump policies against which U.S. liberal and progressive communities are fighting today are interconnected with parallel Israeli policies of building walls and banning refugees -- a shared oppressive agenda evidenced by Trump's close and mutually enthusiastic alliance with the Israeli government.

We are impressed by your stated commitment to corporate social responsibility but troubled that you would contravene your own policy by continuing to support and profit from the violations of Palestinian human rights and international law.

¹ <http://www.btselem.org/>

² <https://www.amnesty.org/en/countries/middle-east-and-north-africa/israel-and-occupied-palestinian-territories/report-israel-and-occupied-palestinian-territories/>

³ <https://imeu.org/>

HP-related companies have been in receipt of large government contracts with Israel across areas of civil and military administration. The troubling contracts include:

1. The contract to maintain the Basel system used to restrict Palestinian freedom of movement at military checkpoints in the occupied West Bank.
2. All contracts with the Israeli military, which carries out the military occupation of the West Bank, including East Jerusalem, and the deadly blockade of the Gaza Strip -- including maintenance of military servers, IT systems, and other technical support.
3. All contracts with the Israeli government related to its population registry and biometric ID and passport systems, which is the mechanism used to enforce Israeli apartheid under which different classes of people under Israeli control have different sets of legal rights depending on their ethnicity and religion.
4. All contracts with Israeli prisons, which are sites of widespread and well-documented torture and abuse of Palestinians, including of children and political prisoners held for years without charge.⁴
5. All contracts with the municipal governments of illegal Israeli settlements in the occupied Palestinian West Bank.
6. All business presence in illegal Israeli settlements and all business collaboration with businesses in illegal Israeli settlements.

The systems and services that HP-related companies provide to Israel's civil and military administration and to the Israel Prison Service raise serious legal and ethical concerns:

- I. These HP systems and services constitute material support of Israel's flagrant breaches of the Fourth Geneva Convention and international human rights conventions. They are incompatible with HP's commitments and binding obligations under the UN Global Compact and the UN Guiding Principles on Business and Human Rights to respect International Humanitarian Law (IHL) and human rights;
- II. These systems and services could, moreover, implicate HP companies in aiding, abetting, or assisting in war crimes and crimes against humanity such as indiscriminate and deliberate use of armed force against Palestinian civilians, torture, apartheid, and forcible transfer of populations; as well as breaches of the United Nations Convention on the Rights of the Child, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social, and Cultural Rights.

⁴ <https://www.amnesty.org/en/countries/middle-east-and-north-africa/israel-and-occupied-palestinian-territories/report-israel-and-occupied-palestinian-territories/>

Through its military occupation, Israel has illegally appropriated significant amounts of land belonging to Palestinians under international law and UN Security Council Resolutions. In the occupied West Bank, Israel has created hundreds of illegal settlements and a Wall cutting Palestinians off from large areas. On July 9, 2004, the International Court of Justice rendered its advisory opinion: "The Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory," confirming that Israel, with its Wall, settlements, and de facto annexation, is responsible for serious violations of international law, including acquisition of occupied territory by force, violation of the Palestinians' right to self-determination, and forcible population transfer (Article 49 of the Fourth Geneva Convention).

Integral to the development and maintenance of Israel's illegal settlements and removal of Palestinians from their land are the strict mechanisms of control and enforcement at Israel's military checkpoints (and accompanying ID card system), supported by HP systems, as well as other occupation infrastructure relying on HP contracts listed above. The provision and continuing maintenance or operation of such systems and services by HP-related companies, with the knowledge that breaches of international law including, but not limited to, Article 49 of the Fourth Geneva Convention are taking place, could, under the principal of secondary liability, result in HP corporate officials being complicit in war crimes or aiding and abetting such crimes.

The International Court of Justice opinion also found widespread breaches of international human rights law by Israel through its activities in and around the construction of its illegal Wall and settlements on Palestinian land, including the infringement of the right of Palestinians to freedom of movement under Article 12(1) of the International Covenant on Civil and Political Rights; and of the right to work, health, education, and an adequate standard of living under the International Covenant on Economic, Social, and Cultural Rights and the UN Convention on the Rights of the Child.

HP companies have also contracted with the Israel Prison Service to provide and maintain servers in prisons and to design and implement human resource and prison management systems and an intelligence sub system. Significant evidence shows Israel's widespread practices of unlawful arrests and detention of Palestinians, denial of fair trial rights, and ill-treatment and torture of Palestinian prisoners, including children. With these practices, Israel is in breach of multiple provisions of the International Covenant on Civil and Political Rights, the Convention against Torture, the Convention on the Rights of the Child, and the Fourth Geneva Convention.

HP is a signatory to the UN Global Compact, which includes 10 Principles in respect of human rights and sustainability. Under Principle 1 are the UN Guiding Principles on Business and Human Rights (UN Guiding Principles) requiring companies to prevent adverse human rights impacts and stating: "businesses are expected to undertake human rights due diligence to identify and mitigate contributions to human rights violations of not only their own activities but also activities to which they are directly linked by their business relationships. They are also expected to take effective steps to avoid or mitigate potential human rights harms -- and to consider ending business activity where severe negative human rights consequences cannot be

avoided or mitigated."⁵ As a signatory of the UN Global Compact, HP has failed to meet its duties under the UN Guiding Principles and is now in breach of them.

Given the long history of close HP connections with the Israel's military and occupation, and based on a lack of transparency and responsiveness to public concerns on the matter, we call on your company to:

1. Clearly, publicly, and completely step away from your involvement in Israel's occupation and apartheid practices, including:
 - a. All involvement with the Israeli military and security forces, including the supply of specialized technologies for Israeli prisons and military checkpoints;
 - b. All involvement in supplying the Israeli government with ID and population monitoring technologies that are used in the systematic discrimination of people based on national identity, religion, and ethnicity;
 - c. All presence in and support for illegal Israeli settlements;
 - d. All complicity in systematic discrimination against Palestinians as workers, consumers, or citizens;
2. Commit to public transparency and reporting on all operations in Israel/Palestine to ensure future compliance with this policy;
3. Use your leverage with other HP-related companies -- such as HP Inc., DXC Technology, Micro Focus, your subsidiaries and business partners in the area, and companies on their supply chain -- to help them step away from these harmful business activities;
4. Use the framework of the UN Guiding Principles for Business and Human Rights to create mechanisms that will repair harm caused by all HP-related business activities and compensate the communities and individuals who have suffered that harm.

As you are no doubt aware, many campus groups, churches, municipalities, and other entities have successfully targeted HP companies for boycott and divestment including the Presbyterian Church (USA); United Church of Christ; Quaker Friends Fiduciary Corporation; Portland, Oregon's Human Rights Commission; and dozens of campuses nationwide including Princeton, Northwestern, and the University of California.^{6 7} Several church congregations have also declared themselves HP-free.⁸ Nearly 1.8 million individuals have signed a petition calling on HP to end its role in violating Palestinian human rights.⁹

⁵ http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

⁶ <http://investigate.afsc.org/company/hp-inc-and-hewlett-packard-enterprise>

⁷ uscpr.org/usbdsvictories

⁸ http://fosna.nationbuilder.com/hp_free_churches

⁹ https://secure.avaaz.org/en/israel_palestine_this_is_how_it_ends_loc/

In 2012, prior to HP's split, UN special rapporteur on human rights in the Palestinian Territories Richard Falk specifically highlighted HP as a recommended target for boycotts due to its ongoing operations with Israel's illegal settlements.^{10 11} Similar boycotts targeting French company Veolia Environnement¹² and British security company G4S¹³ have led to billions of dollars in lost contracts before both multinationals eventually took steps to end or significantly reduce their complicity with Israeli apartheid.

Recently, the International Boycott HP Network called for a Week of Action targeting HP companies during the 2016 shopping season, starting on Black Friday. In one week there were more than 150 boycott HP actions or campaigns launched in over 100 cities across 30 countries: Argentina, Australia, Brazil, Canada, Colombia, Costa Rica, Egypt, England, France, Germany, India, Ireland, Italy, Japan, Kenya, Malaysia, Mexico, Northern Ireland, Netherlands, Norway, Palestine/Israel, Peru, Qatar, Saudi Arabia, Scotland, Spain, Sudan, Switzerland, the United States, and Wales.^{14 15 16} In the U.S. alone, there were more than 40 actions in 30 cities.

¹⁰ <http://www.reuters.com/article/us-palestinians-israel-un-idUSBRE89O1I20121025>

¹¹ <http://www.un.org/apps/news/story.asp?NewsID=43376#.WKy0VjsrJeU>

¹² <http://europe.newsweek.com/boycott-movement-claims-victory-veolia-ends-all-investment-israel-332337?rx=us>

¹³ <https://www.ft.com/content/5d7f92d8-f558-3513-8ff2-4bb134706547>

¹⁴ <http://uscpr.org/hpwoaroundup/>

¹⁵ The Palestinian Boycott, Divestment, Sanctions (BDS) National Committee helped lead the week of action with participating organizations including Jewish Voice for Peace; American Friends Service Committee; Students for Justice in Palestine; Samidoun: Palestinian Prisoner Solidarity Network; Women in Black; Middle East Children's Alliance; Friends of Sabeel - North America; CodePink; Syracuse Peace Council; Palestinian Rights Task Force; Resource Center for Nonviolence; Christian-Jewish Allies; UUs for Justice in the Middle East; Mass Against HP; LA HP Boycott; Adalah-NY: New York Campaign for the Boycott of Israel; Washington Interfaith Alliance for Middle East Peace; Queers Undermining Israeli Terrorism; Canadian BDS Coalition; Coalition Against Israeli Apartheid; Tadamon! Montreal; The Association of Norwegian NGOs for Palestine; BDS France; BDS Switzerland; BDS Italia; BDS Berlin; Plataforma Solidaria con Palestina de Valladolid; Palestine Forum Japan; BDS Netherlands; Ireland Palestine Solidarity Campaign; BDS País Valencià; BDS 67-Collectif Judéo Arabe et Citoyen pour la Palestine; BDS Malaysia; International Movement for a Just World; Australian Friends of Palestine Association; Red de Solidaridad con Palestina Costa Rica; BDS Colombia; BDS Mexico MX; Jovenes con Palestina; Federación Palestina del Peru; Palestine Solidarity Campaign - UK; the US Campaign for Palestinian Rights; and more than 50 other organizations.

¹⁶ Participating towns and cities included Buenos Aires, Argentina; Adelaide, Australia; São Paulo, Brazil; Calgary, Montreal, Sudbury, Toronto, Vancouver, and Victoria, Canada; Bogotá, Colombia; San José, Costa Rica; Cairo, Egypt; Birmingham, Blandford, Bradford, Brighton, Bristol, Cambridge, Chester, Derby, Hereford, Hull, Jersey, London, Luton, North Devon, Northampton, Norwich, Nottingham, Oxford, Plymouth, Portsmouth, Sheffield, Southsea, Wolverhampton, and York, England; Clermont-Ferrand, Montpellier, Paris, Riom, Strasbourg, and Villeurbanne, France; Berlin, Hamburg, and Stuttgart, Germany; Mumbai, India; Dublin, Ireland; Bologna, Cagliari, Florence, Milan, Naples, Pisa, Potenza, Ravenna, Rome, Turin, and Udine, Italy; Osaka, Japan; Mombasa, Kenya; Kuala Lumpur, Kuching, and Petaling Jaya, Malaysia; Puebla, Mexico; Derry, Northern Ireland; Amsterdam, Netherlands; Oslo, Norway; Hebron and Nablus, Palestine; Lima, Peru; Doha, Qatar; Dammam, Saudi Arabia; Edinburgh, Scotland; Barcelona, Spain; Donosti/San Sebastian, Cádiz, Madrid, Valencia, and Valladolid, Spain; Khartoum, Sudan; Bern and Zürich, Switzerland; Cardiff and Aberystwyth, Wales; and in the United States: Ann Arbor, MI; Asheville, NC; Becket, MA; Boston, MA; Campbell, CA; Chico, CA; Dearborn, MI; Germantown, WI; Ithaca, NY; Leavenworth, KS; Los Angeles, CA; Miami, FL; New York, NY; Omaha, NE; Philadelphia, PA; Pittsburgh, PA; Plattsburgh, NY; Rome, GA; Sacramento, CA; San Diego, CA; San Francisco, CA;

The global boycott will continue to grow until your company does the right thing and ends all involvement with Israel's occupation and apartheid regime.

Many South African leaders have made the connection between South African and Israeli apartheid, including the Archbishop Desmond Tutu, who wrote:

I have visited the Occupied Palestinian Territory, and I have witnessed the racially segregated roads and housing that reminded me so much of the conditions we experienced in South Africa under the racist system of Apartheid. I have witnessed the humiliation of Palestinian men, women, and children made to wait hours at Israeli military checkpoints routinely when trying to make the most basic of trips to visit relatives or attend school or college, and this humiliation is familiar to me and the many black South Africans who were corralled and regularly insulted by the security forces of the Apartheid government.¹⁷

One of our closest partners is Mass Against HP campaigner Caroline Hunter, the Polaroid employee who first discovered that her employer was producing imaging for apartheid South Africa's notorious pass system and checkpoints almost 50 years ago. Hunter and her late husband Ken Williams helped lead a dynamic, global campaign urging Polaroid to end its complicity with apartheid until it finally withdrew from South Africa -- as did many other companies -- speeding the fall of the racist regime.

Tragically, today, rather than Polaroid, it is instead HP companies providing imaging for apartheid passes at notorious checkpoints. This is a violation of your own commitment to corporate responsibility as well as the UN Guiding Principles on Business and Human Rights and multiple international laws. This participation in Israeli apartheid is bad for humanity and it is bad for business.

We urge you to take the aforementioned four steps to distance yourself from these practices. We look forward to a response at your earliest convenience.

Sincerely,

Anna Baltzer

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¹⁷ stanford.edu/group/sper/cgi-bin/wordpress/2013/03/desmond-tutu-heartily-endorses-divestment-move

Cc: HPE Board of Directors, Ethics and Compliance Office, Chief Ethics and Compliance Officer Glenn Leon, and Head of Investor Relations Andrew Simanek