

The White House
Office of the Vice President
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Ramallah, 25 April, 2022

Dear Madam Vice President Kamala Harris,

I write to you as the General Director of Al-Haq, an independent human rights organization, based in Ramallah, Palestine, that works towards the protection and promotion of human rights and the rule of law, and ending impunity for international crimes committed against the Palestinian people. It has come to our attention that, on April 16, your office held a Seder at the Vice President's Residence that featured wine from the Psagot Winery, an illegal Israeli settlement enterprise in the occupied West Bank. Al-Haq is gravely concerned by your office's receipt of stolen goods comprising the proceeds of international crimes, and your office's direct involvement in the promotion of Israel's illegal settlement enterprise.

Established on appropriated Palestinian land belonging to the Quran family, the Psagot Winery is an illegal settlement enterprise, the establishment of which, is internationally condemned under UN Security Council resolution 2334 (2016) as having "no legal validity" and constituting "a flagrant violation under international law."¹ As such, Psagot Winery is complicit in the continued illegal appropriation of privately owned Palestinian land and pillage of Palestinian natural resources, acts amounting to crimes within the jurisdiction of the Rome Statue of the International Criminal Court.² In so doing, Psagot Winery has deepened the physical, social, and economic integration of settlements into the OPT, while further fragmenting Palestinian territory and society.

¹ Articles 49, 147 of the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War, 12 August 1949; the UN Security Resolution 2334 of December 2016 affirmed "that the establishment by Israel of settlements in the Palestinian territory occupied since 1967, including East Jerusalem, has no legal validity and constitutes a flagrant violation under international law and a major obstacle to the achievement of the two-State solution and a just, lasting and comprehensive peace." UN Security Council, Security Council resolution 2334 (2016) [on cessation of Israeli settlement activities in the Occupied Palestinian Territory, including East Jerusalem], 23 December 2016, S/RES/2334 (2016); A/HRC/37/43, Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan, para 69.

² Article 8(2)(a)(iv) and Article 8(2)(b)(xvi), Rome Statute of the International Criminal Court.

Since 1948, Israel has employed a set of discriminatory laws, policies, and practices, with the fundamental goal of engineering a Jewish majority in Palestine, through displacing and dispossessing Palestinians, manipulating the demographic composition of the Palestinian population, and at the same time, building and expanding Jewish settlements on both sides of the Green Line. Settlements are a key component of Israel's apartheid regime over the Palestinian people, in which Israel administers the territory under two entirely separate legal systems and sets of institutions: a civil administration for Israeli-Jewish communities living in illegal settlements, and a military administration for the occupied Palestinian population living in Palestinian towns and villages.

Through the systemic deprivation of natural resources that illegal Israeli settlements impose upon Palestinians, the United States' support of the Israeli settlement enterprise is also complicit in depriving the Palestinian people of their own means of subsistence, in violation of Article 1(2) of the International Covenant on Civil and Political Rights and Article 1(2) of the International Covenant on Economic, Social and Cultural Rights,³ advancing Israel's efforts to annex and colonize the West Bank. The United States' decision to feature and promote its support of illegal Psagot settlement wines in its highest office are acts in blatant violation of its international humanitarian law obligation to respect and ensure respect for the Geneva Conventions of 1949, and international responsibility to not recognize and to bring to an end Israel's internationally wrongful acts, including its violation of peremptory *jus cogens* norms of apartheid.⁴

The actions of the Office of the Vice President also breach the United States' obligation to promote respect for human rights with business enterprises with which they conduct commercial transactions and to deny public support of business enterprises that are involved with gross human rights abuses.⁵ Moreover, it should be noted that by allowing the dissemination and promotion of Psagot Wine to be sold by Duty Free America,⁶ this office has decided to ensure

³ By forcibly taking Palestinians' fertile land, settlers have robbed the landowners not only of their homes, but also of their livelihoods. For example, Keinat Quran, the rightful owner of the land on which Psagot Winery now sits, is no longer allowed to live off the products of her land and is now less capable of providing for herself and her family. See The Independent, "Grapes of wrath: how wine could bottle the Israeli-Palestinian peace process," (16 June 2019) <https://www.independent.co.uk/news/world/middle-east/israel-palestine-wine-vineyards-west-bank-psagot-settlement-eu-a8959301.html>.

⁴ Common Article 1 to the four Geneva Conventions of 1949; Article 41, Responsibility of States for Internationally Wrongful Acts (2001).

⁵ The UN Guiding Principles on Business and Human Rights (2011), available at https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf.

⁶ Duty Free America is owned by the Falic family, who has become majority shareholders and directors of Psagot Winery, and contributed millions of shekels to the winery's expansion and international notoriety. See The

and support the continuity of the Israeli settlement enterprise in violation of international law, thus denying the Palestinian people the realization of their right to self-determination and permanent sovereignty over their national resources.

Considering the United States' historic support of the Psagot Winery and Israel's illegal settlement regime under the Trump Administration,⁷ the Biden administration's failure to abide by its obligations to protect Palestinians' inalienable right to self-determination and sovereignty over their natural resources is of grave concern. Al-Haq calls on your office to take all necessary actions to cease all support of Psagot Winery and end all business relations with actors operating in Israeli illegal settlements, in compliance with the United States' obligations to promote and respect human rights set forth by international law. We call for serious steps to be taken to dismantle illegal colonial settlements and their infrastructure across the OPT, halting their planning, construction and expansion, and ending economic exploitation by transnational and Israeli businesses of the natural resources of the Palestinian people.

We thank you for your consideration.

Yours Sincerely,

Shawan Jabarin



Al-Haq
Ramallah, Palestine
+970 2 295 46 46
www.alhaq.org

Independent, "US Duty Free magnates bankrolled expansion of Israeli settlement vineyard over Palestinian land" (12 Nov. 2019) <https://www.independent.co.uk/news/world/middle-east/palestine-israel-land-us-falic-psagot-duty-free-land-a8989086.html>.

⁷ Al Haq, "US Secretary of State Visit to Illegal Israeli Settlement" (18 Nov. 2020), available at: <https://www.alhaq.org/advocacy/17527.html>.