

# An Open Letter from Concerned Cisconians

To Chuck, Fran, and Dev

# Dear Chuck, Fran, and Dev

*At its core, a Conscious Culture means acting with dignity, respect, fairness, and equity in our interactions with one another. It's a culture in which we model inclusion and speak up when we see behavior that's out of step with our beliefs.<sup>1</sup>*

**We write as Cisconians, shareholders, and human beings,** deeply troubled that our work is being used to further the suffering and extermination of human beings just like us. We are concerned that Cisco's actions are inconsistent with our Conscious Culture and breach Cisco's Human Rights Policy and Code of Business Conduct ("COBC").<sup>2</sup> We are troubled that these actions have resulted in growing international calls to boycott Cisco, tarnishing Cisco's brand and reputation, which will cause us to lose business, existing talent, and the top emerging talent at universities across the world.<sup>3</sup> We are further concerned that Cisco's actions may result in legal exposure both within and outside of the United States.<sup>4</sup>

**Cisco must live its beliefs.** We are immensely proud of our Conscious Culture and the transparency with which the ELT has approached issues of great magnitude in recent years. We give our best every day, and through this letter we hope you see that we are giving something of ourselves – we deeply care about our fellow Cisconians and all human beings around the world. We ask you to read this letter while keeping our Conscious Culture in mind and extending to us "dignity, respect, fairness, and equity" by thoughtfully contemplating our sincere requests. We ask you to take difference to heart and model true inclusion for all. And as our leaders, we ask you to take bold steps by taking accountability and remediating the actions that do not align with our shared beliefs as Cisconians.

**Cisco must take accountability.** It goes against Cisco's stated beliefs and publicly available policies to support and enable actors in committing grave human rights violations or engaging partners that commit grave human rights violations. We urge you to reconsider Cisco's (i) engagement in and enablement of Israel's violations of international law and plausible genocide against Palestinians, and (ii) partnership with Bynet Data Communications Ltd., which is involved in the mass surveillance, oppression, and denial of freedom of movement of Palestinians throughout Occupied Palestine. In particular, we implore you to immediately terminate Cisco's 2023 partnership with the Israeli Occupation Forces (IOF) and Bynet Data Communications Ltd. for the provision of Webex.

**Cisco must remediate its behavior.** We ask you to divest from Israel (i.e., the Israeli government, including all governmental bodies, the Israeli Occupation Forces, and contractors).<sup>5</sup>

**Cisco must protect those who seek to protect our Conscious Culture.** We are well aware of the risks we each run as a signatory to this call-in to Cisco leadership. We trust that Cisco will take every precaution to foster inclusivity for all and protect us from all forms of retaliation in accordance with our Conscious Culture and COBC.

**We request your response within 1 week.**

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<sup>1</sup> [https://www.cisco.com/c/m/en\\_us/about/csr/esg-hub/people/culture.html](https://www.cisco.com/c/m/en_us/about/csr/esg-hub/people/culture.html)

<sup>2</sup> See Attachments B (Cisco Must Abide by its Policies) and C (Cisco Must Take Accountability for Breaches of its Policies).

<sup>3</sup> See Attachment D (Consequences of Cisco's Current Position).

<sup>4</sup> See Attachment E (Cisco May Face Liability for Violating "Customary International Law").

<sup>5</sup> See Attachment F (Cisco Must Divest from Israel).

Cisco has an obligation to its employees, shareholders, customers, suppliers, partners, and the general public to **immediately and publicly**:

- 1) (a) stop the provision of all Cisco technology presently being used by Israel (i.e., the Israeli government, including all governmental bodies, the Israeli Occupation Forces (as defined in Attachment A), and contractors) and all Israeli companies, in furtherance of the plausible genocide against Palestinians and in violation of any local or international law, and (b) disclose all Cisco technology currently deployed for the benefit of Israel and Israeli companies that cannot be immediately decommissioned;
- 2) take accountability for Cisco's failure to uphold its commitments under Cisco's Human Rights Policy and COBC, as well as all local and international laws, in a statement that addresses all of the questions posed in Attachment C with respect to the 2017 Partnership and the Problematic Partnerships (each as defined in Attachment A), and certify that all of Cisco's other past and present activities do uphold Cisco's commitments under its Human Rights Policy and COBC as well as international law, or immediately and publicly disclose all additional violations;
- 3) disclose Cisco's present and historic involvement with, and investments in, Israel (i.e., the Israeli government, including all governmental bodies, the Israeli Occupation Forces, and contractors) and Israeli companies;
- 4) disclose its present and historic activity in lands recognized as occupied under international law, including the Occupied Palestinian Territory (as defined in Attachment A);
- 5) advise as to what policies Cisco has in place to determine whether a Cisco employee, contractor, or partner has been sanctioned by any government or governmental body and what actions it will take should a Cisco employee, contractor, or partner be sanctioned;
- 6) establish pay parity between Palestinian and Israeli workers and re-map all Palestinians to report outside of Cisco Israel;
- 7) immediately suspend matching donations to Magen David Adom, pending the outcome of an investigation into allegations of racism;
- 8) divest from Israel (i.e., the Israeli government, including all governmental bodies, the Israeli Occupation Forces, and contractors, and all Israeli companies enabling Israel's occupation and apartheid regime); and
- 9) establish a committee that includes representatives of Palestine@Cisco and Muslims@Cisco to:
  - (a) ensure implementation of (1)-(8);
  - (b) determine how Cisco's current processes failed to uphold its Human Rights Policy and COBC;
  - (c) develop corrective measures to ensure that Cisco does not violate its policies or support or enable Israel's plausible genocide in the future; and
  - (d) review all potential Cisco investments and dealings with Israel and Israeli companies to ensure compliance with Cisco policy and the law.

**Sincerely,**  
**Concerned Cisconians**

# Attachments

Research, Evidence, and Facts

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## Attachment A

### Glossary of Terms and Acronyms

**2017 Partnership** means Cisco's 2017 business deal to provide servers and support services to upgrade the IOF's and Israeli Ministry of Defense's networks through partner, Bynet, in violation of Cisco's Human Rights Policy and COBC, as well as international law, as discussed in Attachment C.

**ATS** means Alien Tort Statute, which provides redress in U.S. courts to non-U.S. citizens for violations of international law.

**BDS Movement** means Boycott, Divestment, and Sanctions Movement, which is "a is a Palestinian-led movement for freedom, justice and equality. BDS upholds the simple principle that Palestinians are entitled to the same rights as the rest of humanity." Learn more at: <https://bdsmovement.net/impact>.

**Bynet** means Bynet Data Communications Ltd., Israel's leading provider of end-to-end integration solutions and services. Bynet is a member of the RAD Bynet group of companies.

**COBC** means Cisco's Code of Business Conduct, accessible at: [https://www.cisco.com/c/dam/en\\_us/about/cobc/2024/fy24-code-of-business-conduct-english.pdf?dtid=osscdc000283](https://www.cisco.com/c/dam/en_us/about/cobc/2024/fy24-code-of-business-conduct-english.pdf?dtid=osscdc000283).

**Genocide Convention** means the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, accessible at: [https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.1\\_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf](https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.1_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf).

**ICJ** means International Court of Justice, also referred to as the World's Court, the court of competent jurisdiction with respect to matters of international law and disputes between Member States of the United Nations.

**ICCPR** means International Covenant on Civil and Political Rights, a United Nations multilateral treaty that Cisco has publicly committed to uphold pursuant to its Human Rights Policy.

**ICESCR** means International Covenant on Economic, Social, and Cultural Rights, a United Nations multilateral treaty that Cisco has publicly committed to uphold pursuant to its Human Rights Policy.

**Illegal Israeli Settlements** means settlements established by Israel in Occupied Palestinian Territory that have no legal validity and constitute flagrant violations of international law by Israel pursuant to numerous resolutions adopted by the United Nations Security Council and also in violation of United States policy. See e.g., <https://press.un.org/en/2016/sc12657.doc.htm>; <https://www.state.gov/settlements-in-the-west-bank/>.

**ILO** means International Labour Organization, a specialized agency of the United Nations that promulgates international labor standards, including conventions that Cisco has publicly committed to uphold pursuant to its Human Rights Policy.

**Israeli Occupation Forces and IOF** mean the umbrella term used to refer to the Israeli military-police complex as it is deployed against the people of lands recognized as occupied under international law and stateless civilians. Named agencies include: Israeli Defense Forces (“IDF”), other elite military units that may operate independently, Israeli National Police, municipal law enforcement, and intelligence organizations including Shin Bet and Mossad.

For accuracy under international law, we use the term IOF rather IDF. See e.g., *The Legal Status of the West Bank and Gaza*, United Nations, 1982, concluding that Israel is an occupying power in line with the legal conclusions drawn by various international bodies, including the International Committee of the Red Cross, the International Commission of Jurists, and the United Nations.

**Occupied Palestine** means the geographic area belonging to the Palestinian people before being placed under Great Britain’s administration at the close of the First World War. Learn More at:  
<https://www.un.org/unispal/history2/origins-and-evolution-of-the-palestine-problem/part-i-1917-1947/>.

**Occupied Palestinian Territory** means the geographic area of the Palestinian territory recognized by the United Nations and international community as occupied by Israel since 1967. Learn more at:  
[https://www.un.org/unispal/wp-content/uploads/2018/04/ILOSTUDY\\_040418.pdf](https://www.un.org/unispal/wp-content/uploads/2018/04/ILOSTUDY_040418.pdf).

**Problematic Partnerships** means Cisco’s business deals and activities involving Israel that, like the 2017 Partnership, violate Cisco’s Human Rights Policy and COBC, as well as international law, as discussed in Attachment C.

**UDHR** means United Nations Universal Declaration of Human Rights, adopted by the United Nations General Assembly to define the fundamental human rights and freedoms of all human beings that Cisco has publicly committed to uphold pursuant to its Human Rights Policy.

## Attachment B

### Cisco Must Abide by its Policies

Although Cisco's Conscious Culture is reflected in its publicly-facing commitments, including those made in Cisco's Human Rights Policy and COBC, we are concerned that Cisco has been in breach of these commitments. Through each of these various commitments, Cisco and all of its employees have publicly pledged to uphold international law and respect human rights without exception, which is in line with our Conscious Culture.

Pursuant to Cisco's Human Rights Policy and COBC, Cisco has publicly committed, without exception, to only undertake actions that are legal and "uphold and respect human rights for all people." Notwithstanding, Cisco has a long history of knowingly supporting and enabling the Israeli government's continued occupation and oppression of Palestinians in flagrant disregard of Cisco's public commitments in both its Human Rights Policy and COBC.

For decades, the United Nations, international community, and NGOs have made public statements and published publicly accessible reports detailing Israel's illegal activities and violations of international law, including of the very United Nations covenants that Cisco purports to uphold. Notwithstanding, Cisco has profited from lucrative deals with various arms of the Israeli government and through at least one Israeli partner that directly enables the occupation and oppression of Palestinians.

**In the name of transparency, Cisco has an obligation to its employees, shareholders, customers, suppliers, partners, and the general public to immediately and publicly disclose all dealings with Israel (i.e., the Israeli government, including all governmental bodies, the IOF, and contractors) and Israeli companies that violate our Conscious Culture and breach Cisco's Human Rights Policy and/or COBC.**

#### Cisco's Human Rights Policy

Pursuant to Cisco's publicly available Human Rights Policy, Cisco has made a "long-standing commitment to uphold and respect human rights for all people...as contained in the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social, and Cultural Rights (ICESCR), and the eight core International Labour Organization (ILO) conventions."<sup>6</sup>

Cisco is further "committed to respecting the rights enshrined in [certain] internationally recognized standards," including the United Nations Guiding Principles on Business and Human Rights, Universal Declaration of Human Rights, United Nations Declaration on Human Rights Defenders, OECD Guidelines for Multinational Enterprises, and others. Cisco is also a member of the United Nations Global Compact, pursuant to which Cisco has publicly pledged to "support and respect the protection of internationally proclaimed human rights; and make sure that [Cisco is] not complicit in human rights abuses."<sup>7</sup>

#### Cisco's Code of Business Conduct ("COBC")

Pursuant to Cisco's publicly available COBC, Cisco and all Cisco employees have made a "commitment to doing business honestly, ethically, and with respect for one another" and have an obligation to only undertake actions that are legal, comply with Cisco policy, reflect Cisco's values and culture, are favorable for company stakeholders, and would represent Cisco in a positive light in a news headline.<sup>8</sup>

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<sup>6</sup> <https://www.cisco.com/c/dam/assets/csr/pdf/Human-Rights-Policy.pdf>

<sup>7</sup> United Nations Global Compact, Principles 1, 2.

<sup>8</sup> [https://www.cisco.com/c/dam/en\\_us/about/cobc/fy23/fy23-code-of-business-conduct-english.pdf](https://www.cisco.com/c/dam/en_us/about/cobc/fy23/fy23-code-of-business-conduct-english.pdf)



## Attachment C

# Cisco Must Take Accountability for Breaches of its Policies

### Cisco's 2017 Partnership with the IOF, Israeli Ministry of Defense, and Bynet

#### Overview of Cisco's 2017 Partnership

In 2017, Cisco sold servers and support services to upgrade the IOF's and Israeli Ministry of Defense's networks through Bynet, Israel's leading provider of end-to-end integration solutions and services (the "2017 Partnership").<sup>9</sup>

Bynet provides high resolution, mobile video surveillance technology, along with high-speed wireless networks that can deliver large volume data in real time. In effect, Bynet provides Israeli border patrol, police, and other law enforcement agencies with invasive surveillance tools.<sup>10, 11</sup> Bynet is also widely recognized for providing an array of services to Israeli prisons,<sup>12</sup> including a controversial phone tapping service using voice biometric data of Palestinian inmates,<sup>13</sup> many of whom are held hostage without charge or trial<sup>14</sup> in inhumane conditions described as "human chicken coops" by B'tselem, an Israeli human rights organization.<sup>15</sup> In addition, Bynet's services have helped expand Illegal Israeli Settlements, which further entrenches the occupation and oppression of Palestinians through extensive deployment of Bynet's mass surveillance technologies.<sup>16</sup> In 2020, Bynet worked closely with Shin Bet, notorious for their unchecked, illegal torture of prisoners,<sup>17, 18, 19</sup> to build one of Israel's largest server farms underneath Jerusalem.<sup>20</sup> This data center houses the Population Registry database, which holds biometric, identity, and genealogical information of Palestinians throughout Occupied Palestine<sup>21</sup> and is used to severely restrict their freedom of movement.<sup>22, 23</sup> In Gaza, the Population Registry database is used to target suspected militants in their homes, killing entire families in the process.<sup>24, 25</sup>

Partnership with an occupying force and a company engaging in illegal activities violates Cisco's Conscious Culture and breaches Cisco's Human Rights Policy and COBC as well as international law.

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<sup>9</sup> <https://www.jpost.com/israel-news/cisco-wins-deal-to-upgrade-idf-ministry-of-defense-networks-478647>

<sup>10</sup> <https://www.homelandsecuritynewswire.com/top-10-smart-surveillance-systems-israel?page=0,4>

<sup>11</sup> <https://www.israel21c.org/israels-top-12-video-surveillance-advances/>

<sup>12</sup> <https://www.whoprofits.org/companies/company/6526?rad-bynet>

<sup>13</sup> <https://www.haaretz.com/2013-04-21/ty-article/.premium/testing-the-ultimate-cell-phone/0000017f-db40-d3ff-a7ff-fbe01f160000>

<sup>14</sup> <https://amp.cnn.com/cnn/2023/11/29/middleeast/palestinian-prisoners-israeli-judicial-system-west-bank-mime-intl>

<sup>15</sup> [https://www.btselem.org/sites/default/files/sites/default/files2/detained\\_without\\_trial.pdf](https://www.btselem.org/sites/default/files/sites/default/files2/detained_without_trial.pdf)

<sup>16</sup> <https://www.whoprofits.org/companies/company/6526?rad-bynet>

<sup>17</sup> <https://www.timesofisrael.com/750-claims-of-abuse-filed-against-shin-bet-in-past-11-years-have-produced-zero-criminal-investigations/>

<https://www.972mag.com/samer-arbeed-shin-bet-torture/>

<sup>18</sup> <https://www.ohchr.org/en/press-releases/2021/02/israel-must-end-impunity-torture-and-ill-treatment-un-experts>

<sup>19</sup> <https://www.amnesty.org/en/latest/press-release/2019/09/israel-opt-legally-sanctioned-torture-of-palestinian-detainee-left-him-in-critical-condition/>

<sup>20</sup> <https://www.calcalistech.com/ctech/articles/0,7340,L-3843580,00.html>

<sup>21</sup> [https://www.gov.il/en/departments/units/population\\_registrar\\_unit](https://www.gov.il/en/departments/units/population_registrar_unit)

<sup>22</sup> <https://gisha.org/en/the-population-registry/>

<sup>23</sup> [https://www.hrw.org/report/2012/02/05/forget-about-him-hes-not-here/israels-control-palestinian-residency-west-bank-and#\\_ftn8](https://www.hrw.org/report/2012/02/05/forget-about-him-hes-not-here/israels-control-palestinian-residency-west-bank-and#_ftn8)

<sup>24</sup> <https://www.theguardian.com/world/2024/apr/03/israel-gaza-ai-database-hamas-airstrikes?ref=biztoc.com>

<sup>25</sup> <https://www.972mag.com/lavender-ai-israeli-army-gaza/>

## Cisco's 2017 Partnership Violates Cisco's Human Rights Policy

The 2017 Partnership does not meet Cisco's public "commitment to uphold and respect human rights for all people...as contained in the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social, and Cultural Rights (ICESCR), and the eight core International Labour Organization (ILO) conventions" pursuant to Cisco's Human Rights Policy.

For brevity, we limit our discussion to only two of the many reports made in and before 2017 by the United Nations, the international community, and various NGOs, which list Israel's violations of international law. These two reports relate to Israel's violations of the UDHR and ILO conventions. Though at the time of the 2017 Partnership, Cisco would have been aware of decades of reports outlining Israel's many violations of the ICCPR and ICESCR.

For example, the United Nations Human Rights Committee published a report in 1998 concluding that Israel violates almost every article of the ICCPR<sup>26</sup> and the UN Human Rights Committee on Economic, Social, and Cultural Rights meeting of November 18, 2011 discussed Israel's many violations of the ICESCR, including "deliberate discrimination," building a wall encroaching on Palestinian land in a way that directly impacts Palestinians' access to food, water, health, and security, building a wall cutting across Palestinian agricultural land violating Palestinians' rights to attain an adequate standard of living and the right to food, creating road blocks, direct control of all water sources, including diverting rivers and severely limiting Palestinian access to water, demolition of houses, destruction of crops and trees by settlers, "collective punishment of Palestinian people" through the "entire closure of Gaza," and "basically control over all [Palestinians'] rights."<sup>27</sup>

### Violations under the Universal Declaration of Human Rights ("UDHR")

Pursuant to the 2017 Partnership, Cisco breached its public commitments under Cisco's Human Right's Policy with respect to the UDHR, in addition to the ICCPR and ICESCR.

On March 20, 2017, Michael Lynk, Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, presented his report<sup>28</sup> to the United National Human Rights Council.<sup>29</sup> For brevity, we limit our enumeration of Israel's violations of the UDHR to those key takeaways from the Special Rapporteur's presentation rather than an in-depth analysis of each violation stated in the Special Rapporteur's 19-page report.

*Israeli illegal settlement enterprise had moved at an alarming pace since the beginning of the year, with the announced construction of 6,000 new housing units, accompanied by high rates of demolitions of Palestinian homes in the West Bank, including East Jerusalem. The passage of the "Regularization Bill" in Israel which legalized [sic] the confiscation of private Palestinian land was a highly worrying indication of the trajectory foreseen by the Israeli Government in the coming years; removing the only domestic legal barrier to settlement construction moved Israel even further from compliance with international law.*

Pursuant to the Special Rapporteur's findings, Israel violated Articles 1, 2, 3, 5, 6, 7, 8, 9, 10, 12, 15, 16, 17, 21, 25, 28, 29, and 30 of the UDHR.<sup>30</sup>

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<sup>26</sup> <https://www.refworld.org/policy/polrec/hrc/1998/en/36880>

<sup>27</sup> <https://www.ohchr.org/en/press-releases/2011/11/committee-economic-social-and-cultural-rights-considers-reportisrael>

<sup>28</sup> <https://documents.un.org/doc/undoc/gen/g17/091/45/pdf/g1709145.pdf?token=PGSOpJ3AfP81ehb6q1&fe=true>

<sup>29</sup> <https://www.ohchr.org/en/press-releases/2017/03/human-rights-council-discusses-human-rights-situation-palestine-and-other>

<sup>30</sup> See <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

*Mr. Lynk then addressed the deteriorating situation in Gaza which was entering its tenth year of Israeli blockade. In the second half of 2016, a significant decline had been noted in the number of exit permits issued for residents of Gaza seeking to travel for medical care, including those seeking to accompany patients. The restrictions on humanitarian aid and human rights work further isolated already vulnerable residents of Gaza. The infrastructure was under the added pressure of population growth; the electricity crisis in January 2017 for example left residents without power for as many as 21 hours a day in the middle of a cold winter. The humanitarian crisis in Gaza could be immediately improved by lifting of the blockade.*

Pursuant to the Special Rapporteur's findings, Israel violated Articles 1, 2, 3, 5, 6, 7, 8, 9, 10, 12, 13, 15, 16, 17, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30 of the UDHR.<sup>31</sup>

*In closing, Mr. Lynk said that **the duration and entrenchment of this half-century long occupation was profoundly corrosive of human rights** and a dark stain on the efficacy of international law. Perpetuating an alien law against five million people against their will required repression of rights, and in the case of an occupying power, this meant violation of international law.*

### **Violations under the International Labour Organization ("ILO") Conventions**

Pursuant to the 2017 Partnership, Cisco breached its public commitments under Cisco's Human Right's Policy with respect to the ILO conventions in addition to the UDHR, ICCPR, and ICESCR.

"In violation of its core mandate, the UN's International Labour Organization (ILO) has once again **singled out Israel** for politicized, differential and discriminatory treatment" in the only country-specific report on the 2016 ILO agenda.<sup>32</sup> Director-General Guy Ryder's report, "The situation of workers of the occupied Arab territories," presented at the ILO in May 2016, identifies numerous violations of the ILO conventions.<sup>33</sup> For brevity, rather than an in-depth analysis of each of Israel's violations enumerated in the 52-page report, we limit our discussion to only a few of the violations highlighted in the preface of the Director General's report.

The report begins by stating that in the West Bank "the economy is tied down by the myriad obstacles to economic activity and trade, directly caused by the occupation. No lasting prosperity will return to East Jerusalem until confrontations and restrictions cease." The Director General then details the restricted movement and other economic restrictions that Israel inflicts on Palestinians.

*With the Palestinian public sector at the limits of its employment potential, many hopes rest on resources and investment from abroad and the development of the private sector. But any expansion of business activities requires permits from the Israeli military authorities. It would also require the lifting of the restrictions on the use of land and resources in what the Oslo Accords designated as Area C, intended to be the main area and resource base of a Palestinian state. Currently only a fraction of this area can be used by Palestinians. Further prerequisites for economic revival are free movement of people and goods within the Palestinian areas as well as access to and from the outside world. Virtually all of the measures that the Palestinian Authority can take on its own to foster a better investment climate and employment are heavily constrained by the realities of the occupation.*

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<sup>31</sup> *Id.*

<sup>32</sup> <https://unwatch.org/uns-ilo-singles-israel-violator-labor-rights/>

<sup>33</sup> <https://www.ilo.org/resource/news/ilc/105/ilo-calls-renewed-efforts-promote-peace-decent-jobs-and-social-justice>

The Director-General continues, describing how forced dependence on Israel has led to a system of exploitation through contractors.

*The occupation has generated an almost total dependency, affecting water, land, resources and trade routes, and jobs, rights and income. Half of Palestinian agricultural land cannot be freely and regularly accessed by farmers. Half of the fishers of Gaza remain unemployed. Palestinian employment is growing, however, in Israel and the settlements, either through increased permits or in grey areas where workers lack protection and are vulnerable to exploitation by contractors.*

The report goes on to state that Palestinians are not paid full wages, face “harassment and violence,” depend on contractors for work, must pay for work permits, and risk “detention and blacklisting” when caught without a permit, then discusses the exploitation of women from the Balata Refugee Camp whose wages are more than halved by contractors and are denied benefits. The Director-General concludes that forced child labor continues to be an issue in the Jordan Valley.

Pursuant to Director General’s report, Israel violated the Discrimination (Employment and Occupation) Convention of 1958, the Occupational Safety and Health Convention of 1981,<sup>34</sup> the Equal Remuneration Convention of 1951,<sup>35</sup> the Abolition of Forced Labour Convention of 1957,<sup>36</sup> and the Worst Forms of Child Labour Convention of 1999.<sup>37</sup>

### Cisco’s 2017 Partnership Violates Cisco’s Code of Business Conduct

Cisco’s 2017 Partnership does not meet Cisco’s “commitment to doing business honestly, ethically, and with respect for one another” pursuant to Cisco’s COBC.

- **Was the 2017 Partnership legal?** No. Enabling the IOF, Israeli Ministry of Defense, and Bynet to engage in numerous violations of international law is not legal.
- **Did the 2017 Partnership comply with Cisco policy?** No. Enabling the IOF, Israeli Ministry of Defense, and Bynet to engage in numerous violations of international law does not comply with Cisco policy.
- **Does the 2017 Partnership reflect Cisco’s values and culture?** No. Enabling the IOF, Israeli Ministry of Defense, and Bynet to engage in numerous violations of international law does not reflect Cisco’s values or Conscious Culture.
- **Was the 2017 Partnership favorable for company stakeholders?** No. Enabling the IOF, Israeli Ministry of Defense, and Bynet to engage in numerous violations of international law places company stakeholders in a vulnerable position and has caused Cisco to become an international boycott and divestment target.<sup>38</sup>
- **Would the 2017 Partnership represent Cisco in a positive light in a news headline?** No. Enabling the IOF, Israeli Ministry of Defense, and Bynet to engage in numerous violations of international law is detrimental to Cisco’s brand and has caused Cisco to become an international boycott and divestment target.<sup>39</sup>

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<sup>34</sup> [https://normlex.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:::NO:12100:P12100\\_ILO\\_CODE:C155:NO](https://normlex.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:::NO:12100:P12100_ILO_CODE:C155:NO)

<sup>35</sup> [https://webapps.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:::NO:12100:P12100\\_ILO\\_CODE:C100:NO](https://webapps.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:::NO:12100:P12100_ILO_CODE:C100:NO)

<sup>36</sup> [https://normlex.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:::NO:12100:P12100\\_ILO\\_CODE:C105:NO](https://normlex.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:::NO:12100:P12100_ILO_CODE:C105:NO)

<sup>37</sup> [https://normlex.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:::NO:12100:P12100\\_ILO\\_CODE:C182:NO](https://normlex.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:::NO:12100:P12100_ILO_CODE:C182:NO)

<sup>38</sup> See Attachment D (Consequences of Cisco’s Current Position).

<sup>39</sup> *Id.*

**Cisco Must Immediately and Publicly Disclose that it Knowingly Entered into its 2017 Partnership in Violation of Cisco's Human Rights Policy and Code of Business Conduct as well as International Law**

**Cisco has an obligation to its employees, shareholders, customers, suppliers, and the general public to immediately and publicly:**

- (i) take accountability for its failure to uphold its commitments under Cisco's Human Rights Policy and COBC with respect to its 2017 Partnership despite publicly available information about Israel's violations of human rights and international law immediately preceding consummation of the 2017 Partnership and for decades beforehand; and**
- (ii) disclose that Cisco's 2017 Partnership violated Cisco's Human Rights Policy and COBC as well as international law in a statement that addresses all of the below questions.**

- Technology Involved in Cisco's 2017 Partnership
  - What was the full extent of Cisco's 2017 Partnership, including details of all technology provided, for how long, and to whom, usage reports, and all other details pertinent to assessing how Cisco technology has been deployed through the 2017 Partnership?
  - How can Cisco's employees, shareholders, customers, suppliers, partners, and the general public be certain that the Cisco technology involved in Cisco's 2017 Partnership is not presently being used to support and enable Israel's plausible genocide against Palestinians?
- Background Leading to Consummation of Cisco's 2017 Partnership
  - Why did Cisco sell technology:
    - (i) to the IOF and Israeli Ministry of Defense, Israel's military arms responsible for enforcing Israel's illegal occupation,
    - (ii) in partnership with Bynet, a company engaged in activities that are illegal under international law and that has enabled grave human rights abuses in direct violation of international law and Cisco's Human Rights Policy and COBC?
  - At the time that Cisco's 2017 Partnership was consummated, and given the decades of publicly available information from the ultimate authorities on international law regarding Israel's decades-long history of continuous violations of human rights and international law:
    - (i) what diligence led Cisco to believe that its 2017 Partnership was not in violation of Cisco's Human Rights Policy or COBC;
    - (ii) what diligence led Cisco to believe that its technology would not be used to further the illegal occupation and oppression of Palestinians; and
    - (iii) why was anyone in Cisco authorized to do business with an occupying force or a company that violates international law?

- At what level was Cisco's 2017 Partnership authorized within Cisco and who were all of the VAP approvers?
- Did each of the VAP approvers of Cisco's 2017 Partnership successfully complete COBC training for each year of their tenure through consummation of the 2017 Partnership?
- How did Cisco's 2017 policies fail to prevent Cisco from violating its Human Rights Policy and COBC as well as international law by engaging in the 2017 Partnership?
- **Accountability Measures to Ensure Future Compliance**
  - What precautions is Cisco putting into practice to immediately ensure that in the future Cisco does not:
    - (i) engage in activities in direct violation of Cisco's Human Rights Policy and COBC;
    - (ii) in any way, whether directly or indirectly, enable actors who have in the past or are presently engaged in activities that are illegal under international law; or
    - (iii) provide Cisco technology to any entity or person who could, in any way, use that technology to violate Cisco's Human Rights Policy or COBC or international law?

## Other Partnerships that Violate Cisco's Policies (the "Problematic Partnerships")

Beyond Cisco's 2017 Partnership, Cisco has engaged in many other partnerships and activities involving Israel that, like the 2017 Partnership, violate Cisco's Human Rights Policy and COBC as well as international law (collectively, the "Problematic Partnerships"). Below is a non-exhaustive list of examples, although for brevity we do not expand further on the various violations.

- **November 2023 sale of Webex to the IOF in partnership with Bynet:** Cisco stakeholders have a right to know the extent to which Cisco's technology is presently deployed by Israel in furtherance of its plausible genocide against Palestinians and the extent to which Cisco is currently partnering with Bynet in furtherance of its violations of international law. Cisco stakeholders also have a right to know why Cisco has continued its partnership to enable Israel after the both the ICJ and U.S. District Court of Northern California found that Israel is plausibly committing genocide against Palestinians.
- **2018 Partnership with the Israeli government to deploy Cisco technology on land recognized as occupied under international law:**<sup>40, 41</sup> According to Amnesty International, which is approved for 100% matching through Cisco's Community Impact Portal, "[t]he establishment of Israeli settlements in the Occupied Palestinian Territory flagrantly violates international law and constitutes a war crime."<sup>42</sup> Cisco

<sup>40</sup> <https://newsroom.cisco.com/c/r/newsroom/en/us/a/y2018/m03/cisco-expands-network-of-digital-hubs-connecting-communities-and-businesses-in-israel.html>

<sup>41</sup> <https://www.calcalist.co.il/internet/articles/0,7340,L-3733440,00.html>

<sup>42</sup> <https://www.amnesty.org/en/latest/news/2024/04/state-backed-deadly-rampage-by-israeli-settlers-underscores-urgent-need-to-dismantle-apartheid/>

stakeholders have a right to know the extent to which Cisco is supporting and enabling violations of international law and war crimes in breach of Cisco's Human Rights Policy and COBC.

- **Investment in Israeli startups and Israeli companies** that operate on land recognized as occupied under international law or conduct activities or are led by people who have engaged in activities that violate Cisco's Human Rights Policy, COBC, and/or international law – e.g., Team8. Cisco stakeholders have a right to know the extent to which Cisco is investing in companies that are operating illegally or cause Cisco to be in breach of Cisco's Human Rights Policy and/or COBC.
- **2017 Partnership with the Israeli government to develop, on a pro bono basis, "smart city" technology that surveils and oppresses Palestinians in Jerusalem:**<sup>43</sup> The United Nations, international community, and NGOs have been raising alarm bells for decades about Israel's oppressive surveillance practices with respect to Palestinians.<sup>44</sup> As of November 1, 2023, Israel held nearly 7,000 Palestinians in prison for "alleged security offenses," more than 2,000 of whom were being held under administrative detention, i.e., arresting and detaining a person without charge, trial, presenting evidence against them, or fair judicial review, in violation of international law.<sup>45</sup> Under international law, an occupying power may only use administrative detention "for imperative reasons of security" so long as there is a timely appeals process, the decision is periodically reviewed, and certain other protections are guaranteed.<sup>46</sup> Of particular concern are the number of children held by Israel and the decades of documentation of cases of extreme, inhumane torture of Palestinians in Israeli custody.<sup>47</sup> Cisco stakeholders have a right to know the extent to which Cisco is supporting and enabling violations of international law and war crimes in breach of Cisco's Human Rights Policy and COBC.
- **Continued subjugation of Palestinians** in furtherance of the apartheid through exploitation of skilled Palestinian hi-tech workers, which furthers the structural dependency of the Palestinian economy on the occupying power, Israel. In 2008 Cisco announced a \$10 million investment "to seed a sustainable model of job-creation and economic development in the Palestinian Territories" on the belief that "education and the Internet are the great equalizers and vital to a sustainable, productive economy that increases the standard of living for all."<sup>48</sup> In reality, instead of developing the Palestinian hi-tech sector, Cisco introduced a model of exploitation and Intel, Microsoft, and Mellanox soon followed suit. Whereas an Israeli hi-tech worker would have been paid ~\$4,000, Cisco Israel began outsourcing work to skilled Palestinian hi-tech workers at a fraction of the cost, ~\$2,500.<sup>49</sup> Cisco stakeholders have a right to know the extent to which Cisco's investments and employment practices further apartheid and systemic oppression in violation of its Human Rights Policy and COBC. **Cisco must establish pay parity between Palestinian and Israeli workers and re-map all Palestinians to report outside of Cisco Israel.**
- **2013 partnership with the IOF to supply \$150 million in communications equipment over 5 years with an option to extend 2 years:**<sup>50</sup> Cisco stakeholders have a right to know the extent to which Cisco's technology is presently being used by the IOF in furtherance of Israel's plausible genocide against Palestinians and in breach of Cisco's Human Rights Policy and/or COBC.

<sup>43</sup> [https://www.whoprofits.org/publications/report/144?ciscos-involvement-in-the-israeli-occupation#\\_ftn22](https://www.whoprofits.org/publications/report/144?ciscos-involvement-in-the-israeli-occupation#_ftn22)

<sup>44</sup> See e.g., <https://www.mei.edu/publications/nowhere-hide-impact-israels-digital-surveillance-regime-palestinians>

<sup>45</sup> <https://www.hrw.org/news/2023/11/29/why-does-israel-have-so-many-palestinians-detention-and-available-swap>

<sup>46</sup> Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949, Article 28.

<sup>47</sup> See <https://www.amnesty.org/en/latest/news/2023/11/israel-opt-horrifying-cases-of-torture-and-degrading-treatment-of-palestinian-detainees-amid-spike-in-arbitrary-arrests/>

<sup>48</sup> <https://newsroom.cisco.com/c/r/newsroom/en/us/a/y2008/m01/cisco-announces-10-million-investment-to-support-job-creation-and-economic-development-in-the-palestinian-territories.html>

<sup>49</sup> <https://media.business-humanrights.org/media/documents/files/documents/CISCOfinal-web.pdf>

<sup>50</sup> <https://www.haaretz.com/israel-news/business/2013-11-21/ty-article/cisco-wins-150m-israel-army-deal/0000017f-da7a-d938-a17f-fe7ab7d70000>



Cisco has an obligation to its employees, shareholders, customers, suppliers, partners, and the general public to **immediately and publicly**:

- (i) **take accountability for its failure to uphold its commitments under Cisco’s Human Rights Policy and COBC as well as international law with respect to each breach in a statement that addresses all of the questions posed above with respect to the 2017 Partnership;**
- (ii) **certify that all of Cisco’s other activities do uphold Cisco’s commitments under its Human Rights Policy and COBC as well as international law, or immediately and publicly disclose all additional violations;**
- (iii) **stop the provision of all Cisco technology presently being used by Israel (i.e., Israeli government, including all governmental bodies, the Israeli Occupation Forces, and contractors) and all Israeli companies in furtherance of the plausible genocide against Palestinians and/or in violation of international law, and in violation of Cisco’s Human Rights Policy and COBC; and**
- (iv) **disclose all Cisco technology currently deployed that cannot be immediately decommissioned.**

## Other Activities that Violate Cisco’s Policies

Pursuant to Cisco’s purpose to Power an Inclusive Future for All in addition to Cisco’s stated policies, Cisco’s matching funds cannot be used to support and enable organizations that promote racist ideals, engage in racist behavior, or are led by individuals who publicly espouse racist beliefs.

Magen David Adom (“MDA”) is currently a 100% matching eligible organization in Cisco’s Community Impact Portal. In 2012, MDA appointed Rabbi Shmuel Eliyahu as the head of MDA’s rabbinical committee despite his history of anti-Palestinian and anti-Arab racism.

In 2012, the Reform Movement in North America and Israel, a group self-described as “committed to the Jewish people and progressive Jewish values,” joined a campaign related to MDA’s concerning appointment of Rabbi Eliyahu.<sup>51</sup> The group writes: “Rabbi Eliyahu, as the chief rabbi of Safed, has used his position of authority to incite racism and xenophobia. His extreme views pose a real danger to Israeli democracy and have no place in such a worthy organization.”<sup>52</sup>

The Anti-Defamation League (“ADL”), which itself has been widely denounced for hateful and dangerous anti-Palestinian racism and Islamophobia,<sup>53</sup> also raised concerns about Rabbi Eliyahu’s anti-Palestinian and anti-Arab racism. In 2013, The ADL wrote a letter to then-Minister of Religious Affairs and Economics and Trade, Naftali Bennett, expressing the following concerns:

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<sup>51</sup> <https://reformjudaism.org/blog/keep-pressure-magen-david-adom>

<sup>52</sup> *Id.*

<sup>53</sup> <https://www.cair.com/wp-content/uploads/2024/04/ADLNew.pdf>



*The Anti-Defamation League has publicly objected to certain positions adopted by Rabbi Eliyahu, including the use of his capacity as Chief Rabbi of Safed to direct Jewish residents not to rent apartments to Arabs, a matter that was subjected to an official Ministry of Justice investigation. Rabbi Eliyahu also reportedly made disturbingly extreme remarks regarding indiscriminately bombing Palestinians in response to rocket fire from Gaza into Israel, saying that “If they don't stop after we kill 100, then we must kill a thousand. And if they do not stop after 1,000 then we must kill 10,000. If they still don't stop, we must kill 100,000, even a million. Whatever it takes to make them stop.”<sup>54</sup>*

Pursuant to Cisco’s Social Justice framework, Cisco has pledged “to make bold and intentional moves to address racial injustice not only within our company, but also within our broader society.”<sup>55</sup>

**Cisco has an obligation to immediately suspend matching donations to MDA pending a thorough investigation into the organization.**

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<sup>54</sup> <https://www.adl.org/resources/letter/letter-minister-bennett-shmuel-eliyahu>

<sup>55</sup> <https://blogs.cisco.com/csr/influencing-our-ecosystem-to-promote-racial-justice>

## Attachment D

### Consequences of Cisco's Current Position

#### Reputational Harm

As Cisconians and shareholders, we are troubled that Cisco's continued partnership with Israel has resulted in growing international calls for boycott of and divestment from Cisco. University encampments and alumni coalitions are calling on institutions to divest from Cisco by name, large funds are scrutinizing their holdings, including in Cisco, and major international boycott campaigns have identified Cisco as a key target.

- NYU Alumni called for divestment from Cisco for "playing [an] active role[] in the military occupation in Palestine and ongoing genocide in Gaza."<sup>56</sup>
- Students at the Lebanese University called for divestment from Cisco due to its "affiliation with Israel."<sup>57</sup>
- University of York divested from arms manufacturers linked to Israel and is being further scrutinized for investments in Cisco, which "design[s] technologies used by Israel to facilitate its occupation of Palestinian territories."<sup>58</sup>
- Reports out of South Africa have revealed Cisco as a boycott target.<sup>59</sup>
- Boycott-Israel.org has labeled Cisco as a "high impact" boycott target for its "broad base of complicity with Israel's occupation economy, predominantly through the provision of services to the Israeli military."<sup>60</sup>
- American Friends Service Committee listed Cisco as a boycott target for its partnership with the Israeli government and operations in illegal settlements.<sup>61</sup>
- Palestine Solidarity Campaign listed Cisco as a boycott target for "a wide range of involvement in Israel's occupation of Palestinian land."<sup>62</sup>
- Storebrand Asset Management (AUM \$100 billion+), screened its portfolio for companies with operations in illegally occupied Palestinian territories and flagged Cisco as potential divestment target.<sup>63</sup>

We are further concerned that although shareholders have long been calling for transparency around Cisco's human rights risk management, Cisco has continued to grow its footprint in Israel. In 2011, Boston Common Asset Management, LLC, a member of the United Nations of Principles of Responsible Investment, publicly announced its divestment from Cisco due to weak human rights risk management after "years of campaigning Cisco for greater transparency and accountability on key human rights and business development concerns."<sup>64</sup>

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<sup>56</sup> <https://nyuajp.org>

<sup>57</sup> <https://today.lorientlejour.com/article/1412188/if-youre-not-with-palestine-youre-not-with-humanity-students-rally-for-gaza-at-aub.html>

<sup>58</sup> <https://www.newarab.com/news/uk-university-divests-israel-linked-arms-companies>

<sup>59</sup> <https://www.cajnewsafrika.com/2024/04/26/call-to-boycott-israel-aligned-brands/>

<sup>60</sup> <https://boycott-israel.org/boycott.html>

<sup>61</sup> <https://investigate.afsc.org/company/cisco-systems>

<sup>62</sup> <https://palestinecampaign.org/psc-company/cisco-systems/>

<sup>63</sup> <https://bdsmovement.net/news/norways-storebrand-divests-from-four-companies-profiting-from-israeli-occupation-and>

<sup>64</sup> <https://www.responsible-investor.com/boston-common-divests-cisco/>

## Talent Acquisition and Retention

Cisco prides itself on attracting and retaining top talent and being the #1 place to work for many years running. However, Cisco's long-standing support and enablement of Israel's violations of international law and present genocide against Palestinians will hinder its ability to retain employees and attract talent from top universities across the world whose students are demanding that their universities divest from Israel and companies supporting the genocide against Palestinians.

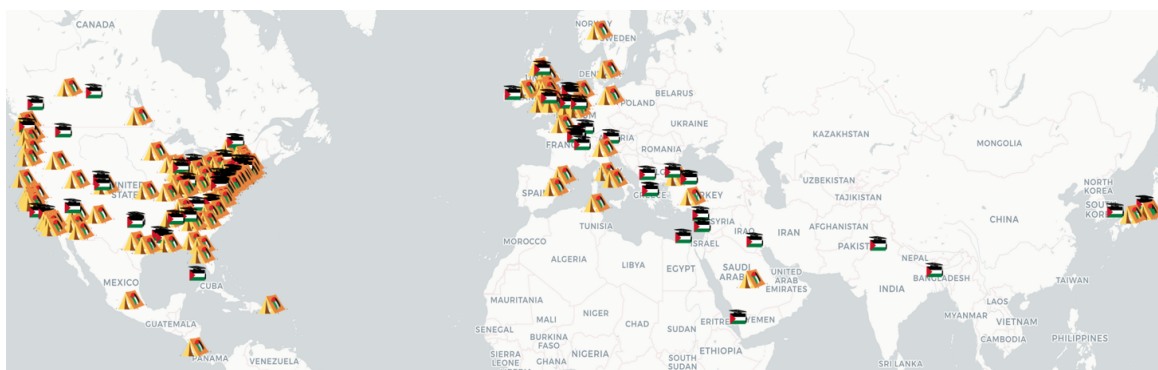
Historically, college campuses and student activism have been a driving force for meaningful change. Students protests paved the way for ending segregation, the US withdrawal from Cambodia and eventual end of the Vietnam War, the dismantling of South Africa's apartheid regime, and more recently, accountability for police violence through the Black Lives Matter movement.<sup>65</sup>

Today, students across the world are taking inspiration from movements of the past and are risking their physical safety, privacy, academic standing, and, in some cases, immigration status, to establish and protect Palestinian solidarity encampments, demanding that their universities divest from genocide. Many of these encampments have identified Cisco as a boycott target: "Cisco, the American multinational conglomerate, which helps Israel set up government-subsidized tech hubs in illegal Jewish settlements on occupied Palestinian and Syrian territory."<sup>66</sup>

Solidarity encampments have received widespread support from community members, professors, alumni, and staff. United Auto Workers authorized a strike across University of California campuses to stand with students and workers being attacked at solidarity encampments.<sup>67</sup>

Below is a non-exhaustive list of talent pools that may become inaccessible to Cisco if Cisco continues to enable Israel's genocide against Palestinians.

- 174 universities across the world have established solidarity encampments and are demanding that their universities divest from Israel, Israeli companies, and companies that enable and support Israel's occupation. See the full list of universities depicted in the image below at <https://www.palestineiseverywhere.com/>.



- Trinity College: Acceded to students' demands and went down in history in May 2024 as one of the first universities to agree to divest from Israeli companies listed on the United Nations "blacklist." Trinity College will also establish a taskforce to review connections with Israeli institutions.<sup>68</sup>

<sup>65</sup> <https://edition.cnn.com/2024/04/30/us/photos-student-protest-movements-reaj/index.html>

<sup>66</sup> <https://x.com/AJEnglish/status/1786214222105657849>

<sup>67</sup> <https://x.com/BTnewsroom/status/1790933088354369721>

<sup>68</sup> <https://wagingnonviolence.org/2024/05/inside-the-student-movement-that-forced-irelands-trinity-college-to-divest-from-israel/>

- Evergreen College: Signed an agreement with students to divest from companies profiting in Gaza in May 2024.<sup>69</sup> The university also agreed to create a taskforce for “socially responsible investing” and provide transparency around investments.<sup>70</sup>
- UCLA: The Associated Students of UCLA successfully voted to divest from apartheid, ethnic cleansing, and genocide. This follows the Graduate Student Association’s earlier call for divestment.<sup>71</sup>
- UC San Diego: Associated Students of UC San Diego passed the Association-Wide Boycott and Divestment resolution in March 2024 to divest student funds from Israel. An estimated 2,500 community members and UCSD students, faculty and staff gathered to lend their support for Palestine at the vote.
- UC Riverside: Associated Students of UC Riverside unanimously passed a BDS resolution in May 2024 to divest student funds from Israel for occupation, ethnic cleansing, and genocide.<sup>72</sup> The university agreed to be transparent about its investments, set up a task force to scrutinize positions in weapons manufacturers, and terminate its study abroad programs in Israel.<sup>73</sup>
- UC Santa Cruz: The Student Union Assembly successfully passed a BDS resolution to divest from Israel.<sup>74</sup>
- UC Davis: Associated Students at the University of California Davis successfully voted to divest student government funds from Israel in May 2024, mandating that the expenditure of student fees will now be compliant with the principles of the BDS movement.<sup>75</sup>
- UC Berkeley: Both bodies of student representatives, the Associated Students at the University of California and the Graduate Assembly, adopted policies aligned with the BDS movement.<sup>76</sup>
- Harvard University: Harvard T.H. Chan School of Public Health, Harvard Graduate School of Design, Harvard Law School, and Harvard Divinity School each successfully voted to divest from Israel.<sup>77, 78, 79, 80</sup> Students ended their encampment after reaching agreement with the university to engage in talks and hold a meeting between students and the Corporation Committee on Shareholder Responsibility regarding Harvard’s endowment.<sup>81</sup>
- University of Michigan: The Senate Assembly passed a divestment resolution in January 2024, which requires the university to divest from companies with financial ties to Israel’s military campaign.<sup>82</sup>

<sup>69</sup> <https://www.theolympian.com/news/local/article288254270.html>

<sup>70</sup> <https://www.instagram.com/p/C6uhGsKvR6L/?hl=en>

<sup>71</sup> [https://www.instagram.com/p/C3mdzAvO\\_x5/?hl=en&img\\_index=1](https://www.instagram.com/p/C3mdzAvO_x5/?hl=en&img_index=1)

<sup>72</sup> [https://www.instagram.com/p/C4KG7HKrCcS/?hl=en&img\\_index=1](https://www.instagram.com/p/C4KG7HKrCcS/?hl=en&img_index=1)

<sup>73</sup> <https://www.instagram.com/p/C6uhGsKvR6L/?hl=en>

<sup>74</sup> [https://www.instagram.com/p/C4Kaj0POiXU/?img\\_index=1](https://www.instagram.com/p/C4Kaj0POiXU/?img_index=1)

<sup>75</sup> <https://www.palestine-studies.org/en/node/1655241>

<sup>76</sup> [https://www.instagram.com/p/C6feNlnLZTA/?hl=en&img\\_index=1](https://www.instagram.com/p/C6feNlnLZTA/?hl=en&img_index=1)

<sup>77</sup> [https://www.instagram.com/harvxrdpsc/p/C7h0RcXJ31S/?img\\_index=1](https://www.instagram.com/harvxrdpsc/p/C7h0RcXJ31S/?img_index=1)

<sup>78</sup> [https://www.instagram.com/p/C563clCuknm/?hl=en&img\\_index=1](https://www.instagram.com/p/C563clCuknm/?hl=en&img_index=1)

<sup>79</sup> [https://www.instagram.com/p/C5ZAsepuKkr/?hl=en&img\\_index=1](https://www.instagram.com/p/C5ZAsepuKkr/?hl=en&img_index=1)

<sup>80</sup> [https://www.instagram.com/p/C5GV29WOpem/?hl=en&img\\_index=1](https://www.instagram.com/p/C5GV29WOpem/?hl=en&img_index=1)

<sup>81</sup> <https://www.wbur.org/news/2024/05/15/massachusetts-colleges-protest-encampments-gaza-divestment>

<sup>82</sup> <https://www.michigandaily.com/news/academics/senate-assembly-passes-umich-divestment-resolution/>

- Columbia University: Columbia College students voted overwhelmingly in favor of the university's divestment from companies supporting the Israeli occupation and cutting Columbia's ties with Israeli universities in April 2024.<sup>83</sup>
- University of Barcelona: Agreed to break institutional and academic ties with Israel in May 2024.<sup>84</sup>
- University of York: Confirmed that it has divested from arms companies linked to Israel pursuant to student demands. Activists have unearthed the University of York's investment in Cisco, noting that "Cisco designs technologies used by Israel to facilitate its occupation of Palestinian territories."<sup>85</sup>
- New York University (NYU) Alumni for Palestine: Called on NYU to "terminate all vendor contracts with companies playing active roles in the military occupation in Palestine and ongoing genocide in Gaza, namely Cisco, Lockheed Martin, Caterpillar and General Electric" in April 2024.<sup>86</sup>
- Rutgers University: The student body successfully passed two bills defining anti-Palestinian racism and Islamophobia, and successfully voted to divest from Israeli apartheid with an unprecedented margin.<sup>87, 88</sup>
- University of Melbourne: Students ended their solidarity encampment after the university met one of their key demands to disclose connections to weapons manufacturers.<sup>89</sup> Students also renamed a building "Mahmoud's Hall" in honor of a Palestinian prospective student who was killed in Gaza before he could matriculate to school in Australia.<sup>90</sup>
- The American University of Beirut: Students demonstrated in solidarity with the people of Gaza, calling in particular on the campuses to put an end to their collaboration with companies associated with Israel.<sup>91</sup>
- Lebanese University: Students demanded that their university end its contracts with Cisco and other technology companies for their affiliation with Israel pursuant to the BDS movement.<sup>92</sup>

For 91 older examples of academic actions to divest from Israel, see <https://nationalsjp.org/bds-victories>.

<sup>83</sup> [https://www.instagram.com/p/C6FCdP7ONcW/?hl=en&img\\_index=1](https://www.instagram.com/p/C6FCdP7ONcW/?hl=en&img_index=1)

<sup>84</sup> [https://www.democracynow.org/2024/5/9/headlines/universities\\_in\\_barcelona\\_dublin\\_commit\\_to\\_divestment\\_measures\\_after\\_student\\_protests](https://www.democracynow.org/2024/5/9/headlines/universities_in_barcelona_dublin_commit_to_divestment_measures_after_student_protests)

<sup>85</sup> <https://www.newarab.com/news/uk-university-divests-israel-linked-arms-companies>

<sup>86</sup> <https://www.aljazeera.com/news/2024/4/30/divest-from-israel-breaking-down-the-us-student-protesters-demands>

<sup>87</sup> [https://www.instagram.com/p/C595R27ObC-/?hl=en&img\\_index=1](https://www.instagram.com/p/C595R27ObC-/?hl=en&img_index=1)

<sup>88</sup> [https://www.instagram.com/p/C52EpaBsFyK/?hl=en&img\\_index=1](https://www.instagram.com/p/C52EpaBsFyK/?hl=en&img_index=1)

<sup>89</sup> <https://www.rnz.co.nz/news/top/517570/pro-palestinian-protesters-announce-end-to-university-of-melbourne-encampment-after-claiming-major-win>

<sup>90</sup> *Id.*

<sup>91</sup> <https://today.lorientlejour.com/article/1412188/if-youre-not-with-palestine-youre-not-with-humanity-students-rally-for-gaza-at-aub.html>

<sup>92</sup> <https://today.lorientlejour.com/article/1412188/if-youre-not-with-palestine-youre-not-with-humanity-students-rally-for-gaza-at-aub.html>

## Attachment E

# Cisco May Face Liability for Violating “Customary International Law”

### Corporate Liability Outside of the United States

Outside of the United States, corporate liability can arise under the principle of universal jurisdiction. Cisco could potentially face legal challenges in the national courts of countries like Canada,<sup>93</sup> the UK,<sup>94</sup> and European Union Member States<sup>95</sup> if it is found that Cisco technology or services were knowingly sold to a foreign government that uses this technology in weapons systems employed in committing crimes against humanity and other indiscriminate killings of civilians, in violation of international law.

For example, if Cisco’s technology or services were knowingly sold to a foreign government that uses this technology in weapons systems employed in committing crimes against humanity and other indiscriminate killings of civilians, against civilian populations, these actions could trigger investigations and prosecutions in various jurisdictions, irrespective of where the violations occurred or the victims’ nationality. Additionally, if victims or their families were to bring their case before the European Court of Human Rights, alleging that the use of Cisco’s technology in such contexts constitutes a violation of their rights under the European Convention on Human Rights, Cisco could face significant legal and reputational repercussions. This court, which adjudicates matters related to the interpretation and application of the European Convention on Human Rights and its protocols, could impose stringent compliance and liability measures on Cisco’s operations across Europe.

### Corporate Liability in the United States

Multinational corporations may be held liable for violations of international law. One such basis for corporate liability in the U.S. legal system is the Alien Tort Statute (“ATS”), which provides redress in U.S. courts to non-U.S. citizens for violations of international law.<sup>96</sup> The ATS gives U.S. federal district courts jurisdiction over “any civil action by an alien for a tort only, committed in violation of the law of nations or a treaty of the United States.”<sup>97</sup>

In addition to the ATS, corporate liability can also arise in U.S. state courts under a tort theory as state courts may extend their jurisdiction for transitory torts, which are claims arising in a different territory.

### Could Cisco face liability under the ATS?

The U.S. Supreme Court’s recent rulings have clarified that ATS claims against a U.S. corporation may proceed when sufficient corporate connections exist between the alleged international law violations and conduct within

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<sup>93</sup> [https://www.un.org/en/ga/sixth/75/universal\\_jurisdiction/canada\\_e.pdf](https://www.un.org/en/ga/sixth/75/universal_jurisdiction/canada_e.pdf)

<sup>94</sup> <https://commonslibrary.parliament.uk/research-briefings/sn05422/#:~:text=The%20UK%20has%20universal%20jurisdiction,torture%20anywhere%20in%20the%20world.>

<sup>95</sup> [https://www.un.org/en/ga/sixth/77/pdfs/statements/universal\\_jurisdiction/12mtg\\_eu.pdf](https://www.un.org/en/ga/sixth/77/pdfs/statements/universal_jurisdiction/12mtg_eu.pdf)

<sup>96</sup> See e.g., *Jesner v. Arab Bank, PLC*, 138 S. Ct. 1386, 1407 (2018); see also *Nestle USA, Inc. v Doe*, 141 S. Ct. 1931, 1941 (2021) (Gorsuch, J., concurring) (“The notion that corporations are immune from suit under the ATS cannot be reconciled with the statutory text and original understanding.”); *id.* at 1948 n.4 (Sotomayor, J. with Breyer & Kagan, JJ., concurring in part and concurring in the judgment) (“[T]here is no reason to insulate domestic corporations from liability for law-of-nations violations simply because they are legal rather than natural persons.”); *id.* at 1950 (Alito, J., dissenting) (“Corporate status does not justify special immunity.”).

<sup>97</sup> 28 U.S.C. § 1350.

the United States. Specifically, the Supreme Court held that there can be liability when there is a direct link between domestic conduct and a substantial effect on overseas human rights abuses.<sup>98</sup>

This means, for example, if Cisco employees within the United States substantially assisted in the design, implementation, or optimization of surveillance systems used by foreign governments to identify, track, and persecute dissidents, religious minorities, or other groups in violation of international laws against torture, forced labor, or crimes against humanity, then Cisco could potentially face liability under the ATS despite the abusive conduct occurring extraterritorially. Cisco's domestic actions facilitating such human rights violations abroad may establish the "sufficient corporate connections" required.

### What constitutes a tort under the ATS?

U.S. courts have found that genocide, war crimes, torture (which includes rape), murder, forced labor, slavery, and other violations of international law are all torts within the meaning of the ATS.<sup>99</sup>

### What constitutes a violation of "the law of nations" under the ATS?

"[T]he law of nations has become synonymous with the term 'customary international law,' which describes the body of rules that nations in the international community 'universally abide by, or accede to, out of a sense of legal obligation and mutual concern.'"<sup>100</sup> Courts have looked to the following as sources of customary international law: "the works of jurists, writing professedly on public law; [] the general usage and practice of nations; [and] *judicial decisions recognizing and enforcing that law*."<sup>101</sup>

Treaties like the United Nations Convention on the Prevention and Punishment of the Crime of Genocide (the "Genocide Convention") also constitute customary international law.<sup>102</sup>

With respect to matters of international law and disputes between Member States of the United Nations, the International Court of Justice (the "ICJ"), also known as the World's Court, is the court of competent jurisdiction.<sup>103</sup> Binding orders of the ICJ, including those related to application of the Genocide Convention, constitute customary international law under the ATS as "judicial decisions recognizing and enforcing [customary international law]."<sup>104</sup>

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<sup>98</sup> Nestle USA, Inc., 141 S. Ct.

<sup>99</sup> See, e.g., Doe I v. Unocal, 395 F.3d 932 (9th Cir. 2002); Kadic v. Karadzic, 70 F.3d 232 (2d Cir. 1995); Filartiga, 630 F.2d at 880; *id.*

<sup>100</sup> Vietnam Ass'n for Victims of Agent Orange v. Dow Chem. Co., 517 F.3d 104, 116 (2d Cir. 2008) *citing* Flores v. S. Peru Copper Corp., 414 F.3d 233, 248 (2d Cir. 2003).

<sup>101</sup> Vietnam Ass'n for Victims of Agent Orange, 517 F.3d at 116 *citing* Filartiga v. Pena-Irala, 630 F.2d 876, 880 (2d Cir. 1980) (quoting United States v. Smith, 18 U.S. (5 Wheat.) 153, 160-61, 5 L.Ed. 57 (1820)).

<sup>102</sup> See Iwanova v. Ford Motor Co., 67 F. Supp. 2d 424 (D.N.J. 1999).

<sup>103</sup> The ICJ was established in 1945 pursuant to the Charter of the United Nations and the Statute of the International Court of Justice "as the principal judicial organ of the United Nations" whose function is to adjudicate disputes in accordance with international law, international conventions, international custom, and general principles of law. Statute of the International Court of Justice, Articles 1, 38. All Member States of the United Nations, including Israel, are parties to the Statute of the International Court of Justice and are obligated to "comply with the decision of the International Court of Justice in any case to which it is a party." Charter of the United Nations, Article 94(1).

<sup>104</sup> Filartiga v. Pena-Irala, *supra* at note 5.

## Customary International Law has Established that Israel is Plausibly Committing Genocide and Violating International Law

### *Judicial Decisions Recognizing and Enforcing Customary International Law*

#### *International Court of Justice (“ICJ”)*

On January 26, 2024, the ICJ issued a legally binding order in the case of *South Africa v. Israel* relating to application of the Genocide Convention, concluding that it is “plausible” that Israel’s actions against Palestinians amount to genocide as defined in the Genocide Convention and that “the right of Palestinians in the Gaza Strip to be protected from acts of genocide and related prohibited acts identified in Article III of the Genocide Convention...are of such a nature that prejudice to them is capable of causing irreparable harm” (the “January Order”).<sup>105</sup>

Pursuant to the January Order, the ICJ required Israel to, among other things:

- (i) prevent the commission of all acts within the scope of Article II of the Genocide Convention, including killing Palestinians, causing serious bodily or mental harm to Palestinians, deliberately inflicting conditions of life calculated to bring about physical destruction in whole or in part of Palestinians, and imposing measures intended to prevent births among Palestinians;
- (ii) ensure that the IOF does not commit any act described in (i); and
- (iii) prevent and punish the direct and public incitement to commit genocide against Palestinians.<sup>106</sup>

Although the January Order is legally binding on Israel and Israel is legally obligated to comply with the January Order pursuant to the Charter of the United Nations,<sup>107</sup> many organizations including Human Rights Watch and Amnesty International, both of which are approved for 100% matching through Cisco’s Community Impact Portal, have concluded that Israel is flagrantly violating the legally binding January Order.<sup>108, 109</sup>

On March 28, 2024, the ICJ issued a second legally binding order in response to South Africa’s emergency appeal due to Israel’s continued aggression and disregard of the January Order (the “March Order”).<sup>110</sup> Noting “exceptionally grave” developments since the January Order, the Court observes that Palestinians are being subjected to unprecedented levels of food insecurity, famine is setting in, and epidemic-prone diseases are spreading due to Israel’s restrictions on the entry of humanitarian aid, depriving Palestinians of food, hygiene supplies, and other basic necessities, inadequate potable water, sanitation, waste management, electricity, heating, and essential medicines, and a collapsed medical system.<sup>111</sup> The Court also notes that since its January Order, Israel had killed over 6,600 Palestinians and injured nearly 11,000 Palestinians.<sup>112</sup>

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<sup>105</sup> Order of 26 January 2024, International Court of Justice, paras. 54, 58, 59, 66, accessible at: <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240126-ord-01-00-en.pdf>

<sup>106</sup> Order of 26 January 2024 at paras. 83, 86.

<sup>107</sup> *Id.* at para. 83.

<sup>108</sup> <https://www.hrw.org/news/2024/02/26/israel-not-complying-world-court-order-genocide-case>

<sup>109</sup> <https://www.amnesty.org/en/latest/news/2024/02/israel-defying-icj-ruling-to-prevent-genocide-by-failing-to-allow-adequate-humanitarian-aid-to-reach-gaza/>

<sup>110</sup> Order of 28 March 2024, International Court of Justice, accessible at: <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240328-ord-01-00-en.pdf>

<sup>111</sup> *Id.* at paras 18-21, 31-32, 34.

<sup>112</sup> *Id.* at para 39.



Based on these circumstances, the Court ordered Israel to, “[i]n conformity with its obligations under the Genocide Convention”:

- (i) fully and immediately cooperate with the United Nations to provide, unhindered and at scale, urgently needed food, water, electricity, fuel, shelter, clothing, hygiene, sanitation, medical supplies, and medical care, and increase the capacity and number of land crossings and maintain them open;
- (ii) ensure with immediate effect that the Israeli military does not commit any violations of the Genocide Convention, including by preventing the delivery of urgently needed humanitarian assistance; and
- (iii) immediately and effectively implement the measures ordered in the January Order.<sup>113</sup>

Due to Israel’s continued aggression and disregard of both the January Order and the March Order, South Africa made another emergency appeal to the ICJ, pursuant to which the ICJ issued a third legally binding order on May 24, 2024 (the “May Order”).<sup>114</sup> Pursuant to May Order, the ICJ instructed Israel to, “in conformity with its obligations under the [Genocide Convention]”:

- (i) immediately stop its military offensive and all other actions in Rafah (the region of the Gaza Strip to which over one million Palestinians have been displaced and are seeking refuge) which could bring about the “physical destruction” of Palestinians in whole or in part;
- (ii) maintain the Rafah crossing open for unhindered provision of “urgently needed basic services and humanitarian assistance” at scale;
- (iii) ensure unimpeded access to the Gaza Strip by any body mandated by organs of the United Nations to investigate allegations of genocide; and
- (iv) immediately and effectively implement the measures ordered in the January Order and the March Order.<sup>115</sup>

While delivering the May Order, the ICJ’s presiding judge, Nawaf Salam, admonished Israel to abide by its obligations under the Genocide Convention and noted that the situation in Gaza has only deteriorated since the March Order.<sup>116</sup>

#### *U.S. District Court of Northern California*

Following the ICJ’s legally binding January Order, the U.S. District Court of Northern California reiterated the ICJ’s conclusion that Israel is plausibly committing genocide. In *Defense for Children International – Palestine v. Biden*, the Plaintiffs alleged that Israel’s longstanding occupation and blockade of Gaza have enabled the conditions for genocide, Israel is currently committing genocide under the Genocide Convention against Palestinians in Gaza, and the U.S. is complicit in genocide and is violating its duty to prevent genocide under international law and U.S. law.

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<sup>113</sup> *Id.* at paras 45-46.

<sup>114</sup> Order of 24 May 2024, International Court of Justice, accessible at: <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240524-ord-01-00-en.pdf>

<sup>115</sup> *Id.* at para 57.

<sup>116</sup> <https://news.un.org/en/story/2024/05/1150196>

In his opinion, U.S. District Court Judge Jeffrey White concludes that Israel is plausibly committing genocide against Palestinians:

[T]he undisputed evidence before this Court comports with the finding of the ICJ and indicates that the **current treatment of the Palestinians in the Gaza Strip by the Israeli military may plausibly constitute a genocide in violation of international law**. Both the uncontroverted testimony of the Plaintiffs and the expert opinion proffered at the hearing on these motions as well as statements made by various officers of the Israeli government indicate that the ongoing military siege in Gaza is intended to eradicate a whole people and therefore plausibly falls within the international prohibition against genocide.

**It is every individual's obligation to confront the current siege in Gaza**, but it is also this Court's obligation to remain within the metes and bounds of its jurisdictional scope.

Although Judge White laments that the Court does not have jurisdiction to hear the case, he admonishes the U.S. Government for its support of Israel's plausible genocide:

There are rare cases in which the preferred outcome is inaccessible to the Court. This is one of those cases. The Court is bound by precedent and the division of our coordinate branches of government to abstain from exercising jurisdiction in this matter. Yet, as the ICJ has found, it is plausible that Israel's conduct amounts to genocide. This Court implores Defendants to examine the results of their unflagging support of the military siege against the Palestinians in Gaza.

### *The General Usage and Practice of Nations*

In addition to respecting the opinions of competent legal authorities, Cisco must also note that customary law is derived from the general usage and practice of nations, and there is growing dissent across the world as governments, world leaders, and the International Criminal Court sanction Israel, Israeli citizens, and Israeli companies for committing genocide and violating international law.

### *U.S. State Department*

The U.S. Department of State (the "State Department") concluded that the Israeli military has committed gross violations of human rights against Palestinians. In April 2024, U.S. mainstream news outlets reported that the Israel Leahy Vetting Forum, a State Department panel comprised of Middle East and human rights experts, concluded that the Israeli military was in violation of the Leahy Law. Under the Leahy Law, the U.S. must end assistance to any foreign military or law enforcement unit that is credibly accused of gross violations of human rights.<sup>117</sup> Torture, extrajudicial killing, enforced disappearance, and rape are considered gross violations of human rights.<sup>118</sup>

The State Department panel's recommendations were based on Israeli military operations against Palestinian communities, including extrajudicial killings by Israeli Border Police, the 2022 murder of an elderly Palestinian-American man in the West Bank, and the 2021 physical and sexual torture and rape of a 15 year old child.<sup>119</sup> The panel recommended action against at least five Israeli military units in December 2023 for gross violations human rights.<sup>120</sup>

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<sup>117</sup> 22 U.S. Code § 2378d.

<sup>118</sup> <https://www.state.gov/key-topics-bureau-of-democracy-human-rights-and-labor/human-rights/leahy-law-fact-sheet/>

<sup>119</sup> <https://www.propublica.org/article/israel-gaza-blinken-leahy-sanctions-human-rights-violations>

<sup>120</sup> <https://thehill.com/policy/international/4630363-us-israeli-military-violated-human-rights/>

The State Department's "2023 Country Reports on Human Rights Practices: Israel, West Bank and Gaza" also details numerous violations of international law and gross violations of human rights inflicted by Israel on Palestinians.<sup>121</sup> The report details, *inter alia*, (i) "extensive and in many cases unprecedented conflict-related abuses and [allegations of] the commission of war crimes by Israel,"<sup>122</sup> (ii) that the Israeli "government or its agents committed arbitrary or unlawful killings during the year,"<sup>123</sup> (iii) that Israel subjected Palestinian detainees to "systemic torture and cruel, inhuman, and degrading treatment or punishment"<sup>124</sup> and "physical and sexual violence, threats, intimidation, severely restricted access to food and water, exposure to extreme cold without adequate clothing, and regular prolonged periods of isolation,"<sup>125</sup> and (iv) that Israeli police across Israel held detainees "for days without access to toilets, proper food, or medical services."<sup>126</sup>

### *Sanctions Against Israeli Settlers and Entities*

Like the United States, the European Union<sup>127</sup> and various countries across the world including the UK, France, Belgium<sup>128</sup> and South Africa have announced sanctions against Israeli settlers and Israeli entities for activities that would violate Cisco's Human Rights Policy, COBC, and international law.

Pursuant to Cisco's Conscious Culture, Cisco stakeholders should be protected from violent internal and external parties.

**Cisco has an obligation to its employees, shareholders, customers, suppliers, partner, and the general public to immediately and publicly advise as to (i) what policies it has in place to determine whether a Cisco employee, contractor, or partner has been sanctioned and (ii) what actions it will take should a Cisco employee, contractor, or partner be sanctioned.**

### *International Criminal Court ("ICC")*

On May 20, 2024, the ICC Prosecutor filed applications for arrest warrants for Israeli Prime Minister, Benjamin Netanyahu, and Israeli Minister of Defense, Yoav Gallant, for the following "war crimes and crimes against humanity committed on the territory of the State of Palestine (in the Gaza strip) from at least 8 October 2023...committed as part of a widespread and systematic attack against the Palestinian population pursuant to State policy":

- starvation of civilians,
- willfully causing great suffering or serious injury to body or health or cruel treatment,
- willful killing or murder,
- intentionally directing attacks against a civilian population,
- extermination and/or murder, including in the context of deaths caused by starvation,
- persecution, and
- other inhumane acts.<sup>129</sup>

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<sup>121</sup> <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/israel-west-bank-and-gaza/>

<sup>122</sup> *Id.* at 30.

<sup>123</sup> *Id.* at 3.

<sup>124</sup> *Id.* at 5.

<sup>125</sup> *Id.* at 7.

<sup>126</sup> *Id.* at 10.

<sup>127</sup> <https://www.euronews.com/my-europe/2024/04/19/eu-sanctions-extremist-israeli-settlers-over-violence-in-the-west-bank>

<sup>128</sup> <https://www.aa.com.tr/en/europe/belgium-to-impose-sanctions-on-israeli-settlers-in-west-bank-foreign-minister/3177630>

<sup>129</sup> <https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-kc-applications-arrest-warrants-situation-state>

### *Non-U.S. Diplomatic Relations*

Countries around the world have taken action to sanction Israel and stand in solidarity with Palestinians. Below is a non-exhaustive list of recent international developments.

- The State of Palestine is recognized by 143 countries around the world. Norway, Spain, and Ireland have recently announced that they join the international community in recognizing the State of Palestine.<sup>130</sup>
- Bahrain recalled its ambassador and suspended economic ties with Israel on November 2, 2023.<sup>131</sup>
- Belgium has taken the lead at the EU level to reevaluate the EU Association Treaty with Israel, which governs trade relations, and has called for an EU-wide import duty on products from Illegal Israeli Settlements.<sup>132</sup>
- Belize suspended diplomatic ties with Israel on November 14, 2023 for “unceasing indiscriminate bombing in Gaza,” consistent violations of international law, and impeding humanitarian supplies from entering Gaza.<sup>133</sup>
- Bolivia severed diplomatic relations with Israel on October 31, 2023 for Israel’s disproportionate military offensive that threatens international peace and security.<sup>134</sup>
- Canada froze new arms export permits to Israel on January 8, 2024 until it can ensure compliance with Canada’s export regime, which bars the export of weapons that could be used in serious violation of international law or serious acts of violence against women and children.<sup>135</sup>
- Chad recalled its diplomats on November 4, 2023 due to the “waves of unprecedented deadly violence in the Gaza Strip.”<sup>136</sup>
- Chile recalled its ambassador on October 31, 2023 due to Israel’s “unacceptable violations of international humanitarian law” in the Gaza strip.<sup>137</sup> Chile also offered a letter of referral to the ICC in support of the ICC Prosecutor’s Office’s investigation, which culminated in applications for arrest warrants of Israel’s Prime Minister and Minister of Defense as discussed above.<sup>138</sup>
- Colombia recalled its ambassador and condemned Israel’s actions in Gaza on October 31, 2023, then, on February 29, 2024, suspended arms imports from Israel and called for a global boycott of Israel due to its

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<sup>130</sup> <https://www.aljazeera.com/news/2024/5/22/mapping-which-countries-recognise-palestine-in-2024#:~:text=that%20recognise%20Palestine-,The%20State%20of%20Palestine%20is%20recognised%20by,143%20countries%20around%20the%20world.&text=Norway%2C%20Ireland%20and%20Spain%20have,Norway%20for%20%E2%80%9Curgent%20consultations%E2%80%9D.>

<sup>131</sup> <https://www.aljazeera.com/news/2023/11/2/bahrain-recalls-ambassador-from-israel-amid-escalating-assault-on-gaza>

<sup>132</sup> <https://www.aa.com.tr/en/europe/belgium-to-lead-reevaluation-of-eu-israel-association-agreement/3196936>

<sup>133</sup> <https://www.pressoffice.gov.bz/belize-takes-measures-against-israel/>

<sup>134</sup> <https://cancilleria.gob.bo/mre/2023/10/31/11891/>

<sup>135</sup> <https://www.reuters.com/world/canadian-freeze-new-arms-export-permits-israel-stay-2024-03-20/>

<sup>136</sup> <https://www.facebook.com/chadianmfa/posts/683031017299757>

<sup>137</sup> <https://www.minrel.gob.cl/noticias-anteriores/chile-llama-en-consultas-a-embajador-de-chile-en-israel>

<sup>138</sup> <https://www.minrel.gob.cl/noticias-anteriores/chile-y-mexico-presentan-remision-de-la-situacion-de-palestina-ante-la>

genocide against Palestinians.<sup>139, 140</sup> Most recently on May 1, 2024, Colombia severed all ties with Israel, ousting the Israeli ambassador along with all staff.<sup>141</sup>

- Honduras recalled its ambassador on November 3, 2023 due to the dire humanitarian situation in the Gaza strip, which it characterized as a genocide.<sup>142, 143</sup>
- Japan suspended arms sales to Israel in wake of Israel's "brutal" military offensive in Gaza.<sup>144</sup>
- Jordan recalled its ambassador and instructed Israel to direct its ambassador not to return to Jordan on November 1, 2023.<sup>145</sup>
- The Maldivian Parliament unanimously passed a resolution severing diplomatic ties with Israel, banning Israeli tourists from entering the country, and banning imports of Israeli goods on April 5, 2024.<sup>146</sup>
- A Dutch court ordered the government to block all exports of parts for F-35 fighter jets, which Israel is using to bomb the Gaza Strip, stating, "[i]t is undeniable that there is a clear risk the exported F-35 parts are used in serious violations of international humanitarian law."<sup>147</sup>
- Spain is refusing to allow ships carrying arms to Israel to dock at its ports in line with its commitment to not "contribute to war."<sup>148</sup> Spanish Parliament passed a resolution in March 2024 calling for an end to the arms trade between Spain and Israel, permanent ceasefire, sufficient and sustained humanitarian access throughout the Occupied Palestine Territory, respect of international law and human rights, and recognition of the Palestinian State.<sup>149</sup>
- South Africa, which has not had an ambassador in Israel since 2018, recalled its diplomats on November 6, 2023, then voted to close the Israeli embassy and suspend all diplomatic relations on November 21, 2023.<sup>150, 151</sup>
- Türkiye recalled its ambassador on November 4, 2023 due to the "unfolding humanitarian tragedy in Gaza caused by the continuing attacks by Israel against civilians, and Israel's refusal of calls of ceasefire and continuous and unhindered flow of humanitarian aid."<sup>152</sup> Türkiye then announced immediate export restrictions on April 9, 2024 and completely halted trade with Israel on May 7, 2024 due to "the mounting humanitarian tragedy."<sup>153, 154</sup>

<sup>139</sup> <https://x.com/CancilleriaCol/status/1719535591807664430>

<sup>140</sup> <https://colombiareports.com/colombia-suspends-arms-imports-from-israel/>

<sup>141</sup> <https://colombiareports.com/colombia-breaks-diplomatic-ties-with-israel/>

<sup>142</sup> <https://x.com/EnriqueReinaHN/status/1720531624289575107ho>

<sup>143</sup> <https://apnews.com/article/honduras-israel-gaza-hamas-dac071d254519c2c72d14791c1ed8907>

<sup>144</sup> <https://www.aljazeera.com/news/2024/2/15/which-countries-have-stopped-supplying-arms-to-israel>

<sup>145</sup> <https://x.com/ForeignMinistry/status/1719720653408829868>

<sup>146</sup> <https://www.lp4q.org/en/news/24548/maldivian-parliament-unanimously-passes-resolution-banning-israeli-tourists-and-products.html>

<sup>147</sup> <https://www.aljazeera.com/news/2024/2/15/which-countries-have-stopped-supplying-arms-to-israel>

<sup>148</sup> <https://www.independent.co.uk/news/world/europe/israel-weapons-gaza-india-spain-port-b2546784.html>

<sup>149</sup> <https://novact.org/en/el-congreso-de-espana-aprueba-poner-fin-al-comercio-de-armas-con-israel/>

<sup>150</sup> [https://www.al-monitor.com/originals/2023/11/south-africa-recalls-diplomats-israel-cites-genocide-gaza#:~:text=South%20Africa%20has%20not%20had,party%2C%20said%20at%20an%20Oct.21/#:~:text=CAPE%20TOWN%2C%20Nov%2021%20\(Reuters,Israelist%20group%20Hamass%20in%20Gaza.](https://www.al-monitor.com/originals/2023/11/south-africa-recalls-diplomats-israel-cites-genocide-gaza#:~:text=South%20Africa%20has%20not%20had,party%2C%20said%20at%20an%20Oct.21/#:~:text=CAPE%20TOWN%2C%20Nov%2021%20(Reuters,Israelist%20group%20Hamass%20in%20Gaza.)

<sup>151</sup> [https://www.reuters.com/world/africa/safrican-lawmakers-vote-suspend-diplomatic-ties-with-israel-shut-embassy-2023-11-21/#:~:text=CAPE%20TOWN%2C%20Nov%2021%20\(Reuters,Israelist%20group%20Hamass%20in%20Gaza.](https://www.reuters.com/world/africa/safrican-lawmakers-vote-suspend-diplomatic-ties-with-israel-shut-embassy-2023-11-21/#:~:text=CAPE%20TOWN%2C%20Nov%2021%20(Reuters,Israelist%20group%20Hamass%20in%20Gaza.)

<sup>152</sup> [https://www.mfa.gov.tr/no\\_-283\\_-tel-aviv-buyukelcimiz-sakir-ozkan-torunlar-in-istisarelerde-bulunmak-uzere-ankara-ya-cagrilmasi-hk.en.mfa](https://www.mfa.gov.tr/no_-283_-tel-aviv-buyukelcimiz-sakir-ozkan-torunlar-in-istisarelerde-bulunmak-uzere-ankara-ya-cagrilmasi-hk.en.mfa)

<sup>153</sup> <https://apnews.com/article/turkey-israel-gaza-war-trade-93c3540c089778c5b53712d2cc36f214>

<sup>154</sup> <https://www.osw.waw.pl/en/publikacje/analyses/2024-05-07/turkey-severs-its-trade-relations-israel>

## Attachment F

### Cisco Must Divest from Israel

Nothing started on October 7, 2023. A desire to return to the state of affairs on October 6, 2023 is a desire to return to a system of apartheid and subjugation where Israel freely violates international law, commits gross violations of human rights, and subjugates the Palestinian people in ways that violate all of Cisco's commitments under its Human Rights Policy and COBC.

On October 20, 2023, Francesca Albanese, United Nations Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, issued a report to the General Assembly of the United Nations:

*Since 1967, the Israeli military occupation has violated international law, whether by disregarding it or distorting it, to justify its unlawful practices. By treating the occupied territory as 'disputed' rather than 'occupied', Israel has granted itself latitude to violate its obligations toward the occupied people, including children.*<sup>155</sup>

Although calls for divestment from Israel are not new, these calls have taken on far greater urgency as the situation in Gaza has become increasingly dire.

Widespread divestment and isolation were critical factors in dismantling the apartheid regime in South Africa. Cisco must not continue to enable apartheid in Occupied Palestine. We can no longer claim "business as usual" or suggest that Cisco's business health will be imperiled if we don't pursue business opportunities to maintain Cisco's commitments under its Human Rights Policy and COBC to uphold international law. Cisco's business is in far greater danger if we do not recognize the need to divest immediately.

**We call upon Cisco to live its stated beliefs, uphold its stated commitments, and truly Power an Inclusive Future for All by joining the ever-growing list of countries, cities, organizations, and businesses that are divesting from Israel and companies supporting and enabling Israel in its genocide against Palestinians.**

Below is a non-exhaustive list of businesses that have recently divested from Israel and companies supporting Israel's genocide against Palestinians.

- Itochu, a Japanese trading firm and one of the world's largest companies, terminated its ties with Israeli arms manufacturer Elbit Systems following the ICJ's ruling: "Taking into consideration the International Court of Justice's order on January 26, and that the Japanese government supports the role of the Court, we have already suspended new activities related to the MOU, and plan to end the MOU by the end of February."<sup>156</sup>
- The Norwegian Government Pension Fund Global (AUM \$1.7 trillion), the world's largest sovereign wealth fund managed by Norges Bank, divested its \$500 million position in Israeli bonds in November 2023.<sup>157</sup> It previously divested from Israeli real estate companies with operations in Illegal Israeli Settlements based on advice from its Council on Ethics "due to unacceptable risk that the companies contribute to systematic violations of individual's rights in situation of war or conflict." The fund is currently scrutinizing

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<sup>155</sup> [A/78/545](#), para. 9

<sup>156</sup> <https://truthout.org/articles/major-japanese-firm-cuts-ties-with-israel-arms-company-elbit-after-icj-ruling/>

<sup>157</sup> <https://jacobin.com/2024/02/israel-genocide-investment-bonds-bds>

its portfolio-wide holdings related to Israel, including whether companies presently selling arms to Israel are in breach of the fund's guidelines and international law.<sup>158, 159</sup>

- Samsung Next, the corporate venture arm of Samsung, shut down its office in Israel due to ongoing embargo calls on Israel pursuant to Israel's human rights violations in Gaza.<sup>160</sup>
- Storebrand Asset Management (AUM \$100 billion+), Norway's second largest fund, completely divested \$141 million in shares in IBM due to IBM's "services contributing to enforcing what the United Nations assessed to be a regime of apartheid in the occupied Palestinian territories."<sup>161</sup> Storebrand has a long history of divesting from companies that contribute to the oppression of Palestinians. In 2020, Storebrand screened its portfolio for companies with operations in Illegal Israeli Settlements and flagged Cisco as potential divestment target.<sup>162</sup>
- Allied Universal, which acquired British security giant G4S in 2021, fully divested from Israel after its largest shareholder, Caisse de dépôt et placement du Québec (CDPQ), which manages the Quebec Pension Plan and other public pension plans, publicly voiced that it would not endorse Israeli torture of Palestinian prisoners. This follows years of international boycott pressure against G4S for its involvement in human rights violations connected to Israeli prisons that led high profile shareholders, including the Church of Sweden, the United Methodist Church, the Bill and Melinda Gates Foundation, and a Kuwaiti investment fund, to dump their shares in G4S.<sup>163</sup>
- French insurance giant AXA announced in April 2024 that it had liquidated all direct and indirect positions in Israeli banks within after growing international boycott pressure.<sup>164</sup> This follows AXA IM's announcement earlier in the year that it would divest from Israeli arms manufacturer Elbit Systems.<sup>165</sup>
- HSBC (\$707 billion AUM), Europe's largest bank, fully divested from Israeli arms manufacturer, Elbit Systems, stating that it "observes international human rights principles."<sup>166, 167</sup>
- Danish pension fund Velliv (\$45 billion+ AUM) divested from 11 Israeli banks that finance Illegal Israeli Settlements due to EU and UN policies directing against investment where there are grounds to suspect violations of human rights and client inquiries since the start of Israel's current aggression in Gaza.<sup>168</sup>
- Kommunal Landspensjonskasse (KLP) (AUM \$138 billion+), Norway's largest pension fund, divested from 16 companies with ties to Illegal Israeli Settlements pursuant to its commitments under the United Nation's Guiding Principles on Business and Human Rights, which Cisco has also pledged to uphold pursuant to its Human Rights policy. KLP stated that "[t]here is an unacceptable risk that the excluded companies are contributing to the abuse of human rights" and are violating international law, including the

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<sup>158</sup> <https://www.aljazeera.com/economy/2021/5/20/norway-wealth-fund-excludes-firms-linked-to-west-bank-settlements>

<sup>159</sup> <https://www.bloomberg.com/news/articles/2024-05-22/norway-wealth-fund-ethics-board-looks-at-middle-east-arms-sales>

<sup>160</sup> <https://globalventuring.com/corporate/news/samsung-next-shuts-down-its-israel-office/#::text=The%20result%20of%20the%20consolidation,previously%20handled%20out%20of%20Israel.>

<sup>161</sup> <https://amwatch.com/AMNews/article17083628.ece>

<sup>162</sup> <https://bdsmovement.net/news/norways-storebrand-divests-from-four-companies-profitng-from-israeli-occupation-and>

<sup>163</sup> <https://bdsmovement.net/BDS-G4S-Victory>

<sup>164</sup> <https://www.eko.org/media/axa-divests-from-israeli-banks-financing-war-crimes-against-palestinians/>

<sup>165</sup> <https://www.middleeastmonitor.com/20190418-france-insurance-firm-axa-divests-from-israel-arms-manufacturer/>

<sup>166</sup> <https://www.haaretz.com/israel-news/business/2018-12-29/ty-article/europes-largest-bank-hsbc-divest-israel-elbit-bds/0000017f-f361-d497-a1ff-f3e1d7ed0000>

<sup>167</sup> <https://www.aljazeera.com/news/2018/12/27/hsbc-divests-from-israeli-arms-company-elbit-systems>

<sup>168</sup> <https://www.newarab.com/analysis/danish-pension-funds-divest-israeli-banks-and-companies>

Geneva Convention.<sup>169</sup> KLP previously divested from Israeli arms manufacturer, Elbit Systems<sup>170</sup> and Heidelberg Cement and Cemex due to their exploitation of Palestinian natural resources in the West Bank.<sup>171</sup>

- Veolia (market cap \$22.4 billion+), a French multinational infrastructure company that operated the rail, bus, sewage, and landfill projects connected to Illegal Israeli Settlements, completely exited Israel after becoming a key international boycott target.<sup>172</sup> This followed after US pension fund TIAA-CREF divested over \$1.2 million in Veolia shares from its Social Choice Funds portfolio and Veolia lost over \$18 billion in contracts worldwide due to grassroots activism.<sup>173</sup>
- CRH (market cap \$55 billion), the Irish building materials group, sold its 25% equity stake in an Israeli cement company involved with building Israel's illegal apartheid wall and Illegal Israeli Settlements, and completely exited the Israeli market after becoming an international boycott target.<sup>174</sup>
- Orange (market cap \$30 billion+), the French telecommunications company that licensed its brand to an Israeli company servicing Illegal Israeli Settlements, was forced to pay its Israeli partner \$54.3 million to exit its licensing agreement after becoming a key international boycott target.<sup>175</sup> Orange is a current Cisco partner.
- ABP, the biggest pension fund in the Netherlands and one of the five largest in the world, divested from two Israeli banks, stating "[w]e expect companies that operate in areas with increased risk of human rights violations to have a human rights policy."<sup>176</sup> This follows ABP's earlier divestment from Israeli arms manufacturer Elbit Systems.<sup>177</sup>
- Ben & Jerry's ended sales in Occupied Palestinian Territory as it was "inconsistent with [Ben & Jerry's] values for [its] product to be present within an internationally recognized illegal occupation."<sup>178</sup>
- General Mills, which manufactured Pillsbury products in Illegal Israeli Settlements, divested from Israel after becoming an international boycott target.<sup>179</sup> The boycott was endorsed by five members of the Pillsbury family who condemned General Mills for "profiting from Israel's war crimes."<sup>180</sup>
- Ireland Strategic Investment Fund (\$16.2 billion AUM) announced in April 2024 that it will liquidate its positions in Israel's top five banks and a supermarket chain due to ties to Illegal Israeli Settlements.<sup>181</sup>
- Dutch pension fund PGGM (\$247.2 billion AUM) divested from all five of Israel's major banks over unethical and illegal practices after trying to convince them to reconsider their backing of Illegal Israeli Settlements in the West Bank.<sup>182</sup>

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<sup>169</sup> <https://www.ai-cio.com/news/norways-largest-pension-firm-divests-from-16-west-bank-linked-firms/>

<sup>170</sup> <https://electronicintifada.net/content/scandinavian-financial-institutions-drop-elbit-due-bds-pressure/8685>

<sup>171</sup> <https://electronicintifada.net/blogs/adri-nieuwhof/german-mexican-firms-blacklisted-norway-pension-fund-over-israeli-occupation>

<sup>172</sup> <https://electronicintifada.net/blogs/ali-abunimah/boycott-hit-veolia-dumps-jerusalem-rail-completes-israel-withdrawal>

<sup>173</sup> <https://bdsmovement.net/news/major-us-pension-fund-divests-ethical-fund-veolia>

<sup>174</sup> <https://www.cemnet.com/News/story/158370/crh-exits-israeli-operations.html>

<sup>175</sup> <https://www.newsweek.com/orange-ends-partnership-israeli-company-bds-claims-another-scalp-412202>

<sup>176</sup> <https://bdsmovement.net/news/biggest-dutch-pension-fund-abp-divests-from-israeli-banks>

<sup>177</sup> <https://electronicintifada.net/content/scandinavian-financial-institutions-drop-elbit-due-bds-pressure/8685>

<sup>178</sup> <https://www.benjerry.com/about-us/media-center/opt-statement>

<sup>179</sup> <https://mondoweiss.net/2022/12/five-bds-wins-in-2022-that-you-might-have-missed/>

<sup>180</sup> <https://mondoweiss.net/2021/04/members-of-pillsbury-family-join-bds-fight-against-company/>

<sup>181</sup> <https://www.reuters.com/business/finance/irelands-sovereign-investment-fund-divest-six-israeli-firms-2024-04-05/>

<sup>182</sup> <https://bdsmovement.net/news/dutch-pension-giant-divests-5-israeli-banks>



- FDC (\$25 billion AUM), Luxembourg's state pension fund, divested from all five of Israel's major banks, Motorola Solutions, Elbit Systems, Africa Israel Investments, and other companies due to their involvement in Illegal Israeli Settlements and human rights violations in Occupied Palestine, which is inconsistent with FDC's socially responsible investment strategy.<sup>183</sup>
- Danske Bank (\$100 billion+ AUM), Denmark's largest asset manager, divested from Israeli arms manufacturer Elbit Systems and Africa Israel Investments for failing to meet its socially responsible investment policy, pursuant to which its investments must follow international conventions in human rights, stating that the bank was looking out for its customers by not "placing their money in companies that violate international standards."<sup>184</sup> Danske Bank previously divested from 24 companies based on their activities in Illegal Israeli Settlements.<sup>185</sup>
- Dutch water company Vitens discontinued all joint ventures with Israel's national water supplier due to its illegal operations in Illegal Israeli Settlements in the West Bank, stating "[w]e follow international law."<sup>186</sup>
- Nordea Bank (\$272 billion AUM), Sweden's largest bank and one of Europe's most important financial institutions, terminated all joint operations with Israeli banks tied to Illegal Israeli Settlements and divested from Cemex due to its exploitation of Palestinian natural resources in the West Bank.<sup>187, 188</sup>
- Microsoft divested from AnyVision, an Israeli facial recognition startup that came under scrutiny after it was revealed that AnyVision's technology was being used to surveil Palestinians. Following its investigation into the allegations, Microsoft also announced that it would no longer make investments in facial recognition.<sup>189</sup>
- East Sussex Pension Fund, a major local government pension fund in Britain, divested from Israeli arms manufacturer Elbit Systems due to human rights concerns.<sup>190</sup>
- Scottish pension funds, Lothian Pension Fund (\$8 billion AUM), Tayside Pension Fund (\$5.2 billion AUM), and Falkirk Pension Fund, each liquidated their positions in Bank Hapoalim, a major Israeli bank that finances Illegal Israeli Settlements.<sup>191</sup>
- The New Zealand Superannuation Fund (\$45.43 billion AUM) sold all of its shares in Israeli arms manufacturer Elbit Systems and other companies involved in constructing Israel's illegal apartheid wall and Illegal Israeli Settlements, which the fund considered to be inconsistent with the United Nations Global Compact.<sup>192</sup> Cisco has also committed to uphold the United Nations Global Compact in its Human Rights Policy.

<sup>183</sup> <https://electronicintifada.net/blogs/ali-abunimah/luxembourg-pension-fund-dumps-9-israeli-firms-over-settlements>

<sup>184</sup> <https://bdsmovement.net/news/danske-bank-divests-elbit-and-africa-israel>

<sup>185</sup> *Id.*

<sup>186</sup> <https://www.timesofisrael.com/major-european-institutions-blacklist-israeli-banks/>

<sup>187</sup> <https://www.timesofisrael.com/major-european-institutions-blacklist-israeli-banks/>

<sup>188</sup> <https://bdsmovement.net/news/cemex-excluded-nordea%E2%80%99s-investment-portfolio-due-extraction-palestinian-natural-resources>

<sup>189</sup> <https://www.itnews.com.au/news/microsoft-to-divest-anyvision-stake-end-face-recognition-investing-540033>

<sup>190</sup> <https://electronicintifada.net/blogs/asa-winstanley/uk-pension-fund-drops-israeli-arms-firm>

<sup>191</sup> <https://theferret.scot/lothian-pension-fund-drops-israeli-bank/>

<sup>192</sup> <https://bdsmovement.net/news/nz-super-fund-cuts-firms-ethical-grounds>