



## Russell Tribunal on Palestine

The Russell Tribunal on Palestine (RToP) was launched in Brussels on 4 March 2009. It's a people's tribunal in the spirit of the Tribunal on the Vietnam war that was set up by Lord Bertrand Russell in 1966 to protest the inconceivable war crimes and the crimes against humanity that

were inflicted on the Vietnamese people by the United States of America. The first tribunal comprised people such as Jean-Paul Sartre, James Baldwin, Simone de Beauvoir, Isaac Deutscher to name a few. So far, there has been a second Russell Tribunal on Latin America from 1974 to 1976 dealing with crimes committed by Latin American military juntas.

Sartre said about the tribunal on Vietnam: "The legality of the Russell Tribunal comes from both its absolute powerlessness and its universality." The RToP has also no legal status, and draws its strength from the will of people who wish to put an end to the impunity that Israel enjoys while denying the Palestinians their basic human rights and the mere existence in their ancient homeland.

The RToP is an International People's Tribunal created by a large group of citizens involved in the promotion of peace and justice in the Middle East. The aim of the Tribunal is to reach opinions carrying the weight of authority; opinions that can then be used to legitimize campaigns waged in support of the struggle of the Palestinian people for justice. Supporters of the RToP include several Nobel Prize laureates, a former United Nations Secretary-General, a former United Nations Under-Secretary-General, two former heads of state, other persons who held high political offices and many representatives of civil society, writers, journalists, poets, actors, film directors, scientists, professors, lawyers and judges. Public international law constitutes the legal framework of the RToP.

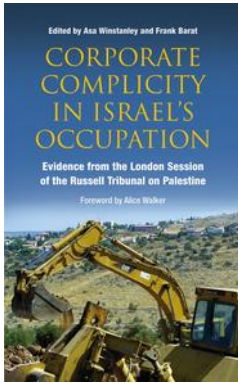
The jury comprised public figures like the author and poet Alice Walker, USA, John Dugard, Professor of International Law, Former Special rapporteur for both the UN Commission on Human Rights and the International Law Commission, Cynthia McKinney, former member of the US Congress and 2008 presidential candidate, Green Party, USA, Michael Mansfield, barrister, President of the Haldane Society of Socialist Lawyers, United Kingdom, José Antonio Martín Pallín, emeritus judge, Chamber II, Supreme Court, Spain, Gisèle Halimi, lawyer, former Ambassador to the UNESCO, France, Lord Anthony Gifford, British hereditary peer and senior barrister and others.

So far, there have been three sessions of the RToP. The *first* meeting took place in Barcelona on the weekend of 1-3 March 2010. It was hosted and supported by the Barcelona National Support Committee and the Office of the Mayor of Barcelona, under the honorary presidency of Stéphane Hessel, former Ambassador of France and one of the authors of the Universal Declaration of Human Rights. This session's objective was to consider the complicities and omissions of the European Union and its member states in the ongoing occupation of Palestinian territories by Israel and the perpetuation of the violations of international law committed by Israel, in total impunity. Testimonies were given to the right to self-determination of the Palestinian people, the closure of the Gaza Strip and operation "Cast Lead", the illegal settlements and the plundering of natural resources, the annexation of East-Jerusalem, the Wall built on occupied Palestinian territory and the EU-Israel Association Agreement and military cooperation.

The Tribunal finds that Israel has violated international law and has committed, and continues to commit, grave breaches of international law against the Palestinian people. Furthermore, the testimonies show that the European Union (EU) and her member states do not respond to these violations, although they are obliged to do so. The EU treats Israel like a member state by granting it preferential treatment, albeit it isn't. Israel's violations of international law are frequently violations of "peremptory norms" of international law (*jus cogens*): targeted killings that violate the right to life, deprivation of the liberty of Palestinians in conditions that violate the prohibition of torture, violation of the right of peoples to self-determination, living conditions imposed on a people that are beyond the pale. Despite all of these and much more human rights violations by Israel, the EU keeps mum. How deep the EU's involvement in Israel's occupation of the Palestinian territories is, is shown by David Cronin in his book "Europe's Alliance with Israel. Aiding the Occupation".

The *second* international session of the RToP took place in London, on 20, 21 and 22 November 2010. It examined International corporate complicity in Israel's violations of International Human Rights Law, International Humanitarian Law, and War Crimes. The tribunal addressed the complicity of international corporations in Israel's illegal occupation of Palestinian land which has now endured for almost forty-five years. Results of this session were published by Pluto Press in the book "Corporate Complicity in Israel's Occupation" that was edited by Asa Winstanley and Frank Barat with a foreword by US-author and poet Alice Walker who is a member of the jury.

In their introductory remarks the editors wrote the following on Israel's guilt: "The tribunal's aim is emphatically *not* to examine the question of Israel's guilt – in terms of illegal occupation of Palestinian and other Arab territories, war crimes and other violations of international law. Israel has already been



proven guilty several times over by international rulings, famously including the International Court of Justice's 2004 advisory opinion against the Israeli apartheid wall in Palestine." For the members of RToP, Israel's guilt was a foregone conclusion.

The companies concerned were "put on trial" before a people's jury at the session in London. High profile witnesses gave evidence against the companies, serving to highlight different aspects of the occupation. In its concluding statement, the Tribunal stated that there is "compelling evidence of corporate complicity in Israeli violations of international law, relating to: the supply of arms; the construction and maintenance of the illegal separation Wall; and in establishing, maintaining and providing services, especially financial, to illegal settlements, all of which have occurred in the context of an illegal occupation of Palestinian territory".

The *third* international session of the RToP took place in the South African city of Cape Town, on 5, 6 and 7 November 2011. The tribunal asked a very sensitive question: "Are Israel practices against the Palestinian People in breach of the prohibition on apartheid under International Law?" Many Israeli and Palestinian human rights lawyers and activists participated in that meeting, among them Lea Tsemel, Jeff Halper, Emily Schaeffer, Haneen Zoabi, Raji Sourani, Shawqi Issa, Mohammed Katib and Ingrid Jaradat. Although the Israeli government was invited to present her case, the government didn't even respond.

*Apartheid* is the Afrikaans word for "separateness" or "separate development" that was used to designate the official state policy of racial discrimination implemented in South Africa between 1948 and 1994. Apartheid was prohibited by international law because of the experience of apartheid in southern Africa. However, the legal definition of apartheid applies to any situation anywhere in the world where the following three core elements exist: Firstly that two distinct racial groups can be identified; secondly that "inhuman acts" are committed against the subordinate group; and thirdly that such acts are committed systematically in the context of an institutionalized regime of domination by one group over the other. Before the tribunal could come to a conclusion whether Israeli policies towards the Palestinians constitute a form of "Apartheid", it delved deeply into the bases and content of the legal definition that are given in the various international declarations, conventions, treaties et cetera.

The tribunal came to the conclusion that some policies of the Israeli government in the Occupied Palestinian Territories (OPT) constitute a form of "Apartheid". John Dugard, the South African professor

of international law and former Special Rapporteur to the Human Rights Council on Human Rights in Palestine, said in his statement: "Israel's practices in the OPT do resemble those of apartheid. Although there are differences, these differences are outweighed by the similarities." The tribunal reminds states and international organizations of their responsibilities. "The conclusion that Israel's discriminatory and segregationist policies in the occupied territories as well as in Israel collectively amount to a regime of apartheid has serious consequences for states and international organizations under international law. Apartheid and persecution, as defined in the foregoing, are internationally wrongful acts and international law crimes which trigger specific responsibilities. Third states have a duty to cooperate to bring Israel's apartheid acts and policies of persecution to an end, including by not rendering aid or assistance to Israel and not recognizing the illegal situation arising from its acts. They must bring to an end Israel's infringements on international criminal law through the prosecution of international crimes, including the crimes of apartheid and persecution."

In its recommendations the tribunal calls on Israel "to immediately dismantle its system of apartheid over the Palestinian people, to rescind all discriminatory laws and practices, not to pass any further discriminatory legislation, and to cease forthwith acts of persecution against Palestinians". The sessions of the tribunal were characterized by great seriousness. Neither was Israel vilified nor treated unjustly. The experts just gave testimony of the reality on the ground which is very burdensome.

The *last* session of the RToP will take place in New York, USA, towards the end of 2012. It should deal with the relationship between the U. S. Empire and the State of Israel and their cooperation in the occupation of Palestine and hegemony over the entire Middle East. Thereafter, the tribunal's final verdict should be delivered at its closing session.

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