



# General Assembly

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## Human Rights Council

Nineteenth session

Agenda item 7

**Human rights situation in Palestine and other  
occupied Arab territories**

### **Written statement\* submitted by the Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP), a non- governmental organization on the roster**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[3 February 2012]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

## **Israel subjects the Palestinian people to an institutionalized regime of domination amounting to apartheid as defined under international law<sup>1</sup>**

On 5, 6 and 7 November 2011, took place in Cape Town (South Africa) the third session of the Russell Tribunal on Palestine<sup>2</sup>. The Russell Tribunal on Palestine (RToP) is a court of the people, a Tribunal of conscience created in reaction to injustices and violations of international law that are not dealt with by existing international jurisdictions, or that are recognized but continue with complete impunity due to the lack of political will of the international community.

The RToP is imbued with the same spirit as the Tribunal on Vietnam (1966-1967), which was established by the eminent scholar and philosopher Bertrand Russell, and the Tribunal on Latin American dictatorships (1974-1976), organized together with the Lelio Basso International Foundation for the Rights and Liberation of Peoples. It does not compete with other jurisdictions (domestic or international), but works on a complementary basis to enforce the law in the Israeli-Palestinian conflict.

The eminence of the RToP stems from its extensive International Support Committee, which includes Nobel Prize laureates, a former United Nations Secretary-General, former Heads of State, other personalities who have held high political office, and representatives of civil society.

The jury of the RToP is made up of international personalities known for their actions and moral integrity: Stéphane Hessel (Ambassador of France), Mairead Corrigan Maguire (Nobel Peace laureate 1976), John Dugard (former United Nations Special Rapporteur on Human Rights in the Occupied Palestinian Territories), Lord Anthony Gifford (founder of the law firm Gifford Thompson & Bright – UK), Gisèle Halimi (former Ambassador of France to UNESCO), Ronald Kasrils (former Minister), Michael Mansfield (President of the Haldane Society of Socialist Lawyers – UK), José Antonio Martín Pallín (Emeritus Judge, Supreme Court, Spain), Cynthia McKinney (former Member of the US Congress), Alberto San Juan (actor - Spain), Yasmin Sooka (Executive Director of the Foundation for Human Rights - South Africa), Aminata Traoré (former Minister of Culture – Mali), Alice Walker (poet and writer – USA).

Following the hearings and the deliberations of the jury, the findings of the third session of the Russell Tribunal on Palestine are summarised as follows:

### **I. Apartheid**

The Tribunal finds that Israel subjects the Palestinian people to an institutionalized regime of domination amounting to apartheid as defined under international law. This discriminatory regime manifests itself in varying intensity and forms against different categories of Palestinians depending on their location. The Palestinians living under colonial military rule in the Occupied Palestinian Territory are subject to a particularly aggravated form of apartheid. Palestinian citizens of Israel, while entitled to vote, are not part of the Jewish nation as defined by Israeli law and are therefore excluded from the

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<sup>1</sup> Abstracts from the Summary of findings of the 3rd session of the Russell Tribunal on Palestine (<http://www.russelltribunalonpalestine.com/en/sessions/south-africa/south-africa-session-%e2%80%94-full-findings/cape-town-session-summary-of-findings>)

<sup>2</sup> [www.russelltribunalonpalestine.com](http://www.russelltribunalonpalestine.com)

benefits of Jewish nationality and subject to systematic discrimination across the broad spectrum of recognised human rights. Irrespective of such differences, the Tribunal concludes that Israel's rule over the Palestinian people, wherever they reside, collectively amounts to a single integrated regime of apartheid.

The state of Israel is legally obliged to respect the prohibition of apartheid contained in international law. In addition to being considered a crime against humanity, the practice of apartheid is universally prohibited.

Apartheid is prohibited by international law because of the experience of apartheid in southern Africa, which had its own unique attributes.

Individual inhuman acts committed in the context of such a system are defined by international law as crimes of apartheid. The jury heard abundant evidence of practices that constitute 'inhuman acts' perpetrated against the Palestinian people by the Israeli authorities. These include:

- widespread deprivation of Palestinian life through military operations and incursions, a formal policy of 'targeted killings', and the use of lethal force against demonstrations;
- torture and ill-treatment of Palestinians in the context of widespread deprivation of liberty through policies of arbitrary arrest and administrative detention without charge. The jury finds that such measures frequently go beyond what is reasonably justified by security concerns and amount to a form of domination over the Palestinians as a group;
- systematic human rights violations that preclude Palestinian development and prevent the Palestinians as a group from participating in political, economic, social and cultural life. Palestinian refugees who remain displaced are also victims of apartheid by virtue of the ongoing denial of their right to return to their homes, as well as by laws that remove their property and citizenship rights. Policies of forced population transfer remain widespread, particularly in the occupied Palestinian Territory;
- civil and political rights of Palestinians, including rights to movement, residence, and freedom of opinion and association, are severely curtailed. Palestinian socio-economic rights are also adversely affected by discriminatory Israeli policies in the spheres of education, health and housing.

Since 1948 the Israeli authorities have pursued concerted policies of colonisation and appropriation of Palestinian land. Israel has through its laws and practices divided the Israeli Jewish and Palestinian populations and allocated them different physical spaces, with varying levels and quality of infrastructure, services and access to resources.

The inhuman acts listed above do not occur in random or isolated instances. They are sufficiently widespread, integrated and complementary to be described as systematic. They are also sufficiently rooted in law, public policy and formal institutions to be described as institutionalised. In the Israeli legal system, preferential status is afforded to Jews over non-Jews through its laws on citizenship and Jewish nationality, the latter of which has created a group privileged in most spheres of public life, including residency rights, land ownership, urban planning, access to services and social, economic and cultural rights.

## **II. Persecution as a crime against humanity**

Much of the evidence heard by the Tribunal relating to the question of apartheid is also relevant to the separate crime against humanity of persecution, which can be considered in

relation to Israeli practices under the principle of cumulative charges. Persecution involves the intentional and severe deprivation of fundamental rights of the members of an identifiable group in the context of a widespread and systematic attack against a civilian population. The Tribunal concludes that the evidence presented to it supports a finding of persecution in relation to the following acts:

- the siege and blockade of the Gaza Strip as a form of collective punishment of the civilian population;
- the targeting of civilians during large-scale military operations;
- the destruction of civilian homes not justified by military necessity;
- the adverse impact on the civilian population effected by the Wall and its associated regime in the West Bank, including East Jerusalem;
- the concerted campaign of forcible evacuation and demolition of unrecognised Bedouin villages in the Negev region of southern Israel.

### **III. Actions required and recommended**

The Russell Tribunal on Palestine resolutely urges all relevant parties to act in accordance with their legal obligations.

Accordingly, the Tribunal urges:

- the state of 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;
- all states to cooperate to bring to an end the illegal situation arising from Israel's practices of apartheid and persecution. In light of the obligation not to render aid or assistance, all states must consider appropriate measures to exert sufficient pressure on Israel, including the imposition of sanctions, the severing of diplomatic relations collectively through international organisations or, in the absence of consensus, individually by breaking off bilateral relations with Israel;
- the Prosecutor of the International Criminal Court to accept jurisdiction as requested by the Palestinian authorities in January 2009, and to initiate an investigation 'as expeditiously as possible', as called for by the 'Goldstone Report', into international crimes committed in Palestinian territory since 1 July 2002, including crimes of apartheid and persecution;
- Palestine to accede to the Rome Statute of the International Criminal Court;
- the UN General Assembly to reconstitute the UN Special Committee against Apartheid, and to convene a special session to consider the question of apartheid against the Palestinian people. In this connection the Committee should compile a list of individuals, organisations, banks, companies, corporations, charities, and any other private or public bodies which assist Israel's apartheid regime with a view to taking appropriate measures;
- the UN General Assembly to request an advisory opinion from the International Court of Justice, as called for by the current and former UN Special Rapporteurs on human rights to the Occupied Palestinian Territory, as well as by the Human Sciences Research Council of South Africa, to examine the nature of Israel's prolonged occupation and apartheid.