Trying Israel for Its Crimes

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There is no future for Israel despite all the sinful actions it has committed against the Palestinian people.  For 60 years it has torn apart and occupied this land as well as tortured, killed, and expelled its people.

I travelled about the land to explore  its tearing process via the apartheid wall and hundreds of other fixed and portable barriers built in order to paralyze Palestinians' mobility, kill their ability to live and work, continuously threaten them with encroachment, and deprive them of feeling safe and secure in their own country.

I saw the Judeazation of Jerusalem to become the capital of Israel rather than the promised Palestinian state. I saw how the settlements are spreading everywhere like spores inhabited by pervert vagabonds who came from everywhere around the world to occupy this land. They are given all the rights and privileges just because they are Jews, they sometimes claimed, at the expense of the rights of its original inhabitants, including those who immigrated from their towns but remained in Palestine, who are being denied the right to return to their homes.

These people experience all kinds of torture and humiliation and are prevented from connecting with each other without a permit justifying their movement from one place to another.

Even a foreign tourist is allowed what they are denied.  However, if this tourist is of Arab origin, or if his passport indicates that he had visited any Arab countries, or even if there is mere suspicion about his desire to explore the situation or support Palestinians, most often he is subjected to lengthy investigations and stands for hours in the airport waiting for permission to enter, that is, if he is not sent back to where he came from as in a recent incident with the UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 and others.

Everything in historical Palestine that was occupied in 1948 and 1967 indicates that the Palestinian is undesired anywhere on this holy land, whether it is under the direct authority of the Hebrew state, principally under the Palestinian Authority, or surrounded by walls and isolated from the world like a large prison such as in Gaza.

In any case, it is a matter of subjection to occupational authority which continues to be called in common Western literature a "democratic state" in spite of the West's knowledge of the schemes prepared to empty the land of its original inhabitants using all illegitimate means and imposing these schemes through force, lies, killing, and expulsion.  As one of the Israeli war criminals put it, "The only good Palestinian is a dead Palestinian."

The schemes laid down to change the map of the Middle East and control its wealth necessitated, as in the previous rounds in Iraq, Lebanon, and others, paving the way for twisting truths, deploying media, and creating fabrications to demonize the enemy and hence facilitate attacking them with the least possible moral costs.

Campaigns were launched fabricating so-called "Islamophobia" in the West so that resistors (particularly Islamists) would instead be called terrorists and extremists who should not be dealt with.

Hence, the so-called "war on terror" enabled the crackdown on philanthropic and humanitarian societies (even independent figures who were supporters of just causes) and the freezing of their capital and activities.

It has become easy to bare the victim of all human characteristics and even hold him responsible for the sins being committed against him.  This is how throughout the years the so-called "western democracies," international institutions, and non-governmental organizations became involved in the process.

In this context, the false claims of Hamas being responsible for ending the so-called truce as the reason behind the Gaza holocaust that has continued for more than two weeks shelling weapons from sea, air, and land, day and night, some of which are internationally banned, causing massive death and destruction.  It was the Israeli army which had broken the truce several times while it had been preparing for this round after the long months of the criminal siege it imposed on the people of Gaza.

On the other hand, the massacres that are taking place today in this strong city of Gaza were met with strong reactions by the civil society, especially the civil resistance movements leading to the launch of an alternative globalization of solidarity that exceeds boundaries, connects cultures, and urges cooperation between people.

Supporting the right of resistance to restore and defend the right to live originates from the fact that resistance is a right and duty recognized by international customs ever since the American Declaration Independence on July 4, 1776 clearly stipulated this right considering a just authority as that which is agreed upon by the ruled.  It was followed by the French Declaration of the Rights of Man and the Citizen in 1789, which recognized four basic human rights:  the right to possession, to liberty, to security, and to resist oppression and despotism.

But Europe, the beneficiary of direct colonialism, would be the last to accept this concept of resisting colonialism and right of self-determination.  In spite of that, the growth of national liberation movements everywhere made it impossible to defend incapable people for a long time, so, the Palestinian people's right to be protected became an international responsibility.

And if the universal human right to resist was recognized so that a "person doesn't eventually resort to rebellion," then ruling out this right from the human rights dictionary doesn't only mean the victory of oppression and despotism, but also the support of extremism and terrorism.

Civil rebellion, military coups, or at least a third intifadah (uprising) in Palestine is what we may witness in the near future as an expression of the boiling Arab fury that exceeded expectations after inter-Palestinian rifts caused many to turn away from the issue.

Therefore, everyone is called upon to correct the course and invest in it positively to confront the law of power and the imposition of the power of law over people who don't fear breaking, subjugating, and circumventing laws, and to reverse the rules of the game and change the wrong equations and double standards.

Establishing laws is not only to protect people from the oppression of the wealthy and powerful, but also to protect people from their cognitive and psychological deviations, especially since what is occurring in Gaza rises to the level of war crimes per the United Nations Charter.

The situation of Gaza Strip, officially under Israeli occupation, necessitates that the occupying country respect the 4th Geneva Accords concerned with protecting civilians.  The occupier's military operations also violate Article 402 of the UN Charter banning resort to force in international relations, and Article 201 securing people's right to self-determination.  The ten-month siege imposed on Gaza is also a violation of the basic international and humanitarian law.

The Hebrew state’s defiance of laws, legislations, and values results from the protection that places it above international law and accountability. It is also due to the weakness of the judicial mechanism in dealing with cases concerned with escaping punishment.

This is why there must be an expansion of the forms of solidarity and networking between the free and democratic people of the world to pressure those representing them to change their stances that are harming their people, correct the mechanisms of international institutions concerned, and try criminals of humanity in international or reputable local courts.

The decisions of the UN General Assembly had defined, since the early 1970s, the crimes of aggression and war and laid the foundations of international cooperation for pursuing and trying criminals of war and criminals against humanity.

Such crimes must be confronted on several fronts: media, political, economic, humanitarian, organizational, and legal.  Legally, although short-term results may not be seen, rights organizations or victim representatives must approach the International Criminal Court (rather than the Justice court which is only a mediator between countries and allows the intervention of the UN Security Council or General Assembly) and pressure the Attorney General to carry out a field investigation into the crimes committed and verify the crimes of war and the specific names of those who committed them.

The universal jurisdiction, at least theoretically in 47 European Council countries, allows lawsuits in their courts even if the criminal does not carry the country's citizenship.  This is especially true in Spain where laws seem most effective in this regard.

It is sufficient that the victim hold the citizenship of the country in which he is filing a lawsuit, in order to have the criminals tried, whether anonymous or specific Israeli officials, even if they enjoy immunity, as immunity is waived in cases of war crimes.

In spite of insufficient use of these mechanisms, we shouldn't forget that many Israelis aren't able to travel to Europe for fear of being arrested under this universal jurisdiction.

Although the whole international system is responsible for the crimes being committed in Gaza today, the settlements and Israeli practices in Palestine and covering up on the crimes of occupation are being ignored by America, Europe, and even the Arab countries.

The same applies to UN institutions including the Human Rights Council, General Assembly, and especially the Security Council, which played a major role by giving Israel the right to veto. This is in essence an illegal custom in its internal system as it treats Israel as though it were a member via the continuous American intervention to delay any decision for its trial.  As a result, it mocked all the decisions taken against it and didn't abide by it.

As for France, it had given Israel on December 8, 2008 before the end of its presidency of the EU the status of a partner which has satisfied all membership criteria. The decision was even taken against the will of the European Parliament, which considered that Israel gave no guarantee that it would respect the basic rights and liberties that are the essence of the European institution.  This led European and Arab societies to file a lawsuit to invalidate the agreement before the grace period of 60 days after signing and before ratification..

The campaign isn't only judicial, but also targets the public opinion to expose the violations that EU countries resort to in order to strengthen a country that blatantly and repeatedly violates international law and demands that the European citizen bear the cost.

And here we ask the Sarkozy-Kouchner duet who won this achievement, are all these war crimes in Gaza not worth dropping the agreement? We also ask Kouchner about his humanitarian passages which he fabricated to permit his intervention in state affairs during crises which we're not hearing anything about today.  Or are the Palestinians excluded from the category of people who deserve protection and justice?

The universality of rights and equality between nations enable turning to the UN General Assembly, which most often takes stances that are relatively good but not effective, to approve of a special court for trying Israel.

It must also decrease the status of this state from a member state in the UN to observer (i.e. Jewish caucus).  In the end, citizens can form a court of conscience, similar to the Russell and Cairo tribunals, in order to try Bush, Rumsfeld, Sharon and the Brussels Tribunal to try Israeli crimes in Lebanon. This is also to expose these official institutions and the truth to public opinion despite the effectiveness of Zionist lobbies politically, economically, and media-wise, whether within international institutions, some western governments, and some Arab governments.

In this context we cite as an example, that the Hebrew state is to this day still receiving compensations from the Swiss Federation for closing its borders in the face of those who faced death under Nazism!