Media Briefing for the 3rd International session of the Russell Tribunal on Palestine

“Are Israel’s practices against the Palestinian People in breach of the prohibition on Apartheid under International Law?”

The Russell Tribunal on Palestine is a public awareness tribunal set up by international civil society to investigate violations of international law perpetrated against the Palestinian people.

The 3rd international session, in Cape Town on 5-7 November, will examine whether Israel’s practices against the Palestinians is in breach of the prohibition on Apartheid under International Law.

Pierre Galand, a retired Senator from Belgium and lifelong human rights campaigner and Frank Barat recently visited South Africa to start working on the next session of the Russell Tribunal on Palestine. They received an amazing welcome from South African civil society and also from various senior members of the ANC. The trade union federation, COSATU was also very supportive as were many other solidarity groups.

During the Cape Town session, the Jury will consider cases on:

• The Palestinian right to self determination
• The Law and Practice of Apartheid in South Africa and Palestine
• Elements of the definition of Apartheid
• Acts of Apartheid

The Jury will also hear a presentation by the Israeli Government, experts and witnesses, before presenting its conclusions at a news conference.
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What is the Russell Tribunal on Palestine?

The first Russell Tribunal met in 1967 to investigate war crimes committed in Vietnam and to adjudicate them on the basis of international law.

It was set up by Bertrand Russell, winner of the Nobel Prize for Literature in 1950, and chaired by Jean-Paul Sartre. Eminent intellectuals such as Lelio Basso, Julio Cortazar Lazaro Cardenas and Simone de Beauvoir took part in the tribunal’s proceedings.

Despite lacking formal judicial status, the tribunal acted as a public awareness forum, highlighting acts of injustice and impunity for violations of international law.

Decades later, the Bertrand Russell Peace Foundation is sponsoring the establishment of a Russell Tribunal on Palestine. This tribunal is formed to discuss errors, omissions and complicity of third nations and international organisations causing Israel’s occupation of the territories and its impunity.

It comprises eminent people from a wide range of countries, including Israel. The tribunal and its legitimacy does not stem from any government or political party, but its members’ prestige, professionalism and commitment to human rights.

Its international support committee features over 100 diverse personalities, such as the former United Nations secretary-general Boutros Boutros-Ghali. Among others is Mohammed Bedjaoui, ex-president of the International Court of Justice, philosopher Noam Chomsky and filmmaker Ken Loach.
Why is the Tribunal Needed?

July 9, 2004 saw the International Court of Justice issue an advisory opinion ruling that the wall built by Israel in occupied Palestine was illegal. Eleven days later, the UN general assembly adopted by an overwhelming majority a resolution which acknowledged the ICJ opinion.

The resolution called on UN member states to comply with their legal obligations as mentioned in the opinion. These obliged them not to render aid or assistance for the wall’s construction or to recognise this illegal situation. It also required them to ensure Israel’s compliance with obligations under international humanitarian law and the right of self-determination of the Palestinian people.

But all the states that voted for the resolution were then content to issue mere condemnations and policy statements. This allowed Israel to continue its policy of land confiscation, creating illegal settlements in occupied territory, and violating Palestinians’ rights.

In December 2008 the Israeli army launched a war on the Gaza Strip, which was already reeling under a brutal siege. The war rendered Israel’s contempt for international law more apparent than ever. It highlighted the responsibility and complicity of other countries – especially the United States and the EU – in the injustice suffered by the Palestinian people.

Yet as the condemnations have not been accompanied by sanctions of any kind, Israel enjoys the tacit support of the international community. This is the context that led to the establishment of the Russell Tribunal on Palestine.

It represents a civil initiative that aims to promote international law as the key factor applicable to the conflict between Israel and Palestine. The tribunal also seeks to mobilize international public opinion so the UN and member states can be persuaded to act to end Israel’s impunity and build a lasting just peace. It is not only established to focus on Israel’s manifest responsibility. The tribunal also intends to show the complicity of third-party states and international bodies whose passive stance or active support allows Israel to continue violating rights.
How does the Tribunal Operate?

The RTOP was established in response to a call by the late Ken Coates, chair of the Bertrand Russell Peace Foundation, Nurit Peled, the Israeli winner of the Sakharov prize for freedom of speech, and Leila Shahid, the EU general delegate for Palestine.

Responsibility for organising the Russell Tribunal on Palestine lies with the International Organizing Committee.

Its members are: Pierre Galand, Stéphane Hessel, Marcel-Francis Kahn, Robert Kissous, François Maspero, Paulette Pierson-Mathy, Bernard Ravenel and Brahim Senouci.

The international support committee comprises individuals from the academic, scientific, cultural and political fields with an international reputation and no current political mandate (see annex).

The national support committees contribute to fundraising and ensure popular mobilisation and media coverage.

They may also assume responsibility for organising a session in their country or help to arrange others.

National support committees have been set up in France, Belgium, United Kingdom, Ireland, Switzerland, Portugal, Germany, Italy, and Spain and Catalonia.

Such committees are also being established in the Netherlands, Austria, Algeria, Lebanon, India and Chile.

Tribunal sessions are prepared with assistance from dozens of experts and academics from different countries. Experts present arguments at the hearings. Witnesses testify on relevant aspects of the issues addressed.

A jury comprising eminent personalities from the legal, academic, scientific, cultural or political fields will be present at each session.

The tribunal is the core element of the project.

Experts’ reports and witness statements are considered before the presents its conclusions.
Jurors: Cape Town session 5-7 November 2011

The jury will comprise people of internationally recognised moral or legal prestige:

Stéphane Hessel, born in Berlin, he assumed French nationality in 1937 and was a member of the Resistance during the Second World War, joining General de Gaulle in London. He was deported to the concentration camps Buchenwald and Dora. After the war, Hessel contributed to the writing of the Universal Declaration of Human Rights. He is an Ambassador of France and serves on the support committee for the French coordination for the decade of peace culture and non-violence. Since its creation, Hessel has supported the Non-Violence XXI foundation. He is Grand Officer of the French Légion d'Honneur and Grand Cross of the Ordre National du Mérite. Hessel was a member of the consultative National Committee for Human Rights and of the High Counsel for international cooperation. He is the honorary president of the Russell Tribunal on Palestine.

Gisèle Halimi, is a French-Tunisian lawyer, feminist activist and essayist. She acted as a counsel for the Algerian National Liberation Front, most notably for the tortured activist Djamila Bouyahma in 1960, and wrote a book in 1961 (with an introduction by Simone de Beauvoir to plead her case.

Ronald Kasrils, a South African writer, politician and activist. He was earlier minister for South African intelligence services and a member of the national executive committee of the African National Congress. He also served on the central committee of the South African Communist Party.

Michael Mansfield QC, barrister and president of the Haldane Society of socialist lawyers in Britain. He is also a socialist, republican and self-described "radical lawyer". He has participated in court cases involving IRA bombers, the Bloody Sunday killings, and the deaths of Jean Charles de Menezes and Diana, Princess of Wales.

Alice Walker, the African American author and poet, who has written on race and gender and is best known for the novel The Color Purple, which won the Pulitzer Prize for Fiction. On International Women’s Day, in 2003, Walker and others were arrested for crossing a police line during a protest outside the White House. Walker says of the incident: "I was with other women who believe that the women and children of Iraq are just as dear as the women and children in our families, and that, in fact, we are one family. And so it would have felt to me that we were going over to actually bomb ourselves." Walker wrote about the experience in her essay "We Are the Ones We Have Been Waiting For."
**Jurors**

**Cynthia McKinney**, is a former US congresswoman and a member of the Green Party. She served six terms as a Democratic Party member of the US House of Representatives. In 2008, the Green Party nominated McKinney for the US presidency. She is the first African-American woman to have served for Georgia in the House of Representatives. Last February she was awarded the Peace through Conscience award from the Munich American Peace Committee.

**Aminata Traoré**, author and former Malian culture minister. She is also a former coordinator of the UN development programme. Traoré coordinates the Forum pour l'autre Mali. She is associate coordinator of the International Network for Cultural Diversity and was elected to the board of the International Press Service. She is a critic of globalisation and the economic policies of the most developed nations. Traoré has voiced opposition to western countries' subsidies for their cotton farmers which disadvantages West African nations.

**Yasmin Sooka**, is the Executive Director of the Foundation for Human Rights in South Africa. Prior to joining the Foundation, Ms Sooka served as a Commissioner to the Truth and Reconciliation Commission in South Africa. In July 2010, she was appointed by the UN Secretary General to serve on a Panel of Experts advising the Secretary General on accountability for war crimes committed during the final stages of the war in Sri Lanka.

**Mairead Corrigan Maguire**, a former Nobel peace laureate from Northern Ireland and Irish peace activist. She co-founded the Community of Peace People with Betty Williams, an organisation which attempts to encourage a peaceful resolution of the Troubles in Northern Ireland. Both women received the Nobel peace prize. Corrigan was awarded the Pacem in Terris award and is a founding member of the Nobel Woman’s Initiative.

**Antonio Martín Pallín**, a judge in the Spanish Supreme Court, has been a member of the Spanish judiciary for over 40 years. In 2006 he received Spain’s National Human Rights Award. He is a member of the International Secretariat of Jurists for Amnesty and Democracy and is serving his first term as commissioner at the International Commission of Jurists. He has undertaken numerous missions for organisations to Latin America and has taught law at universities in Spain.
Experts and witnesses

John Dugard, is a South African Professor of International Law and the former Special Rapporteur on Human Rights in the Palestinian territories. He has served as Judge ad hoc on the International Court of Justice and as a Special Rapporteur for the former UN Commission on Human Rights and the International Law Commission. He is a serving member of the Institut de Droit International. He now practices in the Netherlands. Public international law is his speciality.

Raji Sourani, has long been dedicated to the promotion and protection of human rights in the Occupied Palestinian Territory throughout his professional career, despite the personal and professional sacrifices he has been forced to make in the process. He has been an active lawyer since his qualification in 1977, representing a wide variety of victims of human rights abuses.

Max du Plessis, is an associate professor of international law at the University of KwaZulu-Natal, Durban South Africa; a senior research associate on the International Crime in Africa Programme at the Institute for Security Studies, Pretoria; and a practising advocate and member of the KwaZulu-Natal Bar, with specialisation in international law, constitutional law and administrative law. He was part of an expert team that drafted the Human Sciences Research Council's Report (2009) titled "Occupation, colonialism, apartheid? A re-assessment of Israel's practices in the occupied Palestinian territories under international law."

David Keane, is a lecturer in Law at Middlesex University, London. He holds a BCL (Law and French) from University College Cork, Ireland, and an LLM and PhD in international human rights law from the Irish Centre for Human Rights, National University of Ireland, Galway. He is a co-director of the NGO Mafiwasta, which campaigns for migrant workers’ rights in the Gulf.

Ingrid Jaradat, lives in Palestine, where for the past 20 years she has assisted Palestinian associations, networks and coalitions with development of rights-based analysis and strategies for advocacy and campaigning, such as the Campaign for the Right of Return of the Palestinian Refugees, the Nakba 60 Campaign and the BDS Campaign. She is a founding member of Badil Resource Center for Palestinian Residency and Refugee Rights and served as is director until 2011. She currently works as coordinator of campaign development with the Oxford University-based Republicans without Republics program.
Experts and witnesses

Ran Greenstein, is an Associate Professor in the Department of Sociology at the University of the Witwatersrand Johannesburg, South Africa. BA, MA (Haifa University, Israel), PhD (UW-Madison), Associate Professor. The title of his PhD dissertation was Settlement, Resistance and Conflict: Class, Nation, State and Political Discourse in South Africa and Palestine/Israel to 1948.

Joseph Schechla, is coordinator of the Habitat International Coalition’s Housing and Land Rights Network (HIC- HLRN), supporting member organizations in their development, advocacy and various struggles to realize the human right to adequate housing and equitable access to land in the Middle East / North Africa, and other regions across the globe.

Emily Schaeffer, is an American-Israeli human rights lawyer and activist based in Tel Aviv, Israel. Since joining the Michael Sfard Law Office in 2006, her work has focused primarily on the application of international humanitarian law, international human rights law, and Israeli military and constitutional law to the occupied Palestinian territories, in Israeli civilian and military courts.

Marianne Blume, is a classical philologist. As an activist she is involved in education, trade unions, and the Belgo-Palestine Association. She worked in Gaza for 10 years.

Winnie Madikizela-Mandela is a South African politician. She has previously served as leader of the African National Congress Women's League, and she is a member of the ANC's National Executive Committee. She is also former wife of South Africa's first black president, Nelson Mandela - they divorced in March 1996.

Rafeef Ziadah, is a Palestinian human rights activist, trade unionist, and spoken word artist. She represents the Palestinian Trade Union Coalition for Boycott, Divestment and Sanctions, which is the most representative alliance of Palestinian trade and professional unions advocating the BDS campaign. Rafeef is on the organizing committee of the international Israeli Apartheid Week, which was held in 97 locations internationally in 2011, as well as a steering committee member of the Palestinian Campaign for the Academic and Cultural Boycott of Israel (PACBI).

Zwelinzima Vavi, Zwelinzima Vavi is the General Secretary of Congress of South African Trade Unions (COSATU), and Vice-Chairperson of the Millennium Labour Council. He was involved in the re-launch of Civics and Youth movements. He sat on the Board Directors for the 2010 FIFA World Cup.
Experts and witnesses

Luciana Coconi, graduate in Law from the Universidad Nacional de Córdoba, Argentina (2000). Master in International Studies from the Universitat de Barcelona (2003) and Degree in Culture of Peace from the Universitat Autonoma de Barcelona (2010). She has written several essays and articles about human rights and international conflicts in Afghanistan, Middle East, Western Sahara and others. In 2009, she wrote the report "Apartheid against the Palestinian People".

Shawan Jabarin, is a veteran activist for a just peace and joint Palestinian-Israeli-international struggle for human rights and an end to the occupation in accordance with international law. Jabarin, like thousands of other Palestinians, was on several occasions placed in administrative detention, without charges or trial, by the Israeli authorities on the basis of secret evidence that was not even made available to his lawyer.

Lea Tsemel, is a legal adviser and Board member of the Public Committee Against Torture in Israel. She is also a member of the International Steering Committee of SOS Torture. Tsemel is also a founding member of the Israeli feminist movement. Tsemel has published dozens of articles on legal issues, feminism and human rights.

Pumla Gobodo-Madikizela, is professor in the Department of Psychology at the University of Cape Town. She served on the South African Truth and Reconciliation Commission (TRC) as coordinator of victims’ public hearings in the Western Cape. Her current research examines the development of empathy in victim-perpetrator dialogue. Her interest in relation to empathy focuses on the web of feelings and the transformative shifts that open up the possibility of reconciliation when conditions for respectful dialogue in small groups are created.

Jeff Halper, is an Israeli Professor of Anthropology and the Coordinator of the Israeli Committee Against House Demolitions (ICAHD), a non-violent Israeli peace and human rights organization dedicated to resisting the Israeli Occupation and bringing about a just peace in Israel/Palestine. Jeff Halper was nominated by the American Friends Service Committee for the 2006 Nobel Peace Prize, together with the Palestinian intellectual and activist Ghassan Andoni.

Haneen Zoabi, is a member of the Knesset representing the Balad party. She is a Palestinian Arab, who is also an Arab citizen of Israel. Elected in 2009, she is the first woman to be elected to the Knesset on an Arab party’s list.

Shawqi Issa, is a human rights lawyer and General Director of Ensan Center for Human Rights based in Bethlehem. He received his Master's Degree in International Law from Moscow State University and has been practicing law in the occupied Palestinian territory since 1990. He writes extensively about human rights and political issues from Palestine.
Experts and witnesses

Rafaelle Maison, is Professor of Law at the University of Paris Sud. She works mostly in the fields of public international law and international criminal law. Her doctoral thesis explored the links between individual and State responsibility in public international law (La responsabilité individuelle pour crime d’État en droit international public, Bruylant, Bruxelles, 2004) and she regularly comments upon the jurisprudence of international criminal tribunals for the Annuaire français de droit international (with Professor Hervé Ascensio).

Mohammed Khatib, is a member of the Bil'in Popular Committee Against the Wall and Settlements and the coordinator of the Popular Struggle Coordination Committee (PSCC). Through the popular committees, Khatib works to promote grassroots resistance to Israeli occupation, Israel’s wall, land confiscation, the continuous construction of Jewish-only settlements and all other aspects of Israeli occupation. He has been detained and arrested for his organizing numerous times, indicted on falsified evidence, banned from participating his village’s demonstrations and eventually acquitted by the military court. He remains a central organizer and a committed activist against Israeli apartheid and occupation.

Jazi Abu Kaf, lives in the Bedouin village of Um Batin. He is a long time activist and community leader; he has initiated and established the local council for the unrecognized village of Um Batin, in order to replace the traditional leadership of the Sheikh. In addition, as part of the leadership of the unrecognized villages he helped establish the Regional Council for the 45 unrecognized Villages, and held the position of spokesperson for three years. As part of the effort to strengthen the Bedouin rural community, and as part of the struggle for land and housing rights, Jazi initiated the establishment of local branches of Arab NGO's such as Adalah, in the Naqab region.

François Dubuisson, is professor of international law at the Free University of Brussels (Université Libre de Bruxelles). He’s the author of several articles on legal aspects of the Israeli-Palestinian conflict. He also participated in two proceedings before the International Court of Justice, in the case Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda) and in the case Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory.

Mahmoud Hassan, is a Palestinian Lawyer at Addameer, a prisoner support and human rights organization based in Jerusalem

Jamal Juma’a, Coordinator of the Palestinian organisation Stop the Wall. The group seeks to empower local communities in the West Bank affected by the wall and campaigns on the
impact of the occupation on Palestinian human, economic and social rights. Juma’a was a political prisoner jailed by Israel for several weeks at the end of last year for his involvement in a peaceful demonstration against the wall. His articles are widely published and he has addressed many international conferences and been a founding member of a number of Palestinian civil society organizations.
## Programme

**Saturday 5 November – Day One**

District Six Museum, Cape Town

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<tr>
<td>09.15</td>
<td>Doors open.</td>
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<tr>
<td>10.00</td>
<td>Introduction: Pierre Galand and Stéphane Hessel.</td>
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### Setting the Legal Context:

**The Palestinian Right to Self-Determination**

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<td>10.45</td>
<td>Raji Sourani will explain the content of the right, the nature of its denial in the Palestinian context, and its relation to apartheid and persecution.</td>
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### Apartheid

**Apartheid in South Africa, and the Prohibition of Apartheid in International Law**

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<td>11.15</td>
<td>Max du Plessis will detail the treaty and customary international law status of the prohibition on apartheid in international law.</td>
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### 11.45 Coffee Break

**The Law and Practice of Apartheid in South Africa and Palestine**

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<td>12.15</td>
<td>John Dugard will give a reminder of how the apartheid regime operated in law and policy in South Africa, and provide an overview of Israeli law and policy with respect to the prohibition on apartheid.</td>
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ELEMENTS OF THE DEFINITION OF APARTHEID: RACIAL GROUPS UNDER INTERNATIONAL LAW

12.45 David Keane will explain the broad construction given to the term ‘racial’ in the context of ‘racial discrimination’ in International Law.

13.05 LUNCH

14.35 Ingrid Jaradat will discuss Palestinian identity and Palestinians as a distinct racial group for the purposes of the definition of apartheid.

Ran Greenstein will discuss the extent to which the legal definition of apartheid, based on the notion of racial domination, applies to the practices of the oppressing group in Israel/Palestine.

ELEMENTS OF THE DEFINITION OF APARTHEID: AN INSTITUTIONALIZED REGIME OF SYSTEMATIC DOMINATION

15.05 Joseph Schechla and Emily Schaeffer will go over discriminatory elements of the Israeli legal system and the separate legal systems and courts for Jewish-Israeli settlers and Palestinians in the occupied territories.

ACTS OF APARTHEID

15.45 Marianne Blume will discuss whether there is a case of deliberate imposition on a racial group or groups of living conditions calculated to cause its or their physical destruction in whole or in part.

16.00 COFFEE BREAK

16.30 Winnie Madikizela-Mandela and Mahmoud Hassan will give testimonies about extra-judicial killing, torture or cruel, inhuman or degrading treatment or punishment, and arbitrary arrest and illegal imprisonment during Apartheid South Africa, and in the West Bank, the Gaza Strip and in Israel.
**ACTS OF APARTHEID: EXPLOITATION OF LABOUR OF MEMBERS OF A RACIAL GROUP OR GROUPS**

17.00  **Rafeef Ziadah** will discuss this topic in relation to the facts that Israel has raised barriers to Palestinian employment inside Israel since the 1990s, and that Palestinian labour is now used extensively only in the construction and services sectors of Jewish-Israeli settlements in the Occupied Palestinian Territories while **Zwelinzima Vavi** will remind people of the conditions of employment under Apartheid South Africa.

17.30  **Closing remarks**

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**END OF DAY ONE**

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**SUNDAY 6 NOVEMBER – DAY TWO**

09.30  Doors open.

10.30  Opening remarks.

**ACTS OF APARTHEID (CONTINUED)**

10.45  **Luciana Coconi, Shawan Jabarin** and **Lea Tsemel** will give testimonies over the denial of the right to freedom of movement, of residence, to leave and return to one’s country, to a nationality, to work, to form recognised trade unions, to education, to freedom of opinion and expression, and to freedom of peaceful assembly and association.

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**11.30 COFFEE BREAK**

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**ACTS OF APARTHEID: MEASURES DESIGNED TO DIVIDE THE POPULATION ALONG RACIAL LINES**

12.00  **Pumla Gobodo-Madikizela, Jeff Halper** and **Jamal Juma’a** will speak of the creation of separate reserves and ghettos, the prohibition of mixed marriages, and the expropriation of landed property in Israel/Palestine as well as in former Apartheid South Africa.
12.45  Haneen Zoabi and Shawqi Issa will testify about the arrest, imprisonment, travel bans and the targeting of Palestinian parliamentarians, national political leaders and human rights defenders, the closing down of related organisations, and the current legislation being enacted to punish those who initiate or promote boycott measures for opposition to Israeli domination.

13.15 LUNCH

PERSECUTION

14.45  Rafaelle Maison will set out and explain the status of persecution as a crime against humanity and Raji Sourani, Mohammed Khatib and Jazi Abu Kaf will present evidence pursuant to the above with regard to the Gaza Strip, the West Bank, including East Jerusalem and the Palestinian citizens of Israel.

16.10 COFFEE BREAK

PRESENTATION BY ISRAELI GOVERNMENT

16.40  Speaker to be confirmed by the Israeli Government.

THIRD PARTY RESPONSIBILITY AND REMEDIES

17.00  François Dubuisson will elaborate on the third party responsibility and remedies if Israel were to be proved guilty of apartheid.

17.30  Closing remarks.

17.45  Jury Retires to Deliberate.

END OF DAY TWO
MONDAY 7 NOVEMBER – DAY THREE

PRESS CONFERENCE
CAPE TOWN
THE HOMECOMING CENTRE

11.00 The Jury of the Russell Tribunal on Palestine will set out its conclusions for the Third Session of the Tribunal at an International press conference.

For the latest news on the Russell Tribunal on Palestine:
www.russelltribunalonpalestine.com/en

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Legal Framework and International Law

The Russell Tribunal on Palestine has been set up to address the failure of states and the international community to implement the Advisory Opinion of the International Court of Justice of 9 July 2004, and Resolution ES-10/15 adopted by the United Nations General Assembly on 20 July 2004.

The following treaties, resolutions and international legal norms constitute the legal frame of reference for the work of the Committees of Experts set up in different countries and for the Tribunal:

**International treaties (to which Israel is a party):**

- Charter of the United Nations, 26 June 1945
- Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War, 12 August 1949
- International Convention on the Elimination of All Forms of Racial Discrimination, 21 December 1965
- International Covenant on Civil and Political Rights, 16 December 1966
- International Covenant on Economic, Social and Cultural Rights, 16 December 1966
- Protocol Additional to the Geneva Conventions relating to the Protection of Victims of International Armed Conflicts, 1977
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984
Relevant United Nations resolutions on Palestine: Security Council:

- Resolution 242 (obligation to withdraw from the occupied territories)
- Resolution 338 (obligation to withdraw from the occupied territories)
- Resolution 446 (illegality of Israeli settlements)
- Resolution 478 (nullity of the annexation of Jerusalem)

General Assembly:

- Resolution 181 (Partition Plan)
- Resolution 194 (return of the refugees)
- Resolution ES 10/15 (illegality of the Wall, Israel’s obligation to dismantle, states’ obligation to ensure compliance with the Fourth Geneva Convention)

Norms of customary international law (norms established through practice, including the application of treaties to which Israel is not a party):

- Legal principles governing occupation contained in The Hague Regulations concerning the Laws and Customs of War on Land, 18 October 1907
- Principle of the non-acquisition of territory through the threat or use of force (United Nations General Assembly resolution 2625)
- Principle of the right of peoples to self-determination – Right of the Palestinian people to self determination
- Principle of the permanent sovereignty of peoples under foreign occupation over their natural resources.
- Universal Declaration of Human Rights, United Nations General Assembly resolution of 10 December 1948 (non-binding instrument that has acquired customary status)