



HE Jacob Zuma
President of the Republic of South Africa
Cape Town
South Africa

Cape Town, 7 November 2011

Dear Mister President,

On 5-6 November 2011 we held our third session in Cape Town, hosted by the District Six museum.

Yesterday afternoon it came to our attention that at least one witness who has given evidence to the Tribunal this weekend has been subjected to reprisals because she has opposed apartheid. Haneen Zoabi, a Member of Knesset (Israeli Parliament) gave evidence to the Tribunal yesterday, Sunday 6th November 2011, and within hours of doing so was reportedly the subject of a formal application to the Knesset's Ethics' Committee to strip her of her Israeli citizenship. The media reports of that application make it clear that it is based on the fact of her testimony to the Tribunal. We fully appreciate that the proposed action against MK Zoabi is currently initiated by another MK, which at the time of this letter has not received the support of the Israeli Government and has not been the subject of decision by the Knesset. However, the very fact of such a formal step may effectively achieve its principal purpose: to chill public debate on the issue of Israeli apartheid.

This weekend, we heard evidence from many witnesses in order to assist us in answering the following question: "Are Israeli practices against the Palestinian people in breach of the prohibition on apartheid under international law?" (We also heard evidence concerning the crime against humanity of persecution). In due course, we shall send you the Tribunal's findings on Israeli apartheid and persecution. We heard testimony from many witnesses who live under Israeli jurisdiction, from both Israel and the territories occupied by Israel since 1967. The full list of those witnesses is attached as an annex to this letter.

As you know, Article 2 of the 1973 Convention on the Suppression and Punishment of the

Crime of Apartheid (the 'Apartheid Convention') provides as follows:

“For the purpose of the present Convention, the term ‘the crime of apartheid’, which shall include similar policies and practices of racial segregation and discrimination as practised in southern Africa, shall apply to the following inhuman acts committed for the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them: (...) Persecution of organizations and persons, by depriving them of fundamental rights and freedoms, because they oppose apartheid.”

It is clear that anyone who opposes apartheid, including what they believe to be apartheid, must never be persecuted for simply expressing that opposition or providing evidence to any tribunal in that regard. Despite this clear prohibition, yesterday's developments regarding MK Zoabi indicate that witnesses to the Tribunal face the real and immediate risk of being victims of the inhuman act of persecution for opposing apartheid.

We are concerned that the initiative taken openly against MK Zoabi may well not be an isolated act of persecution and that each and every witness who provided the Tribunal with their testimony will face measures seeking to deprive them of fundamental rights and freedoms.

We are not prepared to accept the intimidation and harassment of witnesses at a legitimate tribunal.

We therefore request that you kindly communicate to the Israeli authorities as a matter of urgency in order to secure from them an immediate assurance that:

- MK Zoabi and all other Israeli witnesses do not have their Israeli citizenship removed (nor threatened with removal) simply for providing their testimony in Cape Town; and
- All witnesses living under Israeli jurisdiction are able to return to their residence without any hindrance to their safe passage; and
- No Israeli reprisal actions will be taken against any of the witnesses who gave their testimony to the Tribunal

Please confirm the action you take on receipt of this letter and that you will keep us updated on all developments.

Yours respectfully,

Stéphane Hessel

On behalf of the jury members of the Russell Tribunal on Palestine:

Stéphane Hessel, Ronald Kasrils, José Antonio Martín Pallín, Cynthia McKinney, Mairead Corrigan Maguire, Michael Mansfield, Yasmin Sooka, Aminata Traoré, Alice Walker

cc: Embassy of Ireland, United Kingdom, Spain, United States of America, France

Annex: names of the Palestinian and Israeli experts and witnesses of the third session of the Russell Tribunal on Palestine, Cape Town, 5-7 November 2011.

- Raji Sourani
- Mahmoud Hassan
- Rafeef Ziadah
- Lea Tsemel
- Jamal Juma'a
- Haneen Zoabi
- Shawqi Issa
- Mohammed Khatib
- Jazi Abu Kaf
- Jeff Halper
- Emily Schaeffer