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**HUMAN RIGHTS SITUATION IN PALESTINE AND OTHER OCCUPIED ARAB
TERRITORIES**

**Written statement* submitted by International Organization for the Elimination of
All Forms of Racial Discrimination (EAFORD), a non-governmental organization in
special consultative status**

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

[6 February 2008]

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

The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (Doudou Diène) referred in his reports to what he has called “democratic” legitimization of racism and xenophobia. This in fact means an attempt to legitimize the illegitimate. The consequence is to create new dangerous conflicts or, in the case of existing conflicts, to add what looks like insurmountable problems in searching for a solution.

One case in point is the Palestinian – Israeli conflict, where Israeli racist actions and policies amount to the negation of all the rights of the Palestinian people in their homeland, and this has been the cause of the failure of all negotiations to settle the conflict. This fact is amply demonstrated by President Carter in his book *Palestine: Peace Not Apartheid*. The former President of the United States shows that all efforts exerted to achieve peace have been deemed to failure. The failure and source of the painful and dreadful disappointments are caused by the inherent racism rooted in the ideology upon which Israel has been founded, namely Zionism, which treats Palestine as a land without a people, according to the Zionist slogan “Give the land without a people to the people without a land”.

In pursuance of this slogan, no right of the Palestinians is respected. Land is expropriated, trees are uprooted, economic siege is imposed, the right to life is in the hands of targeting killers, tens of thousands are in detention camps or prisons, daily humiliation at check points, and to finish it all, there is the so- called *Separation Wall* that cages in all Palestinians in a huge jail, with smaller enclave jails, so that no one will see or have contact with the Palestinians inside it except their Israeli jailors, and the Palestinians will not see or have contact with any one in the outside world.

No wonder the German Bishops who recently visited Israel and the Palestinian Occupied Territories have described the Wall as creating a huge concentration camp.

From the massacre of Deir Yassin to the massacre of Beit Hanoun, is it acceptable for the international community to keep turning a blind eye to this racist and criminal ethnic cleansing?

Crimes against humanity were tried before courts from Nuremburg to Tokyo, Yugoslavia and Rwanda. But it is unfair, unreasonable and illogical for Israeli military leaders today to remain immune to any accountability or punishment.

The few democratic experiences in the Arab world are the ones under bombing by the planes and tanks of Israel’s occupation and with the blessing and support of the United States under the watchful eyes of Europe and the rest of the world. That support has gone even as far as preventing the United Nations from carrying out its duty of protecting people and imposing respect for international law.

In Europe, resistance movements to German occupation had arisen and were fully supported and financed by the Allies, as freedom fighters, and rightly so. Freedom fighters were not called terrorists. They received the support and recognition of the United Nations and the peoples of the world. The former colonies are now active members of this world organization, which has been active in its support of the right of self-determination for all peoples, regardless of who the occupier happened to be.

At the present, the main problems facing the world are connected with Israeli occupation. Yet, Hamas and other Palestinian resistance movements to Israeli occupation and violations are called terrorist organizations. The same applies to Hizbollah, the Lebanese resistance movement. It seems that wherever Israel is involved, legality and illegality are twisted to accommodate Israeli aggression and occupation. The recent use of the United States of the veto in the Security Council to kill a resolution condemning Israel for the Beit Hanoun massacre, is the latest flagrant abuse of the veto power, and constitutes an utterly irresponsible infringement of the rule of law and an encouragement of its violation.

Terrorism in the minds of many is manifested by acts of violence. But that is not the only case. Foreign occupation is a major and illegal act of terrorism. And it becomes total terrorism when it creates suffocating situations that make all the rights of the people under occupation at the whim of the occupier, with the intention of killing all means of resisting occupation and regaining freedom.

Resistance to foreign occupation is a natural and legal right, recognized throughout history. This resistance expresses the right of self-defense, and is not terrorism. It is natural and lawful for the Palestinians and Iraqis to resist foreign occupation of their countries, and the terrorism is the presence of the occupier. Therefore there should be no confusion between resistance and terrorism.

Terrorism is an act, which has no moral or legal justification. Its aim is just to cause harm to others who have not caused harm to the perpetrator of terrorism. Some states seem to think that they have a God-given right to occupy the homelands of others, and resistance to that is utterly unacceptable and condemnable. Such states should ask themselves the question: why they have been the targets of acts of terrorism, and why other countries have not been targeted! This in no way is intended to justify or condone the killing of innocent civilians. But it is a question very relevant to the issue of terrorism.

One of the central issues is the responsibility of states to abide by the rule of law in settling international conflicts, and in particular, to act in compliance with the resolutions they voted for in the General Assembly of the United Nations.

The Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (John Dugard) has referred in his reports to the ruling of the International Court of Justice concerning the separation wall constructed by Israel. A test case in this regard is the General Assembly resolution confirming and accepting the Advisory Opinion of the International Court of Justice in the case of the separation wall constructed by Israel in the Occupied Palestinian Territories, including Jerusalem.

The resolution was adopted by an overwhelming vote of the General Assembly, including the votes of members of the European Union (EU), the Russian Federation, China and the non-aligned countries. Only six members voted against it.

What is now required of at least that vast majority is to adopt policies and actions in implementation of the ruling and principles established in that case by the World Court.

It is their duty and responsibility to do so, if only in line with their positive votes. They should stop blaming and punishing the victim and imposing conditions on them. Instead

they should direct their pressure, sanctions, and boycott on Israel, the guilty party that still refuses to abide by the ruling of the Court. In this way, they will restore people's confidence in the rule of law and the world organization, and contribute to the solution of the problem.

Mr. Dugard's reports add to mountains of documents of how Israel, thanks to US veto power in the Security Council, has continued to defy the resolutions of the Security Council, the resolutions of the General Assembly, and now the ruling of the International Court of Justice. Yet Israel is still a member of the United Nations and allowed to persist in its violation of the rights of the Palestinian people, of neighboring states and of the Charter of the United Nations. It is still allowed to violate international humanitarian law and the Geneva Conventions with impunity, and the other parties to these Conventions still fail to take any action in discharge of their obligation under the Conventions to ensure respect for their provisions.

The double standard applied by some members of the international community through the United Nations regarding the enforcement of resolutions and respect for the Charter are seriously affecting the credibility of the UN, and, of course, the credibility of those states who have drawn the United Nations into that course. The result of this is for everyone to see and suffer.

It is high time that one standard is rigorously applied: respect for the rule of law by all, respect for the Charter of the United Nations and resolutions of its organs by all, and no discrimination. It is high time to respond to Israel's apartheid and violations with sanctions the way the international community responded to apartheid in South Africa

Our organization calls upon the members of the Human Rights Council and nongovernmental organizations to draw the attention of the international community to these issues, especially the rulings of the International Court of Justice in order for states to take seriously their human rights obligations.
