

CAIRO INSTITUTE FOR HUMAN RIGHT STUDIES

RACISM THRIVING UNDER DOUBLE STANDARDS



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CIHRS is a professional, non-governmental research center specialized in the study of human rights in the arab world. CIHRS was founded in April 1993 and has started its activities in April 1994. the institute views itself as part of the international and Arab human rights movement.

The institute does not affiliate with any kind of political activities, and cooperates with the other institutions on equal basis in all matters pertaining to human rights.

CIHRS activities include conceptual, and applied research educational programs, seminars, periodical and non-periodical publications as well as providing research facilities and consultations to interested researchers.

**Cairo Institute
for Human Rights Studies**

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UNDER DOUBLE
STANDARDS**

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Publisher:

CAIRO INSTITUTE FOR HUMAN RIGHTS STUDIES

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The Cairo Institute for Human Rights Studies

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CIHRS was founded in April 1993 and has started its activities in April 1994. The Institute views itself as part of the international and Arab human rights movement.

CIHRS is an Arab regional center concerned with studying the structural factors affecting the human rights situation in the Arab world and finding approaches to upgrade them, giving special attention to the issues of cultural specificity, human rights education and the dissemination of human rights culture.

Activities include conceptual and applied research, educational programs, seminars, courses, periodical and non-periodical publications, as well as providing research facilities and consultation to interested researchers.

CIHRS conducts several programs, and publishes a number of series of publications, a bulletin, a quarterly studies journal, in addition to two journals that feature translated articles from MERIP (Middle East Report) and (Reproductive Health Matters in consultation with their editorial boards.

The Institute does not associate with any kind of politicized activity, and cooperates with other institutions on equal basis in all political matters, except when it comes to the International Human Rights Law.

CIHRS enjoys special consultative status with the Economic and Social Council of the United Nations and an observer status with the African Commission on Human and Peoples' Rights.

The Universality of Human Rights at Risk

The Credibility of International Protection Mechanisms in Danger ♦

The principal challenge to the notion of the universality of human rights in the last decade was cultural relativism. Yet, different governmental and non-governmental actors have contributed largely to the establishment of firmer foundations for a wider international consensus on human rights principles. However, there are serious obstacles threatening to undermine such universality: the politicisation of human rights and double standards. They are most evident in excluding a certain state from being held accountable for its gross human rights violations and endowing it with impunity Israel.

This situation begs the question: are we all in fact guided by the same universal principles and values? Are we all covered by the same human rights protections mechanisms?

Theoretically the answer may be a yes, but on the ground it is impossible to give the same answer. This is what jeopardises the efficiency of the human rights mechanisms most.

The international community needed only six months to force Iraq out of Kuwait, and some other months to intervene in Kosovo, while it lacks the minimum political will required to enforce resolutions

♦ Issued by CIHRS on the 9th of April, 2001 and endorsed by 32 Arab Human Rights NGO's.

some of which have been adopted more than half a century ago: Resolution 194 of 1948 stipulating the return of the Palestinian refugees; Resolution 181 of 1947 on the partition of Palestine; and Resolution 242 of 1967 requiring that Israel withdraw from the West Bank, Gaza, Jerusalem and the Golan Heights. The last two resolutions have great bearing on enabling the Palestinian people to exercise their right to self-determination.

It is true that the international community has failed in other more recent and less tragic cases, such as the withdrawal of China from Tibet or Turkey from Cyprus. Yet, certainly these two states have not been accorded special and exceptional protection in the UN Security Council by those states that pose themselves as the leaders of the defence of human rights, let alone being presented as an "oasis of democracy" as is happening with Israel!

The international community has never tolerated such blackmailing by a state that threatens international peace and security, starts wars, occupies lands, and commits acts of aggression almost daily. This is in addition to the number of collective massacres and acts of ethnic cleansing it perpetrated (as confessed to by its political leaders and evidenced by its academic historians), which led to the displacement of millions of refugees. And yet the international community is not able to subject it to the same standards of accountability applied to the rest of the world.

The UN General Assembly, Security Council, the UN Commission on Human Rights and other human rights UN bodies have variously adopted several positive resolutions against Israel and in support of the

plestinian people For example: the return of the refugees; withdrawal from the occupied territories; the illegality of settlements, the annexation of East Jerusalem and land confiscation; the condemnation of: blowing up homes, collective punishments, attacking holy sites, torture, extra-judicial killings, etc.

For half a century, all of them have remained a dead letter For example, the UN General Assembly has reaffirmed its Resolution 194 of 1948 concerning the return of the Palestinian refugees 110 times. Yet, for 53 years not a single step was taken to oblige Israel to enforce it. In fact, any draft resolution seeking to oblige Israel to enforce any of these resolutions was met with a veto, at the same time when other countries have been successfully brought to abide by international standards (such as Iraq, former Yugoslavia, Indonesia).

Israel's (unaccounted for) record of human rights violations include the following main patterns:

First: Committing crimes against humanity in the form of systematic ethnic cleansing, which includes: collective massacres, terrorising and uprooting the population, and displacing around five millions of them for more than half a century (theirs is the longest standing tragedy among all the refugees in the world), in addition to shelling cities and residential neighbourhoods using artillery, tanks and missiles.

Apartheid Regime

Second: Establishing a racist regime no less deplorable or savage than the former regime in South Africa, which is based on the notion of the superiority of Jews to the non-Jewish indigenous people (who are also Semitic). This regime rests on a legislative sys-

tem that institutionalises the racist social structure in the fields of property, economy, employment, housing and education, creating within Israel first and second-class citizenships according to religious/national affiliation. All of this is in contradiction with the International Convention on the Elimination of All Forms of Racial Discrimination to which Israel is a signatory.

The Israeli position on the return of the Palestinian refugees is a clear example of racism (in addition to being contradictory to UN General Resolution 194 of 1948 on the return of the Palestinian refugees and Articles 12 of the Universal Declaration of Human Rights and 13 of the International Covenant on Civil and Political Rights). Israel denies the right of the indigenous population -who still have their property deeds and home keys- to return, while the Law of Return gives the right to residence and nationality automatically to any one claiming they are Jews, notwithstanding where they have been born or have resided. Refusing to return East Jerusalem shows the same religious/race supremacy attitude towards the religious considerations of Muslims and Christians. Discriminatory practices against the Arab inhabitants of East Jerusalem constitute an additional facet of racism. Arabs are treated as foreigners; they are denied their citizenship right. Their right to permanent residence is revoked if they leave the city or the country. This constitutes a breach of Articles 2 and 3 of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESC) and Articles 13 and 26 of the ICCPR as well as the provisions of the International Convention on the Elimination of All

Forms of Racial Discrimination.

The racist nature of this regime extends to encompass the Palestinian occupied territories. They are being transformed into "Bantustans" by force, and suffer under dependant economic relations of a racial, colonialistic nature. The racist character of the regime is being imposed at the expense of the indigenous population, as thousands are being brought from the ends of the world to settle there while the Palestinians are being banished and displaced through a series of oppressive and discriminatory measures. Such measures constitute a flagrant violation of the provisions of the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War, of which Article 49 prohibits individual or mass forcible transfers and deportations from occupied territories and stipulates that the Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies. The persistence of such practices is proof of Israel's insistence on refusing to comply with UN resolutions, especially General Assembly Resolution 2851 of 1971 which demands that Israel rescind and desist from all measures of annexation and settlement, and Security Council Resolution 465 of 1980 which demands that Israel dismantle the (then) existing settlements and cease the establishment, construction and planning of new settlements.

Third: Denying the Palestinian people their right to self-determination that is guaranteed by Article 1 of both the ICCPR and the ICESCR, as well as by the UN Charter.

Fourth: Undertaking systematic acts of oppression for about 34 years against the Palestinian people in the West Bank, Gaza and East Jerusalem. These prac-

tices aim at forcing the Palestinian people to give up their rights and sovereignty over their lands, resources and holy sites. Their purpose is also to force the Palestinians people to resign themselves to a status of racial inferiority by which their natural wealth, water, cheap labour are utilized for the welfare of Israel. To such end, Israel uses most brutal methods of oppression that are detailed in the yearly reports of the United Nations Special Rapporteur in the Palestinian Occupied Territories, the report of the UN High Cofor Human Rights on her visit to the region (E/CN.4/2001/114), and the report by the UN Fact-Finding Commission in the Palestinian Occupied Territories (E/CN.4/2001/121). The three reports were discussed in the UN Commission on Human Rights session this year. It is worth noting that the UN Security Council has on several occasions affirmed the applicability of the Fourth Geneva Convention to the Palestinian occupied territories including Jerusalem and has demanded that Israel comply with its provisions. This showed most evidently in Security Council Resolutions 605 of 1987, 607 of 1988, and 726 of 1992.

The last six months witnessed great intensification of such practices. Indeed, they have reached an unprecedented level with the employment of artillery, missiles, tanks and gunships in shelling cities and residential areas. These violations could be classified as follows:

- 1- Excessive use of force, in contradiction to the principles of international law and the provisions of Articles 27 and 32 of the Fourth Geneva Convention providing for the protection of civilian persons against all acts of violence or threats thereof and prohibiting taking any measure of such a character as to

cause the physical suffering or extermination of protected persons. Such use of force also constitutes a flagrant violation of the right to life as enshrined in Article 6 of the ICCPR and Article 6 of the Convention on the Rights of the Child. It has so far led to the death of 400 Palestinians, 30% of them children, and the injury of around 12 thousand. Assaulting medical teams and excessive restrictions to the right to movement (in contradiction to Article 56 of the Fourth Geneva Convention) have raised the number of victims and cripples.

2- Physical liquidation and extra-judicial killings of Palestinians (as confessed by Israeli political and military officials) at the hands of the occupation forces in the occupied territories.

3- Violation of the provisions of Articles 33, 50, 52, 53, 55, 59, and 60 of the Fourth Geneva Convention, Articles 52 and 54 of Protocol (1) additional to the Geneva Conventions, and Articles 6, 11, 12 and 13 of the International Covenant on Economic, Social and Cultural Rights. This is through the implementation of a package of collective punishment measures against civilians which include: bombarding civilian buildings, bulldozing houses, destroying agricultural lands, destroying crops and uprooting trees. This is in addition to waging an all-out war of starvation by the continuous closure of the occupied territories and border crossing points, which prevented no less than 120 thousand workers from going to their work and exacerbated the existing problem of unemployment (which is 38% among the working force in general, reaching 85% in rural areas). This has put the Palestinian economy on the verge of collapse according to reports by the United Nations Special Coordinator

for the Middle East Peace Process and the United Nations representative to the Palestinian Authority. The situation is made worse by Israel's blocking of humanitarian relief and essential foods and medicine, which threatens widespread famine.

4- Torture and maltreatment of Palestinian prisoners, as detailed by the United Nations Committee against Torture. These practices had been condoned by the Israeli Supreme Court, and the government is trying to legalize it by submitting a bill to this effect to the Knesset. This is a grave violation of Articles 27, 32 and 37 of the Fourth Geneva Convention, Articles 7 and 10 of the ICCPR, and the guarantees provided by the Convention against Torture. Moreover, in violation of Article 76 of the Fourth Geneva Convention which prohibits transferring detained persons, even if convicted, from the occupied territories, more than 2000 Palestinian prisoners have been transferred from their places of detention in the occupied territories to other prisons inside Israel.

5- Undertaking a number of administrative and legislative measures, including expropriation of lands and property, that are to change the legal status of Jerusalem, in breach of Security Council Resolutions 252 of 1968 and 267 of 1969 General Assembly Resolution 298 of 1971, as well as Security Council Resolution 476 of 1980 which stated that the measures taken by Israel to change the status of Jerusalem were null and void and called upon Israel to rescind them in conformity with its Resolution 271 of 1969.

6- Repeated attacks on places of worship and denying Palestinians access to some holy sites and preventing them from practicing worship rituals, especially in Jerusalem, in contradiction to the

provisions of Article 18 of the ICCPR. Moreover, the Security Council has condemned such practices on several occasions, particularly its Resolution 271 of 1969.

7- Repeated attacks on Palestinian media institutions and journalists. This included firing at and battering with sticks journalists during their coverage of events, which led to injuring 40 Palestinian and 6 foreign journalists and reporters. This is a violation of the freedom of expression and the right to the circulation of information as guaranteed by Article 19 of the ICCPR, as well as Article 79 of Protocol (1) additional to the Geneva Conventions which makes obligatory ensuring the protection of journalists while on duty.

Given such brutal smothering of the spirit of the Palestinian people in the last few months, some of the Holocaust phraseology (such as concentration camps) has been increasingly reiterated in the writings of liberal Israeli writers who are looking with awe at the low depths to which their state is descending. This is especially so since some political circles (including two Israeli cabinet ministers) has put forwards new plans for transferring and evacuating the Palestinians from the West Bank and Gaza, as well as the Arabs in Israel. This may foreshadow a new wave of ethnic cleansing.

It has happened before that the conscience of the international community awakens late from its slumber. It happened with the crimes against humanity that were committed during World War II and on several other occasions. And here we witness it doing the same again, with its silence encouraging the continuation of the Israeli organised oppression of the

Palestinians for over half a century. It is a shocking irony to human conscience that the atrocities of the World War II were a reason for the adoption of the Universal Declaration of Human Rights and the four conventions of the international humanitarian law, and yet the children and relatives of some of the victims of those atrocities refuse to abide by the principles enshrined in these instruments and do not accept that their state may be held accountable according to them.

This would have never been possible if it were not for the special protection accorded to Israel by the United States, especially in the Security Council, in addition to a European attitude that wavers between verbal condemnation and connivance. This ensures that dozens of resolutions remain empty rhetoric, and secures Israel's impunity, while the Palestinian people continue bleeding.

In this context it could be understood why people in the Arab World ridicule the repeated talk of human rights universality and international protection of human rights, or consider it an additional aspect of a wide-ranging international conspiracy against the peoples of the region. It also becomes comprehensible how some of the governments in the region are not brought to account by their peoples, despite the fact that their human right records are among the worst in the world.

Accordingly, We affirm the following general recommendations:

First. Calling upon the UN Security Council to uphold all its responsibilities in facing the war crimes perpetrated by Israel and the great damages that have

afflicted the civilian persons, in the framework of the provisions of Chapters 6 and 7 of the United Nations Charter. This includes:

- 1- Forming an international force for the protection of the Palestinian people and their property that is to stand between the Palestinians and the Israeli occupation forces until their withdrawal and until the Palestinian people are enabled to practice their right to self-de.
- 2- Providing the Palestinian refugees with the necessary protection in pursuance of Article 1- D of the Convention relating to the Status of Refugees, especially since they are the only group of refugees that are not covered by international protection mechanisms or the supervision of the United Nation High Commissioner for Refugees as was noted by the UN fact-finding mission, in its report (E/CN.4/2001/121).
- 3- Forming an international Criminal Tribunal for prosecuting Israeli war criminals similar to the International Criminal Tribunal for the Former Yugoslavia. Until then, the High Contracting Parties of the Fourth Geneva Convention should fulfil their legal obligation under Article 146 to search for persons alleged to have committed, or to have ordered to be committed, grave breaches of the Convention.
- 4- Imposing the necessary political and economic sanctions on Israel so as to oblige it to respect and implement the relevant international legal resolutions and to liquidate the institutional bases of its racist regime, in the same manner as was adopted regarding the former racist regime in South Africa.

Second: Calling upon the High Contracting Parties

of the Fourth Geneva Convention (in accordance with Article 1 common to the four Geneva conventions in which they undertake to respect and to ensure respect for the conventions) to resume their meeting, which adjourned without a decision in July 1999, to consider taking appropriate measures to ensure respect for and enforcement of the provisions of the Convention in the Palestinian occupied territories.

Third: Calling upon the United Nations General Assembly to uphold its legal responsibilities towards the Palestinian people in accordance with its Resolution 377 of 1950 known as "Uniting for Peace," which allows it to intervene in situations that threaten international peace and security if it feels a clear omission and failure on the part of the Security Council to fulfil its legal obligations. This is further supported by the fact that it was the General Assembly that decided the partition of Palestine and stipulated in its Resolution 273 of 1949, accepting the membership of Israel, its commitment to the implementation of General Assembly Resolutions 181 and 194.

Fourth: Calling upon all the relevant international institutions to consider, in their respective fields, immediate and effective measures put an end to the violence, the gross human rights violations, the siege and the war of starvation waged by Israel, which warn of a new tragic chapter in the life of the Palestinian people and another massive wave of displacement that threatens peace and security in the region as a whole.

Fifth: Calling upon the parties to the peace process in the region, the US and the European Union in particular, to place human rights considerations at the centre of any new peace negotiations. The experience of the last decades has proven that is the only guar-

antee for reaching a genuine and lasting peace.

The continued exemption of Israel from being held accountable is an example other countries are trying to repeat, which puts the whole international system before serious dangers. For example, the nuclear non-proliferation regime is under threat because Israel is exempted from responsibility or accession to the Non-Proliferation Treaty, which led other countries to refuse to accede to or abide by the provisions of the Treaty.

The continued exemption of Israel from being held accountable for its crimes against the Palestinian people, and from abiding to the resolutions of the international community's institutions has led to sacrificing not only human rights and the international humanitarian law, but also peace and security in the region, and now it is threatening the collapse of the whole international human rights protection system and the absolute failure of the principle of human rights universality.

The international community has never been in such need to rehabilitate human rights principles, their universality and the common human responsibility for their enforcement and protection.

These recommendations are, in essence, a message to affirm that the protection mechanisms have not been put in place to target certain states and exempt others and that before these mechanisms all states are equal. They are also a message that aims at recovering respect for principles and the efficiency of the mechanisms.

List of Signatories

- 1- Al- Mezan Center for Human Rights Palestine
- 2- Committee for the Defense of Human Rights - Syria
- 3- Al Haq - Palestine
- 4- ITTIJAH-Union of Arab Community based Association- Israel
- 5- Organization Marocaine Des Droits Humains- Morocco
- 6- Arab Association for Human Rights- Israel
- 7- Jerusalem Legal Aid & Human Rights Center- Palestine
- 8- Forum Verite et justice- Morocco
- 9- Badil-Resource Center for Palestinian Residency and Refugees Rights- Palestine
- 10- Forum for Civil Society- Yemen
- 11- Al-Urdun Al-Jadid Research Center- Jordan
- 12- Women's Forum for Research and Training- Yemen
- 13- The Libyan League for Human Rights- Libya
- 14- Palestinian Human Rights Organization (Rights)- Lebanon
- 15- Sudan Human Rights Organization- Sudan
- 16- Human Rights Center for Assistance of Prisoners- Egypt
- 17- New Women Research Center- Egypt
- 18- Al- Nadeem Center for Rehabilitation and Management for Victims of Violence- Egypt
- 19- LAW-The Palestinian Society for the Protection of Human Rights and the Environment- Palestine
- 20- Committee for the Respect of Freedom and Human Rights - Tunisia
- 21- Egyptian Organization for Human Rights- Egypt
- 22- Hisham Mubarak Law Center- Egypt
- 23- Egyptian Center for Women's Rights- Egypt
- 24- Women's Center for Legal aid and Counselling - Palestine
- 25- Palestinian Center for Human Rights- Palestine
- 26- Ligue Tunisienne pour La Defense des Droits de l'Homme- Tunisia
- 27- Adallah- the Legal Center for Arab Minority Rights - Israel
- 28- Association of Forty- For recognition of Unrecognized Arab Villages in Israel
- 29- Committee for the Defense of Palestinian Internally Displaced - Israel
- 30- Bahrain Human Rights Organization - Bahrain
- 31- Lebanon Association for Human Rights
- 32- Bahrain Human Right Society.
- 33- Human Rights Information and Training Center- Yemen
- 34- Sister Arabic Forum for Human Rights (SAF) -Yemen
- 35- Cairo Institute for Human Rights Studies (Regional Center)

Racism, Racial discrimination, xenophobia and all forms of discrimination

Oral Statement made by the Cairo Institute for Human
Rights Studies, a non governmental organisation
with Special Consultative Status, and LAW

26 March 2001

The international community has an obligation to ensure the universality of human rights for all peoples: including the fundamental human right to protection against discrimination of the Palestinian people. The Palestinians are one of the indigenous peoples of the lands of Israel and Palestine, who have lived there for millennia, and as semi tic people have also suffered from anti semitism. Their rights against discrimination as indigenous peoples must be protected. When the international community finally acts to uphold Palestinians rights against discrimination and holds Israel to account: it will not be discriminating against the Jewish people - but eliminating current discriminatory Israeli policies and practices which have led to the systematic, and institutionalised discrimination against indigenous Palestinians. The Israeli military/political commanders have clearly stated their twin discriminatory aims: First, they seek to ensure the domination of the Jewish majority of Israel. Within Israel, they have said there should never be more than 20% of the population who are non-Jewish; and to ensure this dominance within the Palestinian territories, the territories continue to be controlled and occupied by the Israeli military.

The second main discriminatory aim of the Israeli policies and practices is for the physical, economic, social and cultural segregation/separation of the Palestinian people from their Jewish neighbours. This policy is applied to Palestinian Israeli citizens living within Israel, and to Palestinians living within the Occupied Palestinian territories.

There have been a considerable number of legislative/regulatory measures, policies and practices used to implement these twin discriminatory aims. The following are only a few examples of those, because of time limits. This is by no means a complete list.

**Within Israel, to ensure the dominance
of the Jewish people:**

- All Israelis must carry Identity Cards which categorise them: listing nationality as Jewish, Arab, Druze, Foreign and so forth: Palestinian Israelis are then treated as second-class citizens and their classification as Arabs leads to discrimination in all aspects of their daily lives including in their access to goods, services and facilities, education and employment opportunities.
- Cases of torture/inhuman treatment; unlawful confinements/arbitrary arrests; excessive and disproportionate use of force; and attacks on human rights defenders continue.
- The Law of Return 1950 grants exclusive citizenship rights and rights of return to Jewish people and regardless of where they were born, but not to indigenous Christian and Muslim Palestinians. Palestinians expelled from Israel and had their homes

and lands confiscated in 1948 and after 1967, have been denied their rights of return as guaranteed under international law (refer to UN General Assembly Resolution 194): millions living in squalid refugee camps including within Israel and the Occupied Territories. Jewish people do not require permits to settle in Israel and immediately receive full citizenship rights including the right to vote. Palestinians must instead apply for citizenship under the 1952 Citizenship Law.

Discriminatory policies and practices are applied to Palestinians to make life unbearable and force many to migrate: and 100,000s have migrated from Israel.

Within the Occupied Territories

to ensure domination:

- Policies are implemented to cripple the Palestinian economy and financially impoverish Palestinians: with 38% Palestinians unemployed and 32% below poverty level.
- Other economic, social and cultural rights (including rights to education and freedom of religion) have been denied. Access to goods, services and facilities are controlled by Israeli military, including humanitarian aid/services and water supplies.
- Collective punishments have been used including the siege; bombings/shelling; land confiscation and house demolitions; economic punitive controls.
- Torture/inhuman treatment; unlawful confinements/arbitrary arrests; extra judicial killings; bias in sentencing of Palestinians compared with Israeli soldiers/settlers; attacks on human rights defenders

continue.

- As at 25 March 2001, in this Intifada alone Israeli forces and settlers have killed 362 Palestinians and injured 12,000 (many permanently disabled): the numbers include peaceful demonstrators and those away from any demonstrations/clashes. There have been wilful killings/wilfully caused injuries (grave breaches under the Fourth Geneva Convention).
- Israeli settlements/settlers and soldiers launch regular attacks of Palestinian villages and towns.
- Discriminatory policies and practices are applied to make life intolerable and force many to migrate (e.g. including crippling taxes imposed upon inhabitants of Arab East Jerusalem): hundreds of 100,000s have migrated from the Occupied Territories.

Within Israel to ensure segregation:

- Regulations of the Israel Land Authority maintains physical segregation.
- Marriage laws provide that children born of Jewish fathers and non-Jewish mothers are not to be classified as Jewish for civil State purposes. Property acquisition is strictly controlled with preferences being given to Jewish as opposed to non-Jewish citizens.
- Land confiscation /house demolitions continue.

Within the Occupied Territories

to ensure segregation:

- Bantustan-style Palestinian areas have been created. Land confiscation / house demolitions continue. Israeli settlements/settlers and military encircle and close off Palestinian towns and villages: and impose

strict restrictions on freedom of movement, controlled by identity cards. Military vehicles and tanks are at all main entrances to these towns and many villages. The surrounding villages are cut off from main towns upon which they depend: they are under siege, through closures and curfews. Tight controls on access outside the territories including neighbouring countries and Israel are applied.

These discriminatory policies and practices of segregation and domination bear striking similarities to those adopted in apartheid-era South Africa, and to illegally occupied Namibia. Indeed, there were strong military/security, trade connections and mutual international support between the Israeli government and apartheid-era South Africa. No change was affected to apartheid-era South Africa and Namibia until the international community, in particular through the UN, took effective and substantive measures to combat the discrimination: the apartheid, and create a truly democratic and non-racial South Africa and Namibia. Accordingly, the international community is asked to apply similar measures, sanctions and boycotts as imposed upon apartheid-era South Africa against this last apartheid regime to protect Palestinians.

Question of the Violation of Human Rights in the Occupied Arab Territories including Palestine

Oral Statement made by the Cairo Institute for Human Right Studies, a non governmental organisation with Special Consultative Status, based on information provided by LAW: The Palestinian Society for the Protection of Human Rights and the Environment.

29 March 2001

Mr Chairman:

UN Security Council Resolution 1322 of 7 October 2000, as passed by all members of the Security Council, called for "Israel, the occupying Power, to abide scrupulously by its legal obligations and its responsibilities under the Fourth Geneva Convention." All member states, other than Israel, recognise that the Fourth Geneva Convention applies to the Palestinian occupied territories and that it constitutes binding international humanitarian law upon Israel. Israel, alone in the international community in its unique assessment of its own violations and obligations, continues to refuse to accept the binding nature of these obligations.

The international community has strongly condemned the "acts of violence, especially the use of force against Palestinians, resulting in injury and loss of human life." (Security Council), and Israel's other violations of human rights and humanitarian law, including: the extra judicial killings; torture/inhuman treatment; arbitrary arrests/administrative detentions; use of collective punishments: including the siege of

Palestinian towns (intensified under Ariel Sharon), the bombings and shelling of Palestinian infrastructure and civilians, land confiscation and house demolitions, punitive controls of the Palestinian economy resulting in the impoverishment of Palestinians: all of which has led to the deepening humanitarian crisis in the Occupied Palestinian Territories.

The international community is fully aware of the gross violations that continue to be perpetrated by Israel. For example, the US country reports, which the US Permanent Representative to Geneva described as being "an accurate, objective and balanced assessment of the human rights situation", catalogue extensive Israeli human rights and humanitarian law violations. The following are but a few examples from the US reports:

Within the Occupied Palestinian Territories

- The US report cites Israeli Military official claims that in 30% of demonstrations firearms were used by Palestinians: so that the Israeli military believes that in 70%, i.e. the majority, of demonstrations firearms were not used. The report refers to the variety of means used to disperse demonstrators, including rubber-coated metal bullets, and live ammunition. It states that "in many instances, Israeli forces used excessive force against demonstrators in contravention of their official rules of engagement", and that in this Intifada live fire has been used in cases where lives of soldiers, police or civilians were not in imminent danger. It refers to evidence that a number of Palestinian deaths and injuries "occurred during demonstrations at which protesters did not use live firearms." It cites case examples where unarmed Palestinians away from

any clashes were fatally shot. Such disproportionate use of force is in violation of international humanitarian law.

- The US report confirms that Israeli forces "shelled PA institutions and Palestinian civilian areas", in retaliation for individual Palestinian attacks on Israeli civilians or settlers, which is again in violation of international humanitarian law.

- The US report confirms that "Israeli civilians, especially settlers, harassed, attacked and occasionally killed Palestinians in the occupied territories.

... Settlers also caused economic damage to Palestinians by attacking and damaging greenhouses and agricultural equipment, uprooting olive trees, and damaging other valuable crops... "The report then describes the impunity enjoyed by the settlers: "The Israeli Government did not prosecute the settlers for their acts of violence. In general, settlers rarely serve prison sentences if convicted of a crime against Palestinians."

- The US report cites Israel's Ministry of Finance as estimating that since the beginning of the Intifada: "there has been a 30 to 50 percent decline in economic output in the occupied territories. Unemployment of Palestinians nearly has quadrupled, the poverty rate has doubled, and income losses were estimated at \$500 million." Contrary to Israeli suggestions that the siege and other policies crippling the economy are affecting only the 120,000 workers who, through Israeli policies, became dependent upon working in Israel: UNSCO/the World Bank estimate that 32% or 1 million Palestinians currently live under the poverty line: and that this will increase to 43.8% of the Palestinian population by the end of this year even with partial re-

laxation of restrictions on movement. They estimate that following the siege in this intifada, the unemployment rate has risen from 11% in 2000 to 38%. Palestinian losses are US\$10.9 daily.

Within Israel, the US report states:

- "The record worsened late in the year regarding [Israel's] treatment of non-Jewish citizens", referring to the 13 deaths and over 300 injured indigenous Palestinian Israelis. The report continues: "There are also credible reports that police failed to protect Arab lives and property in several incidents in which Jewish citizens attacked the homes of Arab citizens."

- Furthermore, the US report notes: "The Government made little headway in reducing institutionalized legal and societal discrimination against Israel's Christian, Muslim, and Druze citizens, who constitute over 20 percent of the population, but do not share fully the rights provided to, and obligations imposed on, the country's Jewish citizens."

-The international community fails to protect both Jewish and Palestinian people and destabilises the whole region, by failing to end these Israeli violations. Israeli military/political commanders have created a humanitarian crisis and situation where Palestinians feel increasingly desperate - sadly, seen in the recent return of suicide bombers. Israeli military/political commanders also endanger lives of Jewish women and children by "settling" them in militarised, illegal settlements within the Occupied Territories from which attacks on Palestinian civilians are launched against which some have sought to defend themselves: Tragically, one recent casualty was a Jewish Israeli child in Hebron.

- As the Israeli representative has said: the time for rhetoric must end. Words of condemnation alone from the international community fail to secure peace for Jewish and Palestinian peoples: Strong, effective, immediate measures must be taken to stop Israel's violations and continued impunity including through comprehensive sanctions, embargoes; and the immediate deployment of an international peacekeeping force.

**THE RIGHT OF PEOPLES TO
SELF-DETERMINATION
AND ITS APPLICATION
TO PEOPLES UNDER COLONIAL
OR ALIEN DOMINATION OR
FOREIGN OCCUPATION**

Oral Statement made by the Cairo Institute for Human Rights Studies, a non governmental organisation with Special Consultative Status, and LAW, the Palestinian Society for the Protection of Human Rights and the Environment.

22 March 2001

Calls to End Discrimination

We support Michael Melchior's stated calls for an end to all forms of discrimination and the need for mutual tolerance. We also abhor anti semitism: indeed Palestinians and other arabs are also semitic people, and have suffered from others anti semitism. Sadly, the ideals of tolerance expressed by Rabbi Melchior have not been practised in reality nor are they genuinely shared by the key Israeli political/military commanders of the Israeli Occupying Power: including Prime Minister Ariel Sharon.

These same commanders wrongly believe that enjoyment of Jewish rights of self determination requires and justifies the violation and subjugation of Palestinians' rights of self determination. The international community by ensuring Palestinians' rights of self determination and respect for their human rights are not denouncing Jewish rights of self determination. Similarly, once the international community finally fulfils its obligations by taking ef-

fective measures to stop Israeli violations and passes effective resolutions it is not expressing racist, anti-Jewish sentiments, but tackling Israeli practices and policies which have led to gross violations of Palestinians' rights, and the impunity enjoyed by the perpetrators.

The Israeli Occupying Power undermining Palestinian rights of self determination

The violence against Palestinians since 29 September 2000 cannot be seen in isolation: rights of the Palestinian people have been grossly violated by Israel since 1948 and 1967. The Israeli Occupying power has through all its discriminatory policies and practices and its belligerent occupation of the Palestinian Territories denied the Palestinian people their "permanent and unqualified" right to self determination, "including the option of a State": as reaffirmed by the Commission.

Continued Occupation

Israel's occupation of the Palestinian Territories is one of the longest occupations and exercise of colonial domination in recent history. Contrary to Israeli claims, the Israeli occupying power continues, following Oslo, to occupy and exercise ultimate control over the Occupied Territories, in defiance of all relevant UN resolutions.

First, this is seen by the Interim Agreement between PLO and Israel. Under the agreement the Israeli military remains the ultimate source of authority in the Occupied Territories. Only certain civil government and policing functions were transferred to the Palestinian Authority under the agreement, and only in

relation to designated areas A. In areas B and C the Israeli military retains control of "security matters", (with the PA having responsibility for civil affairs in areas B, and sharing such responsibility in areas C). Furthermore, the PA's authority and jurisdiction is limited to what is expressly provided for under the Interim Agreement, and all PA legislation must be communicated to the Israeli military government.

The reality of the Israeli occupying power's continued occupation and denial of Palestinian rights of self determination is also illustrated by its practices including as follows:

- Israel continues to issue military orders affecting all the Occupied Territories. Military courts established under Israeli military orders continue to administer the so-called "justice" in the territories.
- Areas B and C of the occupied Territories, with their strong Israeli military and settlers presence, encircle and close off areas A: so the areas within the Occupied Territories are not contiguous.
- The Israeli Occupying Power Controls Palestinian exports/imports and foreign policy.
- Palestinian towns and villages are under siege by Israeli forces and settlers. Indeed under Ariel Sharon the siege has intensified. Israel retains absolute control over Palestinians' freedom of movement within and outside the Territories.
- The Israeli occupying power controls access to goods and services and facilities, including humanitarian aid and assistance and water supplies.
- It implements policies and practices designed to cripple the Palestinian economy.
- It bombs and shells civilian areas as a collective

punishment.

- It continues its land confiscation and house demolitions.
 - It continues to establish and expand Israeli colonies/settlements within the Occupied Territories
- Equally illuminating have been the statements made by Israeli political and military commanders themselves, including that of the former Prime Minister Rabin where he said: "We see the final arrangements as including most of the Land of Israel..., and alongside it a Palestinian entity, which is less than a state."

Failure to comply with its obligations as an Occupying Power

The UN Security Council on 7 October 2000 called for: "Israel, the occupying Power, to abide scrupulously by its legal obligations ... under the Fourth Geneva Convention ...".

- The Israeli occupying power has failed to adhere to its obligations and violated Palestinians' rights under the agreements, and international human rights and humanitarian law.

The Commission and International Community are called upon to abide by their obligations under international law, and take immediate and effective measures to ensure that the Israeli occupying power:

- adheres to the terms of UN (Security Council) Resolutions (242 and 338, and the Commission's Resolution 2000/4); and
- ends all its discriminatory policies and practices towards Palestinians leading to a denial of their rights to self determination, (including gross violations of human rights and humanitarian law).

Statement of Hamdan Abd al-Aziz Hussein Hamdan♦

Father of Ala Hamdan 'Abd al-'Aziz Ahmed,
10 years old who died 14 October 2000.

26 March 2001

Ala had had problems with her stomach from her birth, and had three operations because of blockages. On 13 October 2000, she began to suffer from bad stomach pains and just before 9pm the pains had become very severe, so I decided to take her to the hospital for immediate help. I could not find a taxi to take me because they were all too scared to drive with the siege, so I had to convince a neighbour to take us. We left the house just after about 9 p.m. We drove to the main road (the Ramallah-Nablus Road) where we were stopped by an Israeli military vehicle. One of the soldiers asked us where we were going. I told them that my child needed hospital treatment. The soldier told us to go back to our house because it was forbidden to travel at all on the roads. I tried to convince him to let us through, but without success. The soldier saw the sick child in the car, and it was obvious that Ala was in great pain. However, we were still forced to return home.

By the time we got home, Ala's situation had deteriorated significantly and she was vomiting. I was very unhappy at seeing my daughter suffering, so upon our return I called for medical assistance, dialling the emergency number 101, and spoke to the Israeli Magen David Adom ambulance service. How-

♦A testimony made at the UN headquarters in Geneva, as a parallel activity by CIHRS and LAW between sessions of the Commission on Human Rights.

ever, they said that they could not help and that I had to find a Palestinian ambulance, because of the closures. I tried to contact a Palestinian ambulance/emergency service, but was unable to get hold of one.

As the ambulances were unable to get through to my daughter, I decided to try to break through the siege again in my neighbour's car. When we left the house the Israeli army vehicle had gone. However, on the way to the hospital, near Yitma, we were stopped by several Israeli army vehicles and there was a large crowd of Israeli settlers of the Rahel settlement. I told the Israeli soldiers and the settlers who stopped us, that my daughter was sick and needed to be hospitalised so we needed access to the hospital in Nablus. They saw how sick the child was, and that she was in pain. However, they showed no concern as to my daughter's welfare and did not allow us through. The soldiers told me that it was forbidden to enter Nablus or to travel at all.

At that stage, as there was no open access route to the hospital in Nablus, I felt that I had no choice but to return home again and to call for a doctor from the nearby village of Qabalan. His name was Dr. Riad al Hilo. He arrived at 10 p.m. at the house and after assessing Ala Hamdan's condition, confirmed that she needed immediate hospitalisation and he could not provide her with the medical assistance she needed.

Immediately after the doctor's visit, I tried again on a number of occasions until the early hours of 14 October 2000 to break through the siege, and explained to the soldiers and settlers near Rahel settlement of the Doctor's advice, but in spite of seeing the child's condition the soldiers and settlers turned us back and told us to return home. My daughter Ala, spent the

whole night and early morning suffering from severe pain.

I took Ala to Dr. Riad al Hilo's clinic in Qabalan by 8.30 a.m., but he examined her and confirmed that she had died before reaching the clinic at about 8.05 a.m. The doctor confirmed in his written report that because I could not take Ala to hospital, she died. He confirmed that the death was caused by her stomach problems and lung infection.

On 15 October 2000, I went to the Ministry of Health in Nablus and reported what happened, and Dr. Riad el Hilo also filled out a report. The report was sent to the Ministry on 17 October 2000. I also informed the district authorities. No action has been taken by the Israeli authorities to investigate this incident or to bring those responsible to account for preventing my daughter from receiving crucial medical treatment that led to her death. Her death has obviously caused me and her family considerable pain and sorrow.

Cover: A four-month-old Iman Hajju killed by Israeli forces in Khan Yunis on May 7, 2001.

Issued in The Occasion of
**The International Year of Mobilization
against Racism, Racial Discrimination, Xenophobia
and Related Intolerance, 2001**

