



# Russell Tribunal on Palestine

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## Third International Session of the Russell Tribunal on Palestine

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

*Cape Town, 5-7 November 2011*

*District Six Museum*

**Jury Members:** Stéphane Hessel, Gisèle Halimi, Ronnie Kasrils, Mairead Maguire, Michael Mansfield, Antonio Martin Pallin, Cynthia McKinney, Aminata Traoré, Yasmin Sooka and Alice Walker.

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### SATURDAY 5 NOVEMBER – DAY ONE

**09.15** Doors open.

**10.00** Introduction: **Pierre Galand and Stéphane Hessel.**

**10.30** Opening Remarks: **Archbishop Emeritus Desmond Tutu.**

SETTING THE LEGAL CONTEXT:

THE PALESTINIAN RIGHT TO SELF-DETERMINATION

**10.45** **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.

### APARTHEID

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APARTHEID IN SOUTH AFRICA, AND THE PROHIBITION OF APARTHEID IN INTERNATIONAL LAW

**11.15** **Max du Plessis** will detail the treaty and customary international law status of the prohibition on apartheid in international law.

**11.45 COFFEE BREAK**

THE LAW AND PRACTICE OF APARTHEID IN SOUTH AFRICA AND PALESTINE

- 12.15** **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.

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 Jewish identity and Jews as a distinct racial group for the purposes of the definition of apartheid.

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** **(Speaker TBC)** 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**

**END OF DAY ONE**

## 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.

## 11.30 COFFEE BREAK

### 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.

### ACTS OF APARTHEID: PERSECUTION OF ORGANIZATIONS AND PERSONS, BY DEPRIVING THEM OF FUNDAMENTAL RIGHTS AND FREEDOMS, BECAUSE THEY OPPOSE APARTHEID

**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

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**14.45** **Rafaelle Maison** will set out and explain the status of persecution as a crime against humanity and **Raji Surani, 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

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- 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.