

PREVENT THE CRIME OF SILENCE

Russell Tribunal on Palestine New York Session 6-7 October 2012

Leila Shahid and Raji Sourani, two Palestinians, were prevented from attending the New York Session of the Russell Tribunal on Palestine, which met in the Grand Hall of Cooper Union during the first weekend of October 2012 with hundreds of people attending over the two days. They weren't granted visas in good time by the US authorities. Their absence denied the Tribunal direct testimony from Gaza (Sourani maintains the human rights centre there), as well as the presence of one of its initiators (Khalid, together with Nurit Peled of Israeli-Palestinian Bereaved Parents for Peace, and Ken Coates of the Bertrand Russell Peace Foundation issued the initial call for the Tribunal in 2008).



Leila Khalid and Raji Sourani at the launch of the Russell Tribunal on Palestine, Brussels, 2009. They were prevented from participating in New York because visas were not issued in time.



Both Leila and Raji had been present when the Tribunal was publicly launched in Brussels in 2009. Since then, it

has held sessions in Barcelona (on EU complicity against Palestine), London (on corporate complicity), Cape Town (on the crime of apartheid against the Palestinians), and now New York (on 'US complicity and UN failings in dealing with Israel's violations of international law towards the Palestinian people'). A culminating session will convene in Brussels in spring 2013, hopefully with these two Palestinian representatives, as well as many others, present.

The origins of the Russell Tribunal on Palestine go back to 2004 when, in its advisory opinion as requested by the General Assembly of the United Nations, the International Court of Justice judged illegal in international law the enormous wall which Israel continues to construct across Palestine, assisted by a variety of corporations such as G4S, the hapless "security" contractor, which installs some of the wall's crossing points. In its strongly worded findings, the ICJ noted that

'All States are under an obligation not to recognize the illegal situation resulting from the construction of the wall and not to render aid or assistance in maintaining the situation created by such construction; all States parties to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 have in addition the obligation, while respecting the United Nations Charter and international law, to ensure compliance by Israel with international humanitarian law as embodied in that Convention'.

When this matter came before the General Assembly of the UN, the ICJ's considered view received widespread support, but Security Council members such as France were heard reassuring Israeli representatives that the matter would not be pressed. So it is that some of the UN's more prominent member states apparently acquiesce in Israel's serious breaches of international law

and fail to act to enforce the clear opinion of the International Court in respect of the Wall.

One of those outraged and galvanised by such backsliding was Pierre Galand, then a Belgian Senator visiting the UN. What could be done to right this grievous wrong and uphold the opinion of the Court? Galand proposed to the Bertrand Russell Peace Foundation that there be a tribunal in the tradition of the Vietnam War Crimes Tribunal, which Bertrand Russell had inaugurated in London in 1966 with the injunction to 'let this Tribunal prevent the crime of silence'. The Foundation readily agreed to loan its flag for the important work proposed by Galand and his colleagues, which it regarded very much as unfinished business. Russell's own last political act before his death, in 1970, was to speak out on Palestine in these terms:

'The tragedy of the people of Palestine is that their country was "given" by a foreign Power to another people for the creation of a new State. The result was that many hundreds of thousands of innocent people were made permanently homeless.'

So it is that the Russell Tribunal on Palestine, an autonomous project, has been some eight years in the making, and still has much work to do. At its heart is a jury which hears expert testimony and receives written submissions. The jury in New York included Michael Mansfield and John Dugard, who provide substantial legal expertise, as well as Angela Davis and Ronnie Kasrils, who bring considerable and diverse political experience. Like Angela Davis, musicians Miguel Angel Estrella and Roger Waters joined the jury for the first time in New York, together with Dennis Banks, Native American leader and veteran of Wounded Knee. In addition to Mansfield and Dugard, New York jurors who had participated in previous sessions included Nobel Peace Laureate Mairead Maguire, Stéphane Hessel, Ambassador of

France and author of the international bestseller, *Time for Outrage (Indignez Vous)*, who recites Shakespeare sonnets, notwithstanding his 95 years, Alice Walker, revered author, and former congresswoman, Cynthia McKinney. (Incidentally, Ambassador Hessel generously donated the proceeds of his bestseller to the Tribunal to the tune of \$200,000. Russell Tribunals are autonomous, independent, and beholden to nobody.)

This diverse body of independent-minded people is generally kept headed in the same direction by the light touch of Pierre Galand, father of the Russell Tribunal on Palestine. How did they get on on New York?

As in London in 2010, an earlier session of the Tribunal which I attended, the content in New York was frequently authoritative and compelling; for example, when Professor Vera Gowlland-Debbas, formerly rapporteur of the United Nations Commission on Human Rights, probed the legal responsibility of the United Nations itself in relation to the obstruction of Palestinians' right to self-determination, she highlighted the UN's particular responsibility for Palestine as a former mandated territory, and how the fourth Geneva Convention now applies to it as an occupied territory. Thus, Israeli administrative measures, such as declaring Jerusalem the capital of Israel, are null and void in international law. She pointed out that there had been not a word from the Security Council about the Wall, notwithstanding the International Court's opinion. More recently, the Council had refused to discuss the Goldstone Report of 2009, following the Israeli onslaught on Gaza in which more than 1,400 people were killed, which urged the Council and the international community as a whole to put an end to impunity for violations of international law in Israel and the Occupied Palestinian Territory. During that prolonged bombardment, many UN facilities in Gaza, including schools and food stores, had been attacked and destroyed, yet the Organisation's highest body would not address the facts uncovered by the

UN's own mission. As Professor Gowlland-Debbas reminded us, since 1983, the United States has vetoed 22 Security Council resolutions on Palestine.

Diana Buttu, a Palestinian-Canadian lawyer, set Sunday morning alight with her account of a Palestinian village near Ramallah where 150 families have built a school made of tyres. Israeli settlers, who occupy the hills nearby, want the school demolished and are pursuing this course of action. Buttu pointed out that the Palestinian Authority spends more money on security than education. She set her account in the context of US attempts to change international perceptions of the illegal Israeli settlements, to try to make what is illegal seem legal, and to make what is unjust seem just.

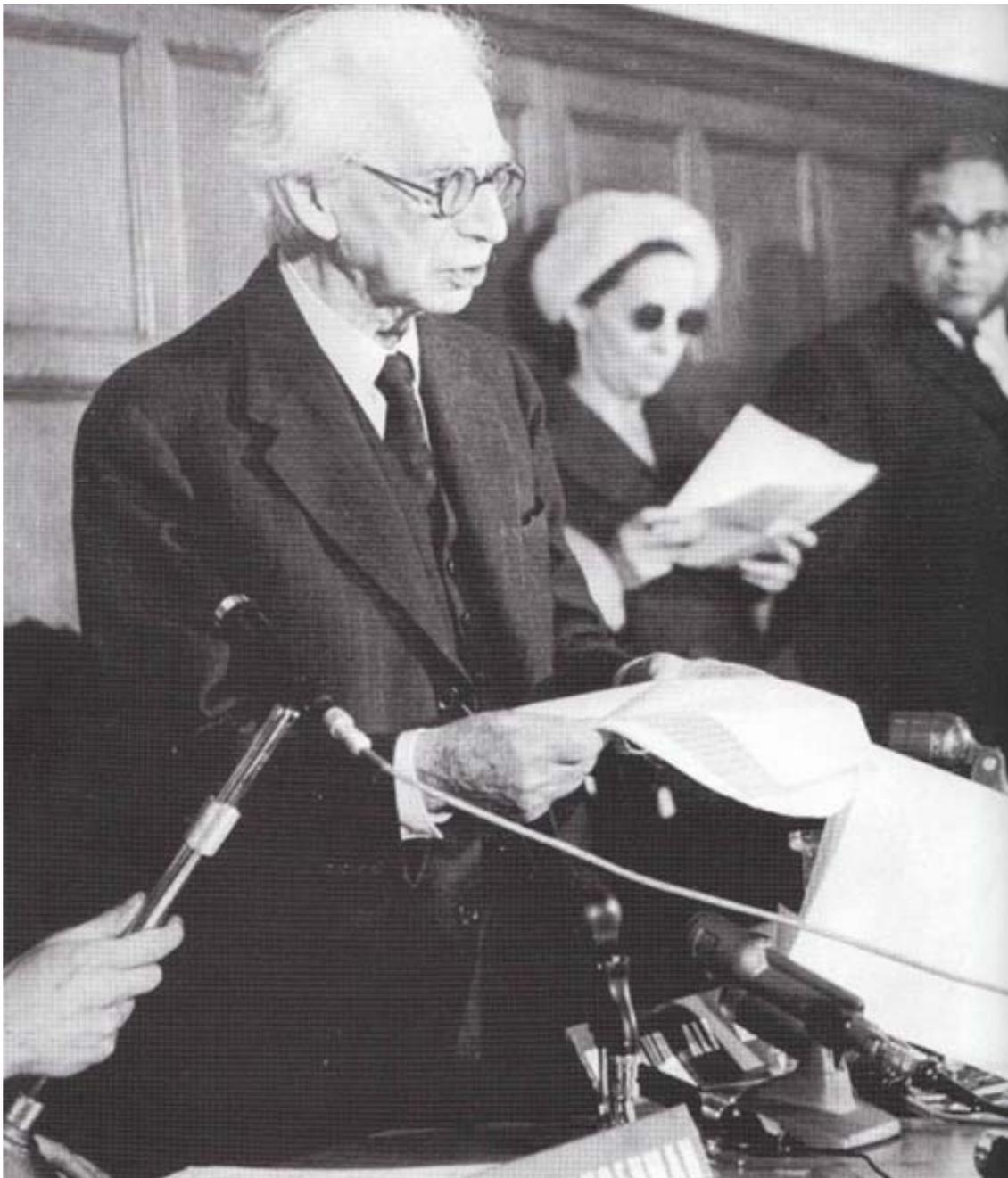
Peter Hansen, who served as the Commissioner-General of the United Nations Relief and Works Agency, which does much work in Palestine, described the Quartet (US, EU, Russia and UN, established in 2002) as power without legitimacy. Its statements time and again favoured the Israeli position. There is no balance in such a process, he testified, and as a result, the UN's 'image for impartiality' had suffered. The UN should not participate in the Quartet, whose Representative, Tony Blair, figured in the Tribunal Session's draft findings in these terms:

'The Quartet and its envoy have failed to effectively oppose settlement building, the construction of the Wall, and violations of both international humanitarian law and human rights law by Israel. It is clear that the US determines the response of the Quartet to these matters, and this raises serious questions about the good faith of the Quartet. Consequently, the Quartet has made little attempt to prevent violations of international law. As a member of the Quartet, the UN bears responsibility for its failures.'

This small selection gives only the merest indication of the diversity of contributions to the New York Session. Much more can be gleaned online (www.russelltribunalonpalestine.com), together with visuals. Amongst these there are some pictures of Cindy and Craig Corrie, parents of Rachel, who was killed in Gaza in 2003 by one of Israel's monster Caterpillar bulldozers as she tried to stop, with her own body, the destruction of more Palestinian homes. In August 2012, an Israeli court found no one nor the Israeli state responsible for Rachel's death. It doing so, it revealed video showing that Rachel's had not been killed in the precise spot claimed in statements to the Israeli court, as Craig Corrie reported to the New York Session. Rachel's parents continue to seek justice for their daughter and, as Cindy Corrie said, for all the other victims who have died while protesting non-violently in Palestine. The Corries then departed for Reykjavik to receive the 2012 LennonOno Imagine Peace Award from Yoko in recognition of continuing Rachel's work to 'foster connections between people, that build understanding, respect, and appreciation for differences, and that promote co-operation within and between local and global communities'.

How does the Russell Tribunal on Palestine compare with its predecessors? Over the years, there has usually been some element of theatre about Russell Tribunals. It is one element among several that are essential to an effective Tribunal. Proceedings without legal powers necessitate rigorous scrutiny of the evidence and testimony that might otherwise not be heard. It also requires some forbearance on the part of the public, who are more used to applauding causes which they support, rather than listening to detailed legal testimony in silence ('no applause, please') and standing as the jury enters and leaves the 'court'. In New York, the technique of 'silent applause', fluttering hands in the air, proved popular, effective, and permissible.

All these elements were evident at Cooper Union in the East Village. As in the London Session, when Palestinian trade unionists working in agriculture were prevented from attending to discuss corporate complicity against Palestine, so the New York session was deprived of some, but not all, Palestinian voices, as we have seen. This was a blow to proceedings, which itself is symptomatic of the long-running injustices that the Tribunal seeks to address. How did it cope with their absence and other challenges? Some historical context might help.



Russell inaugurates the Vietnam War Crimes Tribunal, London 1966

In 1966, when Bertrand Russell inaugurated the Vietnam War Crimes Tribunal, the truth of what the United States was doing in South East Asia was little known. President de Gaulle knew, which is why he banned the Tribunal from convening in Paris, as planned, under the chairmanship of Jean-Paul Sartre. Instead, Prime Minister Erlander of Sweden courageously permitted the Tribunal to convene in Stockholm, notwithstanding considerable opposition. There, as Staffan Lamm's short film of the Tribunal shows, Vietnamese victims, adults and children, revealed some of their burns and wounds to the Tribunal and spoke of their daunting experiences. Tariq Ali gave eyewitness testimony of what he had seen in Vietnam. US veterans gave compelling testimony of their first-hand experience of the war. A second session followed in Denmark.

The Vietnam Tribunal set the template. The jury was one of "conscience", with considerable moral standing, which people would want to see in action. Russell later wrote that it seemed to him essential that *'what was happening in Vietnam should be examined with scrupulous care, and I had invited people whose integrity was beyond question'*. The evidence was first-hand and new. It resonated because it was a people's Tribunal, not constrained by interests of state.

Thus, in Istanbul in 2005, much powerful first-hand testimony was presented to the culminating session of the World Tribunal on Iraq, which acknowledged its provenance in earlier Russell Tribunals. A succession of witnesses had travelled from Iraq to testify to the threats to women from the invaders, to the damage caused by depleted uranium munitions, to the looting of museums and archeological sites, among other aspects. Arundhati Roy, the Indian writer, presided over the jury with great aplomb, while lawyers Richard Falk and Phil Shiner provided legal expertise. A young American pilot testified how aerial bombing increased in the extended no-fly zones prior to the war. As in

New York so also in Istanbul, the father of peace studies, Johan Galtung, shone a penetrating sociological light on conflict; in New York, he advocated a six-state solution in the Middle East (Palestine, Israel, Jordan, Egypt, Syria and Lebanon).

The earlier BRussells Tribunal, of 2004, which was one of several leading up to the Istanbul meeting, distinguished itself by nominating representatives for the defendants who had absented themselves from proceedings (in particular, the United States Government). Tom Barry of Right Web and the journalist Jim Lobe carried out this task with great finesse. Their penetrating questioning of the witnesses extracted some real insights. (Pierre Galand reported that the current US Government, Madame Clinton in particular, did not answer the Russell Tribunal on Palestine's letters.) But the most significant revelations of the BRussells Tribunal came as Iraqi testimony began to pile up about the beggarly state to which Iraq had been reduced; for example, how the occupiers would not permit experienced Iraqi engineers to repair their own broken electricity system so that the population suffered repeated power cuts for much of the day for months on end.

International participation has been a common feature of all the Russell Tribunals, since 1966. Russell encouraged international activism, and it is an enduring legacy of his work which runs through Istanbul, Brussels, the four sessions of the Russell Tribunal on Palestine, and other such hearings down the years.

One unwelcome development of recent times is the imprisonment of Ayse Berkay Hacimirzaoglu, who was one of the main organisers of the World Tribunal on Iraq. She, together with thousands of other members of the Peace and Democracy Party (BDP) in Turkey, which draws its support from the large Kurdish minority, has been detained for more than a year, charged

with membership of an illegal organisation (the KCK or Kurdish Communities Union). Her mass trial with more than 200 others has been adjourned again and is due to resume for the third time in December 2012. One BDP MP, a young woman, was recently sentenced to 8 years 9 months in prison for involvement in the Kurdish Communities Union, which the Erdogan Government deems a terrorist organisation. Now, hundreds of Kurdish prisoners are on hunger strike. Ayse's extensive international travel to organise the World Tribunal on Iraq is cited against her in the lengthy indictment, although no explanation has been offered as to how this might have been illegal in some way.



Silent applause flutter across Cooper Union's Grand Hall. What would Mark Twain, a previous speaker between the pillars, have made of that?

The Tribunals attract a distinguished band of activists, as jurors and witnesses, who freely commit themselves to hearing or providing extensive testimony. It is a substantial undertaking. Tribunals are hard work to organise and do well. That is why there has been only a handful during the 40 years

and more since the Vietnam Tribunal. Now into its fourth year of work, the Russell Tribunal on Palestine has set itself an exacting standard, which it continues to meet. The 12-page draft Executive Summary of the Findings of the Fourth Session was presented to the world's press at 10am on Monday 8 October and, an hour later, in person to the UN Committee on the Exercise of the Inalienable Rights of the Palestinian People, which generously gave of its time to accommodate us. That took careful planning, which reflects the consistently high standard of work achieved by Pierre Galand, Frank Barat and Virginie Vanhaeverbeke, the main co-ordinators, the international organising committee, the lively national support committees, and the indispensable bands of volunteers for each session.

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