



ASSOCIATION INTERNATIONALE DES JURISTES DEMOCRATES
INTERNATIONAL ASSOCIATION OF DEMOCRATIC LAWYERS
ASOCIACION INTERNACIONAL DE JURISTAS DEMOCRATAS
МЕЖДУНАРОДНАЯ АССОЦИАЦИЯ ЮРИСТОВ ДЕМОКРАТОВ
國際民主法律家協會
رابطة المحققين الديمقراطيين العالميين

**General Assembly
Human Rights Council
34th Session**

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item 7 - Human Rights situation in Palestine and other occupied Arab territories - General Debate

The International Association of Democratic Lawyer (IADL) deeply regrets the UN Secretary General's request to withdraw the report titled “Israeli Practices towards the Palestinian People and the Question of Apartheid” released on March 15, 2017 by the United Nations Economic and Social Commission for Western Asia (ESCWA).

Such well-documented report concluded that available evidence establishes beyond a reasonable doubt that Israel is guilty of policies and practices that constitute the crime of apartheid as defined in the 1973 Convention on the Suppression and Punishment of the Crime of Apartheid. Under international law, apartheid is a crime against Humanity. The international community, especially the United Nations and its agencies, and Member States, have a legal obligation to bring apartheid regimes to an end and to punish its perpetrators.

Given the extreme gravity of the allegation, the request to remove the document from the UN official website can not be justified under any circumstances. The report and its findings must be discussed and implemented as a matter of urgency. Any delay compounds indeed the crime by prolonging the subjugation of Palestinians to the active practice of apartheid by Israel. Prompt action is accordingly imperative to avert further human suffering.

We express our deep solidarity and appreciation to Mrs. Rima Khalaf, former United Nations Under-Secretary-General and ESCWA Executive Secretary, who preferred to resign rather than surrender to pressure and suppress evidence of an ongoing crime against humanity.

IADL calls upon the Human Right Council to formally endorse the report and its findings and to reinforce its recommendations and in particular its call:

- to support boycott, divestment and sanctions [BDS] activities;
- to revive the Special Committee against Apartheid, and the United Nations Centre Against Apartheid, the work of both of which came to an end by 1994, when the world believed that it had rid itself of apartheid with its demise in South Africa;
- to request an advisory opinion from an international tribunal in order to review and make more authoritative the report's finding that Israel maintains a racist regime of apartheid in its exercise of control over the Palestinian people;
- to instruct the Special Rapporteur on the situation of human rights in the Palestinian Territory occupied since 1967 to report annually to the Council and the Third Committee of

- the General Assembly on steps taken to comply with the terms of the Apartheid Convention;
- to exert pressure on Israel to dismantle apartheid structures and negotiate in good faith for a lasting peace that acknowledges the rights of Palestinians under international law and makes it possible for the two peoples to live together on the basis of real equality.

We urge all UN Member States to strongly reject any attempt to equate criticism of Israeli criminal practices and policies with anti-Semitism, to resist eventual pressures and to take all necessary measures to discharge their responsibility to address and bring to an end the crime of apartheid against the Palestinian people.

We recall that the prohibition of apartheid is considered *jus cogens* in international customary law and that States have a separate and collective duty (a) not to recognize an apartheid regime as lawful; (b) not to aid or assist a State in maintaining an apartheid regime; and (c) to cooperate with the United Nations and other States in bringing apartheid regimes to an end. A State that fails to fulfill those duties could itself be held legally responsible for engaging in wrongful acts involving complicity with maintaining an apartheid regime.

March 20th, 2017