Russell Tribunal on Palestine

With the support of

The Bertrand Russell Peace Foundation Ltd

31 May 2010

Statement by the Russell Tribunal on Palestine

All States and the international community must urgently take measures against Israel's violations of international law

The attack by Israeli commandos on the "freedom Flotilla" on 30 May 2010 off the coast of the Gaza Strip is in violation of several fundamental principles of international law:

- the principle of the freedom of navigation on the high seas (Convention on the Law of the Sea, Article 87) because this attack took place 40 miles off the coast of Gaza , therefore outside both Gaza and Israeli territorial waters;

- the prohibition on attacks on civilians: the attack having been made within the framework of the occupation of the Gaza Strip by Israel (an occupation which persists due to the continuous control by Israel of land, air and maritime borders of the Gaza Strip), this attack occurred in a context of armed conflict; consequently, in relation to the laws of armed conflicts, this attack can be considered as an attack against civilians and as constituting a war crime which all states have an obligation to prosecute (customary international humanitarian law, Law 1..156 para..);

- the obligation to comply with the decisions of the Security Council (Charter of the UN, art. 25) asking Israel to withdraw from territories that it has been occupying for more than 40 years (Security Council resolutions 242 of 22 November 1967, and 338 of 22 October 1973).

These violations of international law involve Israel 's international responsibility, its obligation to make reparations for the damage resulting from these violations and the obligation of all States to prosecute and punish those responsible for these violations when they concern crimes against international law.

This incident, which is an additional episode in the sad anthology of violations of international law by Israel , again demonstrates the ease, if not the contempt, of this state with regard to the most fundamental principles of international law.

This strategy of disregard for international law by Israel is the result of the *laissez-faire* approach of the international community and the impunity which the state of Israel has been accorded for several decades, strongly underlined by the Jury of the Russell Tribunal on

Palestine (RTP) during its first international session in Barcelona. To this end, the RTP nsists on:

1. The lifting of the blockade by Israel of humanitarian aid, a collective punishment prohibited by the Fourth Geneva Convention;

2. An end to the siege of Gaza by the Israeli authorities, in compliance with its obligation to end its territorial occupation;

3. That a full and independent inquiry into the attack on 30 May be implemented without delay, as requested by the European Union, the United Nations and many other international organisations;

4. The suspension of the EU/Israel Association Agreement in accordance with the provisions contained in this agreement;

5. That the EU and the United Nations Security Council implement the conclusions of the Goldstone report.

The RTP supports civil society initiatives and demands for the implementation of these requests, which comply with international law. The RTP therefore gives full support to Mairead Maguire and Denis Halliday, both members of the RTP support committee, and all the human right activists who are currently making their way to Gaza on board of the "Rachel Corrie" boat.

Signatories:

Stéphane Hessel, Pierre Galand, Brahim Senouci, Bernard Ravenel, Paulette Pierson-Mathy, François Maspero, Marcel-Francis Kahn, Robert Kissous, members of the International Organising Committee of the Russell Tribunal on Palestine

Nurit Peled, Leila Shahid, Ken Coates, initiators of the Russell Tribunal on Palestine

Cynthia McKinney, Gisèle Halimi, Alberto San Juan, José Antonio Martin Pallin, Members of the Jury of the Russell Tribunal on Palestine.

Ken Loach, Paul Laverty, Vicenzo Consolo, members of the Support Committee of the Russell Tribunal on Palestine

http://www.russelltribunalonpalestine.org/